

Procedural Guidelines for Dealing with Conflicts arising during Doctorates at Osnabrück University

Preamble

The quality of a doctorate is critically dependent on the trust relationship between the doctoral candidate and their supervising professor. Nevertheless, conflicts can arise between the candidate and their supervisor during the course of a doctorate which might delay progress on the candidate's dissertation, endanger the successful completion of the doctorate or even lead to the candidate abandoning their project altogether. In order to make it easier to deal constructively with conflicts arising during doctorates at the university, doctoral candidates and supervisors alike must have access to procedures and structures that support them in restoring a constructive working relationship. These guidelines seek to create an organisational framework which will assist the parties involved in ensuring that the doctorate reaches a successful conclusion.

These guidelines list the contact points which can be accessed at Osnabrück University when conflicts arise in the supervisor/candidate relationship and set out the procedures for conflict mediation. The four-level procedural model put forward here provides a set of pointers and sets out the possible pathways for dealing constructively with conflicts. In addition to the "Quality Standards for Doctorates at Osnabrück University" and the "Individual Development Plan for Doctorates (IDP)", these guidelines provide a further instrument for quality assurance for doctorates at Osnabrück University. All parties making use of these guidelines do so on a purely voluntary basis.

1. Procedures for Dealing with Conflicts in the Doctoral Candidate/Supervisor Relationship

There are a number of procedures open to doctoral candidates and their supervisors for managing conflict situations which might arise as a result of the supervisor/doctoral candidate relationship. These procedures should be conceived of as incremental levels on a sliding scale of escalation management. The conflicting parties should therefore make use of the lower levels of mediation first so that opportunities for resolving the conflict can be sounded out and used before the parties seek to access the highest and last level.

Level 1: Conflict Resolution between Supervisors and Doctoral Candidates

The first level of conflict management between supervisors and their doctoral candidates consists in both parties attempting to resolve any conflict by engaging in confidential discussion. In order to prevent conflicts from escalating, difficulties and problems in the relationship between the candidate and supervisor or the doctoral team should be

addressed at an early stage in order to clarify any misunderstandings and unresolved issues in good time and to explore potential resolutions.

Level 2: ZePrOs Consultations Exploring Pathways to Conflict Resolution

For doctoral candidates facing conflict situations, ZePrOs offers individual consultations on methods and strategies for conflict resolution¹ and also offers the possibility of accompanying doctoral candidates – where necessary – through the process of conflict resolution (preparation and follow-up of conflict resolution meetings). This service also includes preclarification of conflict situations and, with the approval of the person seeking advice, referral to other services. All enquiries and conflict situations addressed to ZePrOs will be treated confidentially.²

Level 3: Consultation and Conflict Mediation by Contacts in the relevant Schools

If a conflict between the supervisor and the doctoral candidate cannot be resolved by private conversations between the two parties, they can approach the respective contact person in their school. This person will advise the conflicting parties and assist them in finding a resolution.³ All enquiries and conflict situations addressed to the contact person in the school will be treated confidentially.

Level 4: Consultation and Conflict Mediation by the University's Board of Arbitration for Conflicts arising during Doctorates⁴

If it has not been possible to resolve the conflict in the course of the three previous levels or if these incremental steps were not taken for pressing reasons, then supervisors and doctoral candidates can turn to a university-wide board of arbitration. The university's board of arbitration for doctoral conflicts offers advice to the conflicting parties and can function as an intermediary – insofar as this is desired by both parties – which can mediate between them and work towards an amicable resolution to the conflict. All enquiries and conflict situations addressed to the board of arbitration will be treated confidentially. If the conflicting parties choose to use the board of arbitration to settle their conflict, then a procedure is followed which is set out in the guidelines in the next section. The members of the board of arbitration can – if the conflicting parties wish – make their own suggestions for resolving the conflict as part of the mediation process. Nevertheless, the conflicting parties

¹ This also includes advice on how to proceed through the proposed levels of conflict mediation (e.g. if a certain school has not nominated a contact person, or if the existing contact person is unsuitable because they are a conflicting party themselves).

² Insofar as confidentiality is promised here and in the following, this does not apply when information which is communicated or which comes to light in any other way falls under the obligation to report or act upon such information, for example in accordance with the Lower Saxony Disciplinary Act or the Criminal Code.

³ The list of contact persons in the individual schools is available on the ZePrOs website (<http://www.uni-osnabrueck.de/forschung/nachwuchsfoerderung/zepros.html>) and is updated regularly.

⁴ The board of arbitration for conflicts arising during doctorates and the guidelines set out in the following are based on the board of arbitration at the Graduate Academy at the Leibniz Universität Hannover. The list of contact persons in the board of arbitration is also available on the ZePrOs homepage (<http://www.uni-osnabrueck.de/forschung/nachwuchsfoerderung/zepros.html>).

must decide for themselves whether to implement the proposed conflict resolutions put forward during the mediation discussions. The board of arbitration has no authority to implement measures intended to oversee or ensure the implementation of any agreements reached between the conflicting parties.

