

9 CONFLICT RESOLUTION IN POSTGRADUATE RESEARCH

9.1 Introduction

In 1765, Samuel Johnson wrote the following words about the sorts of disputes that arise between academic commentators on classical literature (scholiasts) (Johnson, 1765):

"It is not easy to discover from what cause the acrimony of a scholiast can naturally proceed. The subjects to be discussed by him are of very small importance; they involve neither property nor liberty; nor favour the interest of sect or party. The various readings of copies, and different interpretations of a passage, seem to be questions that might exercise the wit, without engaging the passions.

But whether it be, that small things make mean men proud, and vanity catches small occasions; or that all contrariety of opinion, even in those that can defend it no longer, makes proud men angry; there is often found in commentaries a spontaneous strain of invective and contempt, more eager and venomous than is vented by the most furious controvertist in politicks against those whom he is hired to defame."

Subsequent variations to this theme – particularly those by Henry Kissinger – have led to the modern day observation that disputes within academia tend to be profoundly bitter, particularly given that the issues surrounding them are often of little consequence to those outside the warring parties.

This is not to say that all conflicts in universities are frivolous, and there is always a legitimate case for conflict when the issues at stake include:

- Academic misfeasance
- Perversion of knowledge
- Misuse of institutional funds or resources
- Mistreatment of (discrimination towards) staff or students – including harassment and bullying
- Abuse or mistreatment of laboratory animals
- Endangerment of health or safety.

Clearly, these are not issues that can be negotiated into resolution, and some formal action is required to remedy them. However, these sorts of issues tend to be in the minority – the majority of university disputes fall into the category of *large disputes over small issues*. For these matters, it is important that research supervisors learn to recognize when a dispute is about to occur (or is occurring), and how to act to ensure that it does not escalate unnecessarily.

In Section 4.5, the issue of conflict resolution, as it pertains to the relationship between the research student and supervisor, was discussed. Herein, the factors involved in resolving conflicts with other parties, including:

- University committees
- Departmental heads, faculty deans, institutional heads
- Technical staff
- External research partners,

are examined.

The key to resolving conflict issues in universities is an understanding that:

- Disputes and arguments arise from time to time and are a normal part of the professional environment
- At some point, disputes come to an end and, generally, a normal working relationship needs to be resumed between the parties
- In managing a dispute, it is important to recognize and plan for what will happen at the end of the dispute and how goodwill will be resumed
- If the resolution of a dispute involves the creation of a winner and a loser then, in reality, both parties are losers because it is difficult to restore goodwill in such an environment

- Professionals need to be capable of completely separating workplace disputes from personal feelings and egos
- Most disputes in universities need to be resolved with some degree of compromise from both parties.

Table 9.1 shows the various stages of conflicts in the context of universities.

<i>Stage</i>	<i>Phase</i>	<i>Issues</i>
1	Initial Dispute	An initial dispute may be a minor flare-up over a small matter – for example, office space, IT resources, etc.
2	Escalation	Parties to the dispute take an entrenched position in the conflict and it becomes more serious
3	Injection of Personal Issues	The initial dispute often gets lost in personal antipathies that are exposed as the dispute escalates
4	Loss of Productivity	Parties to the dispute end up wasting time and resources on correspondence to each other (often achieving little more than restating an entrenched viewpoint) and in endeavoring to garner support for their cause at a higher level – the cost of productivity loss (including wasted salaries) can be significantly larger than the issues originally at stake in the dispute
5	Mediation	As the dispute escalates, it is often necessary for a more senior officer of the university to act to mitigate the dispute or to simply rule on a resolution
6	Compromise, Win or Lose	The dispute is settled – either through both sides compromising or one side winning and the other losing
7	Restoration of Relationships	Relationships between the disputing parties need to be restored to stop departmental dysfunction

Table 9.1 – Stages of Conflict in Disputes

A good way to view any conflict with another party in the university system is to draw up a mental flow-chart which maps out all the possible responses from the other party at each stage in the conflict. Recognizing that the last step in the flow-chart is the restoration of the working

relationship helps to make one significantly more cautious in tackling the dispute at every stage.

There are three common mistakes that arise with professional novices in disputes:

- (i) Making them a personal issue between individuals. This is a luxury that is seldom accorded to senior professionals, and it is a lesson that novice professionals need to learn very quickly
- (ii) Individuals in a dispute decide that they are *right* and the other party is *wrong*. In the workplace context, it is generally irrelevant who is *right* and who is *wrong*, because inevitably both parties to a dispute (self-evidently) believe that they are *right* – otherwise there would be no dispute
- (iii) Pursuing the naive idea that one can convince another party that they are *wrong* or, even more naive, that one can somehow change the persona of the other party such that they fall into line with one's own views.

