

Conflict Resolution for Innovative Problem-Solving

March 15, 2021

Columbia Law School Mediation Clinic

Welcome and Introductions

Professor Alex Carter

Director, Columbia Law School Mediation Clinic

**Tumise Asebiomo, Brigitte Atchekzai, Jess Barragan,
Jeeyoon Chung, Daimiris Garcia, Meyer Horne, Young
Joon Joo, Cam Molis, Susannah Price & Paul Riley**

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Goals for this Workshop

- Understand the relationship between conflict and innovation
- Explore ways in which conflict resolution can lead to systemic change
- Learn negotiation skills for innovative problem-solving

Icebreaker

Icebreaker

Tell us about a recent conflict you experienced in the workplace.

Understanding Reactions to Conflict

❖ Behavioral

- Talking more, listening less, repeating themselves, blaming others, making threats, being less careful about language, increasing or decreasing volume, shutting down

❖ Emotional

- Fear, anger, competitiveness, stress, excitement, nervousness, loss of control, frustration

❖ Physiological

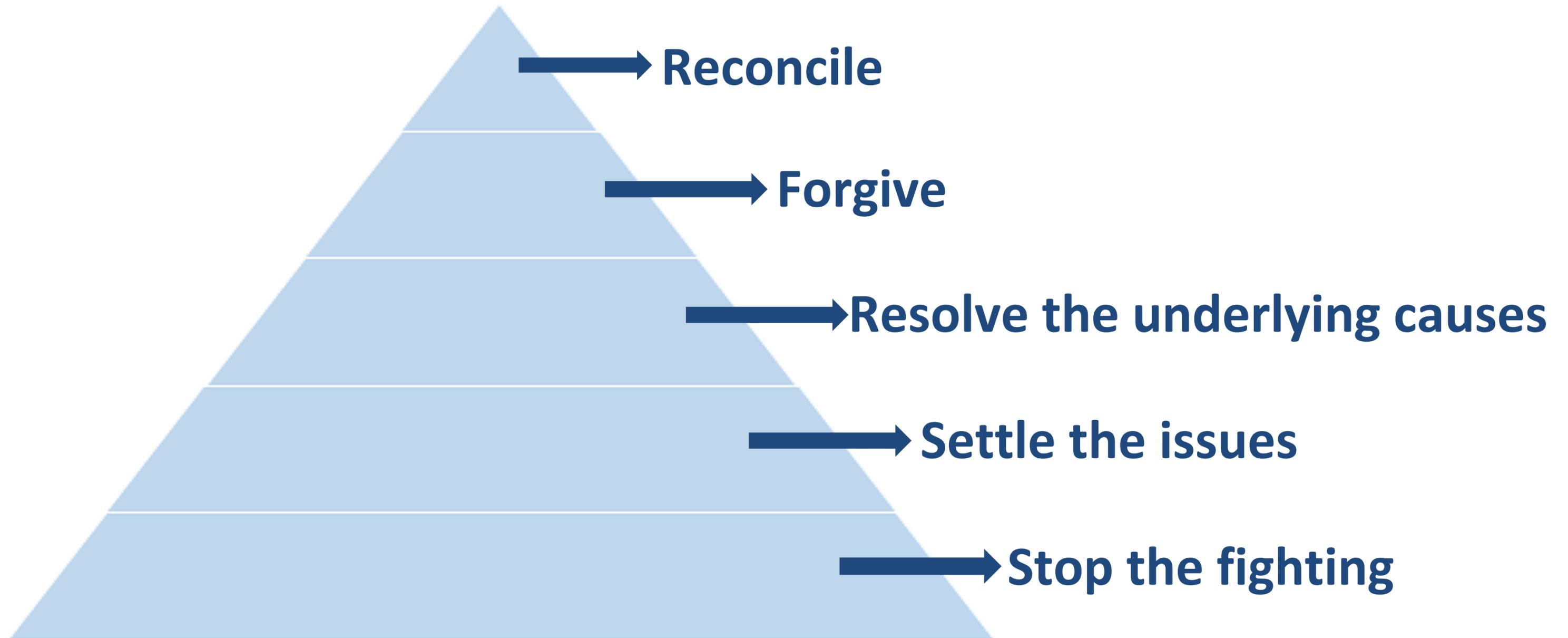
- Adrenaline, knot in stomach, dry mouth, increased heart rate, sweating, blushing, difficulty concentrating, gesturing more broadly

What Determines How People React to Conflict?