Guiding Principles of the Board of Arbitration

1. Membership

- a) The board of arbitration consists of three members, two university professors and one doctoral candidate. Of the two university professors, at least one should be a professor emeritus or retired professor; care should also be taken to ensure that different disciplinary cultures are represented.
- b) The president's office nominates the two university professors on a proposal by the Senate and the doctoral candidate on a proposal by promos, the doctoral candidate s' council at Osnabrück University.
- c) The members of the board of arbitration elect a spokesperson from among their members.

2. Initiating Proceedings

- a) The board of arbitration can be contacted by a doctoral candidate or by a professor at Osnabrück University who is supervising a doctorate to request advice or mediation in a conflict.
- b) Before a process of mediation begins, the board of arbitration reviews its own degree of competence in the matter at hand. Should the board of arbitration conclude that the conflict falls under the responsibility of a different university organisation (such as that of the Ombudsman for Good Scientific Practice, the Equal Opportunity Officer or further organisations within Osnabrück University), it can suggest to the conflicting parties which other organisations at the university might be best suited to dealing with their concerns.
- c) If the board of arbitration considers itself competent, it can initiate proceedings. However, the board of arbitration only becomes an active mediator when both conflicting parties have given their consent.

3. Nomination and Number of Mediators

- a) Both conflicting parties approach the board of arbitration's spokesperson with a request for them to suggest a mediator from among the members of the board of arbitration. The mediator is nominated when both parties agree to the suggestion.
- b) In individual cases, it is possible for more than one person to be nominated; these persons then constitute a mediation committee. As a rule, this committee should not have more than two members, one being a university professor and one being a doctoral candidate.
- c) If the conflicting parties cannot agree on a mediator or a mediation committee, the board of arbitration's spokesperson nominates a mediator or a mediation committee which is made up of a university professor and a doctoral candidate.
- d) In agreement with the board of arbitration's spokesperson, persons can also be nominated to fill the role of mediator who are not members of the board of arbitration or members of Osnabrück University.

4. Mediator Qualifications and Requirements

- a) Mediators must be impartial and independent.
- b) They are obliged to inform the parties involved of all circumstances which might call into question their impartiality or independence.

5. Proceedings

- a) The mediator or the mediation committee support the conflicting parties in an independent and impartial way in an attempt to resolve the conflict by mutual agreement.
- b) The mediator or the mediation committee sets out the mediation process in consultation with the conflicting parties.
- c) Should the conflicting parties desire, the mediator or the mediation committee can make suggestions for resolving the conflict during each stage in the mediation process. These proposals need not be justified.
- d) By mutual agreement with the conflicting parties, other university organisations – such as the Equal Opportunity Office or the support bodies located in the university's schools can be included in the mediation process.

6. Ending the Proceedings

- a) Each party is entitled to end the mediation process at any point without giving a reason. Such a declaration is issued to the mediator or the mediation committee and should also be issued to the other conflicting party. Insofar as this does not take place, the mediator or the mediation committee undertakes this task.
- b) Ending a mediation process with the board of arbitration does not preclude the recommencement of the mediation process by mutual consent.
- c) Should it not be possible in the course of a mediation process to reach an agreement, then the mediation process is ended.
- d) The mediator or mediation committee can itself end the process if in its view there is no prospect of finding a solution to the conflict by means of a mediation process. By mutual agreement, the conflicting parties are entitled to request the nomination of a new mediator or mediation committee.
- e) The mediator or mediation committee should withdraw from the mediation process if new circumstances come to light which cast doubt on their independence and impartiality.
- f) In cases in which proceedings are ended without a resolution being found, each party is entitled to request that the mediator or mediation committee compile a statement to this effect. This statement is to be signed by all mediators.
- g) If an agreement is reached between the two conflicting parties, then the outcome can be recorded by the mediator or the mediation committee in a set of minutes, which are to be signed by all parties involved in the mediation process.

7. Confidentiality

- a) The mediator or the mediation committee is obliged to maintain the utmost confidentiality towards the conflicting parties and assures the parties upon the nomination of the mediators that they are fully aware of this obligation. The duty to maintain

confidentiality does not apply when there is an obligation to report or act upon any given information (e.g. in accordance with the Lower Saxony Disciplinary Act or the Criminal Code).

b) The mediators belonging to the board of arbitration or the members of the mediation committee are not entitled to make use of their right to refuse to give evidence to state judicial authorities.

- The "Procedural Guidelines for Dealing with Conflicts arising during Doctorates at Osnabrück University" was adopted by the Senate of Osnabrück University on 07.08.2013 -