Conflict Resolution for Innovative Problem-Solving

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Columbia Law School Mediation Clinic
Welcome and Introductions

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Columbia Law School Mediation Clinic
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
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

1. Stop the fighting
2. Settle the issues
3. Resolve the underlying causes
4. Forgive
5. Reconcile
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.”

# Relationship Between Conflict and Innovation

<table>
<thead>
<tr>
<th>Conflict makes teams MORE innovative?</th>
<th>Conflict makes teams LESS innovative?</th>
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</thead>
<tbody>
<tr>
<td>● Promotes positive confrontation</td>
<td>● Creates distraction</td>
</tr>
<tr>
<td>● Promotes open debate</td>
<td>● Focus on conflict not on task</td>
</tr>
<tr>
<td>● Allows for dissenting viewpoints</td>
<td>● Creates stress which can cloud thinking</td>
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Typically conflict resolution systems tend to divorce individual, private disputes from larger systemic concerns.

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

Available at: https://scholarship.law.missouri.edu/jdr/vol2007/iss1/3
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

<table>
<thead>
<tr>
<th>Task Conflicts</th>
<th>Relational Conflicts</th>
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<tbody>
<tr>
<td>● Conflict about:</td>
<td>● Conflict about:</td>
</tr>
<tr>
<td>○ Distribution of resources</td>
<td>○ Personal taste</td>
</tr>
<tr>
<td>○ Procedures and policies</td>
<td>○ Interpersonal style</td>
</tr>
<tr>
<td>○ Judgments on and interpretation of facts</td>
<td>○ Political positions</td>
</tr>
<tr>
<td></td>
<td>○ Values</td>
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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!


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

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

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

<table>
<thead>
<tr>
<th>Loss Frame</th>
<th>Gain Frame</th>
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<tbody>
<tr>
<td>● Make fewer concessions</td>
<td>● Make more concessions</td>
</tr>
<tr>
<td>● Less cooperative</td>
<td>● Get to agreement quickly</td>
</tr>
<tr>
<td>● More likely to reach impasse</td>
<td>● Higher likelihood of settlement</td>
</tr>
<tr>
<td>● Associated with conflict escalation</td>
<td>● Greater mutual gain</td>
</tr>
<tr>
<td>● But in some cases, may result in negotiators exerting more effort</td>
<td></td>
</tr>
<tr>
<td>and reaching more integrative agreements</td>
<td></td>
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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.

Alexandra Carter, *Ask for More: Ten Questions to Negotiate Anything*
● 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.

Alexandra Carter, Ask for More: Ten Questions to Negotiate Anything
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**
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!

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