- Values
- Culture
- Goals
- Audience
- Social environment
- Personality
- Consequences
- Nature of relationship between parties
- Nature of issues leading to the discussion/conflict



Levels of Conflict Resolution



What Is Innovation?

Latin verb root “innovare,” which means to **renew** or **alter**.

Innovation is “the intentional **introduction** and **application** within a role, group or organization of **ideas, processes, products or procedures**, new to the relevant unit of adoption, **designed to significantly benefit** the individual, the group, the organization or **wider society.**”*

* Carsten K. W. De Dreu, When Too Little or Too Much Hurts: Evidence for a Curvilinear Relationship Between Task Conflict and Innovation in Teams, 32 J. Mgmt. (2006).

Relationship Between Conflict and Innovation

<u>Conflict makes teams MORE innovative?</u>	<u>Conflict makes teams LESS innovative?</u>
<ul style="list-style-type: none">● Promotes positive confrontation● Promotes open debate● Allows for dissenting viewpoints● Promotes creativity	<ul style="list-style-type: none">● Creates distraction● Focus on conflict not on task● Creates stress which can cloud thinking

Conflict Resolution and Systemic Change

Typically conflict resolution systems tend to divorce **individual**, private disputes from larger **systemic** concerns.

Individual | System

Nevertheless, individual disputes can point to recurring problems and help generate innovative, systemic solutions and public norms.

Individual ↔ System

Conflict Resolution and Systemic Change

How to connect conflict resolution to innovative, systemic change?

- Use institutional intermediaries
- Explore root cause analysis
- Spot patterns over time

Why conflict resolution promotes innovative, systemic change?

- Solutions to common problems
- Participation of the collective
- Changes in policy

Conflict Resolution and Systemic Change

Case Study: An employee with serious psychological/health issues, who is otherwise competent at his job, complains of disciplinary issues at work because of “disruptive” behavior.

Individual Intervention: Inquiry determines that the employee was subjected to fair process and his behavior arose from his psychological condition.

Systemic Intervention:

- Psychiatrist brought in to train staff on how to better handles these cases

- Examinations of how supervisors discipline, transfer or fire employees for failure to comply with civility norms

- Raises issue of cultural roots of certain norms in organization e.g. noise level, work styles

Relational Conflict v. Task Conflict

<u>Task Conflicts</u>	<u>Relational Conflicts</u>
<ul style="list-style-type: none">● Conflict about:<ul style="list-style-type: none">○ Distribution of resources○ Procedures and policies○ Judgments on and interpretation of facts	<ul style="list-style-type: none">● Conflict about:<ul style="list-style-type: none">○ Personal taste○ Interpersonal style○ Political positions○ Values

Relational Conflict v. Task Conflict

Limitations of Relational Conflicts

- Relational Conflict



- Distracting
- Decreases satisfaction
- Interferes with task performance
- Negative emotions

- Relational conflict and innovation are consistently negatively correlated across studies
- But that does not mean relational conflict cannot lead to innovation with the right tools!

Kaitie Shonk, *3 Types of Conflict and How to Address Them*, Harvard Law School Program on Negotiation, Oct. 1, 2020).

When Too Little or Too Much Hurts: Evidence for a Curvilinear Relationship Between Task Conflict and Innovation in Teams. [Carsten K. W. De Dreu](#). Department of Psychology, University of Amsterdam, Roetersstraat 15, 1018 WB Amsterdam, the Netherlands, c.k.w.dedreu@uva.nl