There is an old saying that *nobody ever changed their mind as a result of losing an argument*. True or not, this is a useful basis upon which to look at dispute resolution. As a professional, the objective of dispute resolution is not so grand as to win an argument, or to convince another to change his/her mind, or even change what the other party believes or how he/she operates. The objective is to find a professional solution that both parties in the dispute can live with – and then move forward.

Nevertheless, it is usually the case that when disputes degenerate into questions of *right* or *wrong*, a professional dispute can become personal – and when it does, it is all the more difficult to resolve.

It is also critically important to understand – before a dispute gets personal – that it is exceedingly rare, in any organization (especially a university), for an individual to have sufficient authority to resolve disputes by fiat. One of the rare professional exceptions to this would be in a company where an individual owner has complete authority. In a university, however, regardless of who attempts to issue a decree, the other party generally has recourse to redress from a higher authority – which may undermine that decree and severely undermine the credibility of the person making it.

The obvious solution then is *not* to issue unilateral decrees to resolve disputes.

Given all the things that should not be done when disputes arise, the obvious question is what should be done? The answer, which should be self-evident, but rarely followed once a dispute has degenerated into the personal, is to find out what the other party wants done in order to resolve the problem. Unfortunately, in many disputes, the parties have a habit of restating their problems more loudly, rather than stating their preferred solution. Desmond Tutu, in a speech to the Nelson Mandela Foundation in 2004, noted,

"Don't raise your voice, improve your argument."

To this end, the first steps towards resolving conflicts should involve:

- A statement of each party's perspective on the problem, rather than an iterative restatement of the problem itself
- A statement of the external constraints under which each party operates (e.g., time, resources, funding, etc.) and which pertain to the problem
- A request for the opposing party to put forward their version of an ideal resolution to the problem in light of the constraints that have been enunciated.

It is often the case that what initially appear to be unreasonable demands from another party in a conflict have only been made as an ambit claim. When the other party is asked to put forward a resolution, in light of constraints, rather than as an open-ended restatement of the problem, quite possibly the initial demands will be moderated and provide scope for compromise. For example, consider the following approach:

"I've told you all the constraints that we have to work under, and I don't have the authority or resources to change those. Now, given those constraints, tell me what you think would be the best possible solution that we can work towards from your perspective."

In other words, if one individual believes that another has started a dispute, then it is important to encourage the person who started it to put forward a mechanism for its resolution. In so doing, one has to be prepared to avoid intransigence – there is no point asking another party for a solution if there is no intention of bending to genuinely consider the proposal as a possible solution.

Importantly, once derogatory remarks are enunciated or, worse still, put in writing, it is very difficult to withdraw them or have the other party put them to one side in order to restore a working relationship once the dispute is resolved.

The key lesson here is that, at all times, it is important to remember that work is work and personal is personal – and the two should never be confused. A dispute in the workplace is business – and it needs to be resolved in a professional, business-like manner and not through personal antipathies.

9.2 Jurisdiction and Scope of Conflicts

It is important that time is not wasted on disputes that are outside the control of both of the parties involved in them. For example, if there are space constraints inside a physical building, and the only solution is to erect a new building, then it is pointless to have junior staff members bickering over the need for that new building – when neither party has authority or resources to do anything about it. Similarly, if one party alleges that another has acted unethically, then it is pointless having a personal argument between the two if such matters are normally heard, as a matter of course, by a special university research ethics committee.

In some cases, the simplest dispute resolution mechanism is therefore to pass the issue off (up) to those who have the authority to deal with it.

For some conflicts, there will also be a need to defer to more senior staff or to specialists in order to respond to a party making a dispute. For example, an external research partner may start a dispute over the distribution of intellectual property (IP). This may require deferment to the university's legal department or research commercialization department. Moreover, in trying to second-guess or preempt how these departments may respond, an individual may inadvertently escalate the dispute unnecessarily.

For research supervisors, even a dispute with a research student may require deferment to other parties if it is sufficiently serious. For example, if a research student accuses the supervisor of acting unethically – or, if the supervisor accuses a research student of acting unethically. Once preliminary discussions between the supervisor and student have been completed, if there is no goodwill, then such an issue needs to be escalated to a higher authority. And, it is important for the supervisor not to commit himself/herself to a particular course of action if the matter is being escalated.

