

Topic: **STAFF DISPUTE RESOLUTION POLICY**

Policy #: **401.00**

Version: **3.0**

Effective Date: **11/01/06**

I. Introduction

The Staff Dispute Resolution Policy applies to regular full-time and regular part-time staff who have successfully completed their initial six-month introductory period. It does not apply to individuals whose employment with the University is governed by a written contract, whether or not such individuals have a current, signed contract in effect.

The dispute resolution process is an internal mechanism designed to ensure prompt and impartial consideration of concerns by UA staff employees who allege a misapplication of a policy, procedure, or practice of the University.

No employee shall be retaliated against for raising concerns of this nature brought forward with a good faith belief that a problem exists. This procedure is intended to supplement, rather than discourage or replace informal discussion between a supervisor and an employee. Employees and supervisors should make every reasonable effort to resolve concerns prior to accessing the formal dispute resolution process.

Staff employees should first address work-related concerns or complaints with their immediate supervisor by submitting in writing their specific complaint/concern on the *Record of Dispute Form* and meeting with their supervisor. If after meeting with the supervisor, the employee believes the dispute has not been resolved, he/she should pursue his/her concern through the appropriate administrative chain of command. This usually requires reaching an administrator who reports to a Vice President by the third level in the administrative chain. At any time during this process or at the end of this process, employees may ask Human Resources for information on voluntary mediation of their dispute.

It is the responsibility of the employee's immediate supervisor, in consultation with Human Resources, to determine if an employee's complaint meets the criteria contained within this policy for disputes. An employee may withdraw his/her request for dispute resolution at any time during the process. Once withdrawn, however, the request may not be reinstated. Group appeals are not permitted.

These procedures are not to be used for appeals questioning employment decisions, work assignments, promotions, pay raises, employee performance evaluations or other decisions made in the exercise of legitimate management rights, including elimination of an employee's position.

Neither should these procedures be used for discussing concerns and/or receiving complaints regarding illegal harassment or discrimination. Concerns of this type should be directed to the University's Office of Equal Opportunity Programs.

The deadlines outlined herein are intended to ensure that the process is carried out in an efficient and timely manner. Both the employee and the institution have an interest in a decision that is made as early as is practicable. While it is expected that these deadlines will be observed, the fact that a specified action is late shall not support a claim that the process is inadequate or defective unless the employee can show that the delay was unreasonable and that it has caused serious prejudice or disadvantage.

II. General Guidelines for Employee Dispute Resolution

A member of the University staff who believes that he or she has a dispute with the University should complete the *Record of Dispute Form* (available on the Human Resources website). The form should be submitted to the supervisor within ten (10) work days after the employee becomes aware of the

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action or other matter which is the subject of the dispute. and a copy sent to Human Resources. (At each stage in the process a copy of the documentation should be sent to Employee Relations in Human Resources.) The employee should then schedule a meeting with his/her supervisor regarding the dispute. A work day is any day on which the University is open, excluding weekends and holidays; a work week is five consecutive work days.

The employee should clearly state on the *Record of Dispute Form* what the issues are, what policies, procedures or practices were misapplied and what solution is requested. The employee should then attach any supporting documentation to the form and submit it to his/her supervisor prior to the meeting. The supporting documentation will be included with the form at each step of the dispute resolution process. No additional documentation may be attached once the process begins unless agreed to by both the employee and the supervisor.

The supervisor should respond in writing to the employee within 10 work days after the meeting. The written response should include the name of the individual at the next level to whom an appeal may be made. If the supervisor does not provide a timely response, or if the employee believes the dispute has not been resolved, the employee may appeal to the second level of the administrative chain or to their designee.

A copy of the original *Record of Dispute Form*, the date when the employee met with his immediate supervisor and the supervisor's response must be submitted by the employee to the next level in his administrative chain of command. The next level administrator should contact the employee and set up a time to meet with the employee and to review any submitted documentation. Failure of the employee to pursue the matter to the second administrative level within 10 work days from receipt of the immediate supervisor's written response shall be interpreted as an end to the dispute. The second level administrator should give a written response within 10 work days of his/her meeting with the employee and the response should include the name of the individual at the next level to whom an appeal may be made, if applicable.

The same process should be followed for the third step in the administrative chain if a third step is necessary. The response from this level should include the next option of seeking mediation.

The sequence in an employee's chain of command will vary in different divisions of the University, but employee disputes should reach an administrator who reports to a vice president within no more than three steps. Thus, disputes may, if necessary, bypass assistant directors, assistant chairs, etc.

There may be unusual cases where a Vice President agrees to consider the employee's concern as part of the employee's chain of command.

At any point in the Staff Dispute Resolution Process, the supervisor or administrator addressing the dispute may consider additional information from sources other than materials provided by the grievant.

The administrative complaint process normally ceases after an administrator, who reports directly to a Vice President, makes a decision. An employee who still feels the dispute has not been resolved is strongly advised to ask for mediation of the dispute.

III. Mediation

Both the employee and the supervisor must agree to voluntary mediation and be willing to enter into a voluntary mediation agreement. The employee should contact the Department of Human Resources



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to initiate mediation. The Department of Human Resources will arrange for a facilitator for the mediation process.

Prior to mediation all persons who will participate in the mediation process must agree that all matters disclosed and documents produced in the mediation shall remain confidential. The mediation will not be open to the public. Statements made and documents produced in the mediation shall be considered settlement negotiations and shall not be used for any purpose in any subsequent proceedings concerning the mediated dispute.

Normally, mediation sessions will involve only the employee, the supervisor and the facilitator. While the employee may obtain advice from anyone of his or her choosing before or after mediation sessions, the mediation sessions will be closed. Only the facilitator may include additional parties if he or she feels it is appropriate. The parties will have 30 calendar days to work with the facilitator to resolve the dispute. Exceptions to the 30 calendar days limitation will be granted by the Department of Human Resources on a case-by-case basis depending on the recommendation of the facilitator.

If mediation is conducted and the parties reach an agreement, the facilitator will prepare a formal written document outlining the terms of the agreement and will secure the appropriate signatures. If a signed agreement is reached through mediation the dispute is considered ended.

If the facilitator finds that the parties are unable to voluntarily resolve their dispute, then the dispute resolution process is considered ended and no further actions may be taken by the employee.

The Staff Dispute Resolution Process is completed at the conclusion of the mediation and no further options are available through this process.

Regardless of the outcome of this process, an employee shall not be retaliated against for raising concerns of this nature brought forward with a good faith belief that a legitimate problem exists.

Note: The University has the right to modify stated deadlines and the general procedures when, in its sole discretion, it deems such modifications appropriate.