Relational Conflict v. Task Conflict

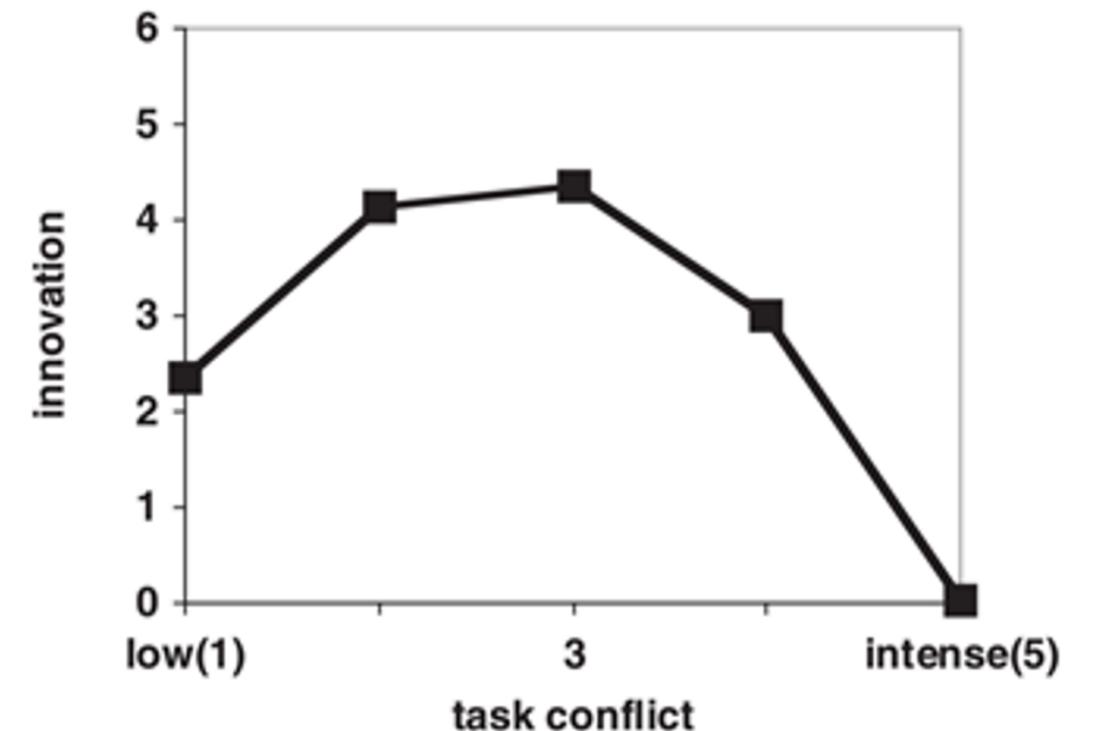
Benefits of Task Conflict

- Task Conflicts



- Encourages group members to scrutinize task issues
- Fosters learning
- Promotes development of creative, flexible solutions

Innovation and Conflict; Study 1



Tools

Loss/Gain Framing

The way information is framed can have a significant impact on the negotiator's risk preference.

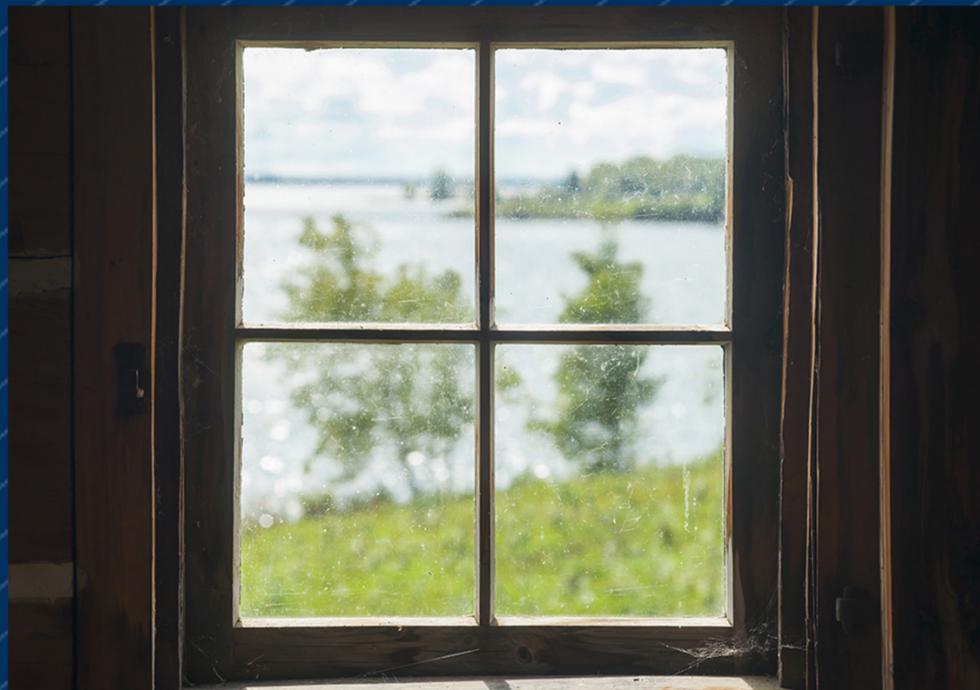
<u>Loss Frame</u>	<u>Gain Frame</u>
<ul style="list-style-type: none">● Make fewer concessions● Less cooperative● More likely to reach impasse● Associated with conflict escalation● But in some cases, may result in negotiators exerting more effort and reaching more integrative agreements	<ul style="list-style-type: none">● Make more concessions● Get to agreement quickly● Higher likelihood of settlement● Greater mutual gain