9.3 Not All Conflicts Can or Should be Resolved

9.3.1 Basic Issues

An important question to consider is whether all conflicts in the university environment can be resolved through compromise and goodwill. The answer to this is an emphatic no – and further, some conflicts need to be escalated in a formal sense as a matter of professional conduct. Specifically, the following issues are instances where resolution by negotiation is generally not an option:

- Academic misfeasance
- Perversion of knowledge
- Misuse of institutional funds or resources
- Mistreatment of (discrimination towards) staff, students – including harassment and bullying
- Mistreatment of laboratory animals
- Endangerment of health or safety.

These issues are not commonplace in the university environment but neither are they exceedingly rare, and most academics will need to deal with them at some point in their careers. Specifically, academics need to consider that:

- (i) In some jurisdictions, these issues have serious legal (and often criminal) ramifications that can lead to sanctions including custodial prison sentences
- (ii) Eventually these issues will become public – or get raised at a higher level – so attempting to *sweep them under the carpet* is not an option – they need to be dealt with as soon as they come to light
- (iii) When such issues do become public – or get raised at a higher level – those who were aware of them but did not act to prevent them may be deemed as culpable – morally, legally and professionally – as those who were the protagonists in them.

These disputes differ from the usual day to day conflicts that emerge in academia in many ways, not the least of which is because it is highly unlikely that a normal working relationship can be resumed with the opposing party once the dispute is settled.

Needless to say then, these are particularly difficult and traumatic issues to manage – particularly if a junior staff member becomes aware of a more senior staff member having some involvement in wrongdoing. Further, there may come a time where a staff member – including the one reporting the wrongdoings – may have to resign his/her position – whether this seems fair or not. Such are the high stakes in these serious issues.

Of particular significance to this discussion is the famed quote from John Stuart Mill (*Robson, 1984*) in his address to the University of St. Andrews in 1867,

"Let not any one pacify his conscience by the delusion that he can do no harm if he takes no part, and forms no opinion. Bad men need nothing more to compass their ends, than that good men should look on and do nothing."

Culpability for wrongdoing in the university sector can also be enacted in national or regional law as much as such colorful prose – particularly because universities are often dealing with government funds which are often protected in the scope of their usage by legislation. Academics should therefore consider legal and professional ramifications very carefully before deciding upon a specific course of action.

Finally, all academics need to be aware that failing to confront issues of wrongdoing is not a solution – and nor will it make the problem go away. Perpetrators are often emboldened by a lack of action on the part of other colleagues and, far from desisting in these activities, they are likely to escalate them.

In this section, the emphasis is in dealing with the issue of academic misfeasance in terms of specific dispute resolution. Chapter 13 of this book will deal with the issue of academic misfeasance in a broader sense.

9.3.2 Managing Disputes Relating to Misfeasance/Wrongdoing from a Senior Staff Member

The starting point for dealing with issues relating to misfeasance/wrongdoing in the university sector is that people need to be aware of:

- University regulations/procedures
- National/regional legislation pertaining to issues that impinge

upon academic activity

- Health and safety requirements in the institution
- Basic issues of ethics as they pertain to research process, publication, conflict of interest, etc.
- Basic issues/rules/procedures/legislation pertaining to discrimination, harassment, bullying, etc.
- Basic issues/procedures relating to financial practice as it pertains to:
 - The expenditure of university funds
 - Conflicts of interest in expenditure of university funds.

It may seem unfair that someone taking on the role of a research supervisor – perhaps even as a novice academic – should need to have an appreciation and awareness of such broad-ranging issues, but such is the nature of working in a complex, modern work environment. The harsh reality is that a lack of understanding of these issues is not deemed to be a reasonable excuse in the event that an episode of misfeasance/wrongdoing becomes exposed.

Those undertaking research supervision and managing university research funds should also be aware that modern accounting software systems and auditing processes within institutions are designed to pick up irregularities in expenditure and invoicing. Anomalous items can be flagged and formally investigated through audit. In particular, the following items are commonly scanned:

- Inappropriate expenditure of funding against unexpected cost codes (e.g., use of research grant funding for personal entertainment or travel purposes)
- Inappropriate invoicing of the institution (e.g., establishment of artificial companies by staff members for the purposes of invoicing the university)
- Inappropriate authorizations of expenditure with conflict of interest (e.g., a staff member authorizing payment of an invoice from a company in which he/she (or a relative or spouse) is an owner or shareholder.

With these points in mind, the most obvious method for managing disputes relating to misfeasance/wrongdoing is for a person never to personally engage in any such activities in the first instance. Nevertheless, on occasion, a staff member may be exposed to the sorts of activities enunciated above as a result of the actions of another staff member. Worse still, it may be the case that a senior staff member asks a junior staff member to engage in some activity that the junior staff member knows is

unlawful or unethical. This places the junior staff member into a diabolical predicament. How then can the junior staff member manage such a conflict?

The following approach may be useful:

- (i) Never rely on the spoken word when asked by a more senior staff member to carry out an activity which may be considered to be unethical or unlawful – insist that all discussions with the senior staff member are put in writing
- (ii) If the senior staff member refuses to put instructions in writing but insists on verbal processes (as is likely to be the case if they are aware of their own misfeasance), then the junior staff member needs to echo any verbal requests – in writing – back to the senior staff member, and ask the senior staff member to verify – in writing – that these are his/her instructions
- (iii) If the senior staff member refuses to confirm – in writing – his/her requests, the junior staff member should seek formal advice at a more senior university level before acceding to any request
- (iv) An academic's first responsibilities are to federal/regional laws and to the institution itself – not to any colleagues within it – regardless of their seniority
- (v) Retain off-site copies of all hard and electronic correspondence with the senior staff member – and all other documentary trails, particularly financials
- (vi) When there is sufficient documentary evidence of wrongdoing, formally approach either a senior officeholder of the university or their nominated representative (e.g., head of audit; head of ethics committee, etc.)
- (vii) Complaints to university officeholders should be entirely based upon facts – preferably documentary facts (evidence) – rather than personal recollections of conversations
- (viii) Do not confuse personal opinions or suspicions with facts – serious claims against other staff members need to be based on hard, irrefutable evidence and not just accusations or hearsay

- (ix) Always be aware that the laws of slander and libel may apply to any individual who makes unfounded (and, in some jurisdictions, even founded) accusations against the character of another person – this is all the more significant if accusations are made against the character of an otherwise eminent person
- (x) Do not discuss or circulate correspondence or other evidence of potential wrongdoing with colleagues – this may be deemed to be slander or libel. Any disclosures should be treated as privileged, confidential information only discussed between the complainant and formally appointed officeholders/investigators of the university
- (xi) If senior officeholders of the university are not prepared to deal with misfeasance/wrongdoing (e.g., for fear of damage to the institutional reputation, or because the staff member involved is an eminent person), the junior staff member needs to go outside the university to other suitable bodies (e.g., police, federal/regional government legislative representative, national/regional ombudsman, etc.).

Needless to say, the stakes in such disputes are extremely high, and raising wrongdoing, misfeasance or broader corruption within an institution could have serious professional consequences for the person raising them – particularly because of retribution from those involved or their colleagues.

A novice staff member should also consider that the trail of wrongdoing may not stop with the staff member with which he/she has had an altercation – it may extend upwards into more senior management. It may also be the case that senior management is already aware of the ongoing misdemeanors and has been deliberately avoiding confronting them for fear of the public consequences. If this is the case, then the novice staff member needs to consider his/her position within the institution.

9.3.3 Resignation from the University

Universities are the gatekeepers of knowledge, and all staff have an implicit (and generally explicit) onus upon them to ensure that activities within the institution are undertaken ethically, professionally, and in a non-

discriminatory manner in a spirit of fairness. This gatekeeping role is perhaps the single most important activity that any academic will ever undertake.

It is critical, therefore, that academics do not engage in the self-delusion that their own research is so critical to the world that the gatekeeping role can be relegated to secondary importance – and that they can therefore *look the other way* when they see wrongdoing, for fear that exposing it will damage their own career. The reality is that, sooner or later, the process of knowledge discovery will inevitably take its natural course, regardless of whether any individual academic (even at the highest level) participates – so all academic careers are ultimately expendable. However, the buck for the gatekeeping role stops abruptly with each and every individual. It is also the case that – eventually – the truth will out and, if there is wrongdoing, an individual will either be branded as part of the problem or part of the solution.

Generally, the final and most serious act in the gatekeeping role of an academic is to formally resign from the institution when it becomes apparent that misfeasance is an ongoing problem, and all attempts to prevent it from happening within the institution have failed.

The reality is that universities are large organizations and, as such, suffer from the common trait wherein senior management can fail to confront wrongdoing/corruption until it reaches crisis point, and action becomes unavoidable. All too often, a failure to confront wrongdoing and corruption in academia is rationalized by the notion of *protecting the institution's reputation*. The reality is that such rationalization is more likely a result of staff avoiding the ugliness of confrontation as well as sparing their own personal reputations and careers.