Mirror Questions



- Innovation begins with inward reflection. You need to steer your own internal dialogue by first asking: ***What is the problem I want to solve?***
- Continue to ask yourself open questions to clarify your own goals, interests, emotions and solution.
- When you do this work first, you will be in a much better place to hear and evaluate what others say and how you can collectively work toward innovation.

Window Questions



- **Ask others open questions** in order to create trust, gather information, and design better solutions.
- **Listening** more than you talk creates better idea generation and refining that generate more value.
- Asking others to **recall prior successes** not only helps them define the problem but **access potential solutions or ideas for moving forward.**

Summarizing

Summarizing is one of the **most powerful** strategies you can use in any conversation

Summarizing means **synthesizing** the content of parties' previous statements and responses

How to Summarize:

- Listen carefully and focus on the underlying feelings and interests
- Repeat the essence of what the person said; don't just repeat
- Omit hurtful or escalating language
- Highlight common ground when summarizing for multiple people
- Confirm that your summary is accurate

Reframing



- Reframe the Facts, Interests, Issues, Feelings
 - **Facts:** the “what”
 - **Interests:** could be economic, social, psychological, or legal
 - **Issues:** concrete, tangible things that need to be bargained about, changed, or exchanged
 - **Feelings:** the emotions underlying a view of the facts
- Be **clear, concise,** and **direct**
- **Individual** concerns → **Shared** concerns
- Stories about **past** → questions about **future**

Reality Testing

Sometimes to keep parties on the right track, a more aggressive approach is needed.

- **Reality Testing** = asking **questions** that “test” the party’s positions
 - Helps them reconsider their thoughts, beliefs, and understandings
 - ex) How do you see this playing out if we don’t find a resolution today?
 - ex) Do you think a judge will be sympathetic to your views?
 - ex) Could there be any other reason you can think of why the other party acted the way they did?

When nothing else works, reminding parties of what they stand to lose => helps them see the benefits of resolving the conflict.

Let's Practice

Returning to a Recent Conflict

We started this presentation by reflecting on how we *experienced* a recent conflict — how our emotions, demeanors, and ability to think rationally may have been affected.

In breakout sessions, let's talk through those conflicts one more time:

- **First**, describe what you *learned* in retrospect from that conflict (information about someone else's beliefs, the reason why someone was angry, or the obstacles that stood in the way of resolution)
- **Second**, imagine you could revisit yourself during the conflict. Which skills from today's presentation would have helped you learn or appreciate those lessons in real time?

QUESTIONS?

STAY IN TOUCH!



Alexandra Carter



@clsmediation



<https://alexcarterasks.com>



alexandra.carter@law.columbia.edu



ALEXANDRA CARTER

**CLINICAL PROFESSOR OF LAW &
THE DIRECTOR OF THE MEDIATION CLINIC
AT COLUMBIA LAW SCHOOL**

Unleash