If it is the case that misfeasance in an institution is widespread, and senior management do not wish it to be exposed, then an unfortunate common practice is to *close ranks* at the highest level and declare that instances of misfeasance have been reviewed and all allegations have been settled. In such a scenario, where a staff member is not satisfied that this is genuinely the case, then there are several options:

- Seek independent legal counsel on the matter to ensure that continuing to work in such an environment will not lead to potential legal or professional sanctions
- Take the matter outside the university management's control – to an appropriate government legislative representative or ombudsman
- Take the matter to an investigative journalist for further analysis

- however, this creates the risk of exposing the staff member to defamation and/or action from the university for inappropriate disclosure of confidential in-house information
- Resign from the institution, formally documenting all evidence that has come to light and presenting it formally – in writing - to appropriate senior officeholders of the institution and, if necessary, government regulatory officials.

It also needs to be remembered that the notion of allowing wrongdoing to continue because,

"I'm not the one involved in the wrongdoing – why should I be the one to resign when the problem is in more senior ranks?"

is not a professional solution. Ultimately, when the wrongdoing is exposed – and it will be – the bystander staff member may also be forced to resign anyway – and, depending upon the nature of the offences committed by others – may also face serious legal sanctions.

Resignation is naturally the absolute last resort in the process of confronting wrongdoing within an institution, and it will have a profound impact upon the career of the person resigning. It therefore requires considerable thought and reflection. However, for an individual with professional integrity and ethics, the option of staying on in an environment rife with wrongdoing may be a far more stressful option in the long term.

It is difficult to think clearly and rationally in the midst of a professional crisis, where:

- There may be severe pressure exerted from the upper echelons of the university, insistent that everything has been checked and resolved
- A decision to resign may completely negate an entire lifetime's worth of aspirations.

Every academic, at the start of his/her career, may therefore benefit from considering the following points:

- At some point in the career, a professional crisis relating to wrongdoing in the work environment is likely to erupt
- A decision will need to be made in relation to confronting the crisis head-on, or living with wrongdoing, in the knowledge that – left unchecked – it will not only continue but possibly escalate
- Tackling the crisis may require a resignation and, in the worst case scenario, a possible change of career
- Does the academic value personal integrity above career? If

not, is he/she an appropriate person to be a gatekeeper of knowledge?

9.3.4 Managing Disputes Relating to Misfeasance/Wrongdoing from a Research Student

Managing conflicts that arise when a supervisor becomes aware of misfeasance/wrongdoing on the part of his/her research student is significantly different to managing such occurrences from senior staff. To begin with, because research students have limited authority within the university, their capacity for wrongdoing is also limited, relative to senior officeholders of the institution. Nevertheless, there are occasions where a research student may be suspected of some misfeasance and it is left to the supervisor to initiate a process of redress.

The process commences by:

- Ascertaining the facts (documents and hard information) that are relevant (as opposed to personal opinions, hearsay or accusations)
- Determining whether the facts actually point towards misfeasance/wrongdoing
- Making a judgment as to whether the misfeasance/wrongdoing has occurred as an intentional act, or as a result of naivety or lack of professional experience (e.g., failing to appropriately cite the original author in a publication) on the part of the student
- Determining whether the misfeasance/wrongdoing has occurred as a result of a failure on the part of the supervisor (e.g., failing to explain how certain activities should be handled) or because of inadequate resourcing/support provided by the supervisor
- Understanding that the research student – although technically a qualified professional – is only a trainee research professional and therefore needs to be given some latitude in consideration of irregularities that may arise.

Once this initial assessment is made, a research supervisor needs to determine whether a *prima-facie* case exists for treating a student's action as misfeasance. If the answer to this question is yes, then the supervisor needs

to ensure that he/she is fully apprised of institutional procedures in relation to misconduct on the part of research students. Often it is the case that institutional misconduct definitions and remedial procedures for students are far more clearly articulated than those for staff.

The combined picture – evidence, personal assessments and institutional procedures/guidelines should then form the basis for a formal meeting with the research student. In the context of ensuring that there can be a positive, ongoing relationship with the student if the matter is resolved, the supervisor should not engage in bullying or belittlement of the student but rather present the facts as a problem that he/she and the student need to address together. If the outcome of the meeting suggests that the wrongdoing needs to be tackled systematically within university procedures, then the student needs to be advised of the process and the support mechanisms that are available to ensure a fair and just methodology.

The following points are important:

- Discussions with the student, and the issues at hand, need to be treated as privileged information which is strictly confidential and only disclosed in the formal context of university procedures
- Any allegations made by the supervisor about the student – either to colleagues or in a more public domain – may be viewed by the student as either slander or libel and could result in litigation against the supervisor
- Under no circumstances should a supervisor bully or harass a student, or endeavor to coerce them into admitting guilt
- The supervisor should conduct all discussions with the student on the presumption of complete innocence, and all questions should be open and without suggestion of a predisposed opinion or process outcome.

While the process here may be less traumatic for the supervisor than a confrontation with a senior staff member, it needs to be remembered that a failure in process – that is, a failure to:

- Treat information confidentiality and protect the privacy of the student
- Provide a fair and just process where the student has the right to natural justice – that is, to challenge inconsistencies or shortcomings, and to appeal decisions
- Protect the student's health and welfare – particularly mental health – during a stressful time
- Restore a harmonious working relationship with the supervisor

in the event that any allegations are proven to be unsubstantiated,

may result in sanctions being enacted by the university (and/or student) *against the supervisor.*

It is important that a supervisor understands that his/her word on the subject of student misfeasance is never the final word on the issue, and universities normally have processes in place for natural justice through challenge and appeal. For this reason, it is imperative that a supervisor does not overstep his/her authority by making statements which, in the context of university procedure, have no legitimacy. For example,

- *"Once this is over, you will need to find another supervisor, because I refuse to continue on as your supervisor."*
- *"I expect you to hand me your resignation from the research program and relinquish your scholarship."*
- *"I will not allow you to use the research facilities again once this investigation is completed."*

These are all examples of overstepping authority and subsuming the role of the university and its collegiate committee system – which may have ultimate jurisdiction over all such matters.

Underlying the entire process is a need to understand that even though a student's actions may have forced a supervisor's hand in terms of applying university disciplinary processes, at the end of these processes, the supervisor may still need to:

- Restore a good relationship with the student
- Restore the student's trust
- Extract the best possible research outcomes from the student
- Complete the research program as originally intended.

This cannot be achieved if a supervisor in any way damages the relationship with the student during a conflict period.

9.4 Conflicts with Committees

Universities tend to have management structures where many important decision-making activities are devolved to committees – for example, committees are generally established to oversee:

- Academic coursework programs
- Budgets and expenditure
- Postgraduate research candidature – particularly at Doctoral level
- Ethics.

Each university may have hundreds of degree programs and thousands of specific fields of research, so clearly it is not practical to have a single individual, with one field of expertise, attempting to oversee all of these and make sensible decisions. Committees therefore tend to be composed of staff representing major discipline/activity groups of the institution, in order to provide a coherent decision making process that still has capacity to consider the nuances of an individual field.

It is typically the case that positions on university committees are a combination of ongoing appointments and regularly elected representatives – for example, a medical faculty may nominate some of its staff to represent the faculty's interests in an ethics committee. It is also often the case that elected positions are only held for a period (e.g., several years) and the incumbents are then replaced with newly elected staff.

The committee system therefore has many advantages over running a corporate style management structure – however, it also has numerous disadvantages, specifically:

- It is difficult to get consensus on issues
- Committees do not lend themselves to innovation and entrepreneurship
- Committees are dominated by procedure and bureaucracy and processing tends to be slow
- Accountability for decisions is, in practical terms, non-existent, because responsibility is *collective* – individuals within committees are not sanctioned for promulgating ideas that are ultimately agreed to by a committee.

Notwithstanding these disadvantages, there is some merit to slowing down the academic process with bureaucracy because it instills discipline and rigor into processes related to learning and research. In many

instances, it is also the complexity and duration of the bureaucratic process that acts as a deterrent to wrongdoers as much as the procedures themselves.

Unfortunately, it is also the case that committees tend to be very political in nature – each member may represent a vested interest group and, in a university system where the size of the financial pie is fixed, each time one vested interest group gets a bigger slice, another group loses some of its share.

Another point to consider is the fact that if there are personal antipathies between an academic and his/her departmental/faculty representative on a committee then that representative may be able to use the authority of the committee against the academic.

All of these considerations lead one to consider that research supervisors need to tread very warily around university committees and avoid conflict wherever possible. This is easier said than done, particularly because of the scope and power of committees within the university decision-making system. When a committee deliberation goes against a supervisor the implications can be profound – particularly if the decision causes a change or significant delay to a proposed research program because of an issue of ethics, say.

If a conflict arises between a research supervisor and a committee, then it is especially important to avoid personal antipathies from getting enmeshed in the dispute. Each deliberation of a committee may only occur on a weekly, monthly or quarterly basis, so any side issues that are raised can result in the core of the dispute being pushed over to the next committee deliberation.

The following considerations may be helpful in resolving a dispute with a university committee – generally arising as a result of a decision which is deemed unfavorable:

- (i) As a starting point to dispute resolution, it is important to understand whether or not the committee had the authority to issue the decision which is being challenged and, further, whether it has the authority to resolve the issue. This can be determined by studying the committee charter and terms of reference
- (ii) A committee decision should only be interpreted in the context of university regulations and procedures – what may otherwise appear to be a sensible course of action is generally irrelevant

- (iii) It is important to determine if the facts before the committee were adequate in order for them to reach the same or a different conclusion – if not, then clearly a rejoinder needs to contain any relevant, additional information
- (iv) A committee decision should be consistent and fair – particularly in respect of previous decisions relating to similar matters. It is important to look at the history of decision-making in the area to ensure that there is consistency
- (v) If a decision has been made in a "gray area", where university regulations and procedures can be interpreted in any number of ways, it may be helpful to consult with colleagues in different universities to ascertain if similar cases have been treated differently, and if a fair-minded, impartial observer would think the same process should be applied to the decision in question
- (vi) If there are no local precedents for comparable decisions, then it may be worthwhile to check for common, international practices in the area.

In light of these considerations, a research supervisor may need to make a formal rejoinder to the committee, which courteously outlines any irregularities or inconsistencies that may lead to a different consideration of the issue.

It is also not unreasonable for a supervisor to approach the chair of the relevant committee to discuss the decision and determine what course of action (i.e., procedure) needs to be pursued in order to achieve a different outcome.

9.5 Conflicts Involving Departmental/Faculty Resources and Technical Support

In a large, complex organization, such as a university, where annual budgets are often measured in billions of dollars, it is not uncommon for students and inexperienced staff to believe that there is a surfeit of riches that can rain down from above in order to support any research program or learning activity. The reality is that no matter how large the institutional budget, there is never sufficient funding to enable every student and staff member to fund every item necessary for learning and research. Compromises inevitably have to be made.

Typical conflict points that arise in the context of postgraduate research supervision include:

- Office and laboratory space for staff and students
- Funding for conferences
- Funding for research incidentals (e.g., purchase of specific journals)
- Information Technology (IT) support
- Discrepancies in the treatment of various staff (e.g., preferential treatment of new or eminent academics)
- Workload allocations and balance between teaching and research activities.

All of these issues have the potential to (and often do) flare up into large disputes which – in the final analysis – may be outside the control of the staff member and his/her line manager (e.g., head of department or faculty dean).

As with all disputes, the starting assumption needs to be that, at some point, the dispute will end and a good working relationship will need to be resumed. It is therefore imperative that nothing is done during the dispute to damage any future working relationship. It is also the case that these sorts of disputes are with more senior staff who are in a management role and will inevitably have some impact on future career aspirations – so, respect and caution are paramount.

It is particularly important here to recognize that, unlike disputes with committees, these sorts of disputes are generally between individuals, so the starting point for their resolution is to meet with the other party and have a professional dialog. Academics should avoid putting such a dispute in writing in the first instance. Generally, this only inflames a situation and forces the other party to formalize discussions in the context of a university

procedural framework, rather than in an informal collegiate manner – wherein there may be greater opportunities and flexibility for getting a favorable resolution.

The following approach to dealing with these disputes may be of some assistance:

- (i) Determine all the facts in relation to the dispute – preferably documented facts (particularly university regulations, guidelines), not hearsay – or opinion
- (ii) Organize an informal meeting with the other party to discuss the issues at hand
- (iii) Don't present ambit claims to a person who is a work colleague in the hope of negotiating them back later – describe sincerely and politely the requirements for resolving the dispute'
- (iv) Verbally and courteously present the hard evidence supporting the case (formally presenting documents with rules and procedures may be viewed as inflammatory)
- (v) If the other party is unwilling to shift from a previously stated position, politely ask if he/she can explain the reasoning behind his/her decision
- (vi) If the reasoning behind the decision-making is sound then there is little more that can be achieved, save to ask for advice on how both parties can work together to achieve a better outcome
- (vii) If the reasoning behind the decision-making is unsound or appears partisan or unreasonable, it may be appropriate to then up the ante by presenting documentary evidence that disputes the opposing view
- (viii) Ask the other party how he/she would proceed given the current circumstances
- (ix) If the total dialog has been unproductive or it appears that there are other *non-declared issues* at play, ask the other party about mechanisms for appealing his/her decision.

In the final analysis, one cannot expect to win every dispute through a solution that is entirely favorable. One has to accept that there are limitations to what can be achieved, and that each dispute is only a minor skirmish in the lifelong war for knowledge. It is important therefore not to exaggerate the stakes in a dispute or to make them personal but, rather to view them in the context of a professional working life that may go on for decades after the dispute is resolved.

9.6 Conflicts with External Partners

At some point in their careers, many supervisors will need to deal with external partner organizations as part of their research. These may include:

- Commercial
- External research organizations
- Other universities
- Teaching hospitals.

These dealings bring with them numerous opportunities for conflict, particularly in relation to matters such as:

- IP
- Shared use of facilities
- Royalties
- Joint or co-management of staff/students
- Interpretation of legal agreements.

These sorts of disputes are in a different category to the others discussed in previous sections because, from the external party's perspective, they are engaging in a dispute with the entire university. In attempting to manage such conflicts it is therefore imperative that, at all times, consideration is given as to how:

- Any actions will affect the external perceptions of the entire university and goodwill or animosity towards it
- Any claims or commitments will be reflected as being those of the entire university
- Resolution of the dispute can allow the university to still be held in esteem by the other party.

The most important point here is that even though, at its core, a dispute may appear to be between individuals, the resolution needs to be seen to be as being between the university and the external organization. It is therefore imperative that such disputes are never allowed to become personal because whosoever speaks on behalf of the university carries the burden of the institution's reputation.

Even small institutions can have their reputation (brand) value measured in millions of dollars – world leading university brands are measured in billions of dollars of value. Every dispute with an external partner needs to be measured against this yardstick. So, a dispute with an external partner over a million dollars may seem significant, and worth winning, but perhaps

not if it damages a billion dollar institutional reputation.

The key point here is that one needs to be extremely cautious in external disputes because there are very few officeholders of the institution who are normally authorized to make decisions that will impact upon the institution as a whole, and its reputation. As a general rule, an academic involved in a dispute with an external organization should never deign to speak on behalf of the university – or even declare the university's position – unless specifically authorized to do so – preferably in writing by a senior officeholder of the institution. To do so can have serious legal implications – and ones with binding significance.

In general, a university only authorizes a small number of people to make decisions on its behalf, typically the Chief Executive Officer (CEO) or nominee (e.g., Vice Chancellor, Deputy Vice Chancellor, Chief Financial Officer, etc.). Often, the appointed decision-maker will take formal advice from the university's legal representatives, marketing department and external engagement office. This enables decisions to reflect a whole-of-institution approach that takes into consideration a broad range of factors.

It may be helpful for supervisors to consider the following approach when disputes arise with external partners:

- (i) Ensure that, at all times, the dispute remains at a professional level and never engage in any activities or dialog that reflect personal antipathies with the external party
- (ii) Do not conduct formal dialog on the dispute with an external party via electronic or documentary correspondence unless the correspondence has been screened and formally approved by the university's legal representatives – also avoid any informal dialog via written correspondence, including electronic messaging, email, etc.
- (iii) Determine and assemble all the facts regarding the dispute – preferably documented facts rather than opinions and hearsay
- (iv) Present the information to an authorized officeholder of the university and ask if an informal meeting can be held with the external partner to discuss the issues
- (v) If the external partner is willing to meet on an informal basis, then it may be opportune to use the meeting to ask the external partner to state its concerns and requirements for dispute resolution – no commitments should be given to the external

partner other than to say that the matter will be referred to authorized officeholders of the institution for consideration

- (vi) Never state the university's position – even at an informal meeting – unless that position has been formally sanctioned by authorized officeholders of the university – preferably in writing
- (vii) If an authorized university officeholder has asked for the university's position to be conveyed to an external party at a meeting, then insist that that officeholder put the position/instructions in writing, so there is no possibility of a dispute over what has been called for. If the officeholder refuses to put in writing the position of the university, then send an email to that officeholder, echoing exactly what has been discussed, and ask them to acknowledge whether or not this is the formal position of the institution
- (viii) If the external partner insists upon legal representation at a meeting, then such a meeting should not take place until authorized university officeholders have been advised and legal counsel sought from the university's legal department – if such a meeting proceeds, it should generally only be with the presence of a legal representative from the university.

The resolution to such conflicts can sometimes therefore be complex and based on far more than one representative of the university. However, if the supervisor is the person that has become sandwiched in a dispute as a result of his/her involvement in a collaborative project, then he/she becomes the face of the institution for so long as the dispute continues. Each discussion – formal or informal – therefore has to be viewed through the lens of the image that is being broadcast on behalf of the institution.