

A. Resolution of Disputes Process

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Mount St. Joseph University employees are encouraged to express their concerns arising from working conditions, employment practices, or differences of interpretation of policy. Each employee should feel welcome to be heard without fear of criticism or action against the employee for exercising or expressing concerns.

Employees are expected to exhaust the processes available to them in this Resolution of Disputes Process prior to instituting any external proceedings. If before or after the internal process has begun, an employee files a claim regarding the subject matter of the dispute with a state or federal court or agency, the University reserves the right to discontinue this internal Resolution of Disputes Process.

The following issues are excluded from this Resolution of Disputes Process: elimination of position; compensation; dismissal during orientation periods; faculty promotion & tenure decisions; and falsification of résumé or employment materials. Incidents covered under the Sex Discrimination, Sexual Misconduct, and Interpersonal Violence Policy; the Equal Employment Opportunity and Non-Discrimination Policy; the Disability Accommodations Policy for Employees and Applicants; and the Whistleblower Policy are also not subject to this process.

Terminated employees must initiate these procedures within fourteen (14) days (including summers, but excluding University holidays) of receiving notice of termination to have the termination decision reviewed via the Resolution of Disputes Process.

Step 1: Mutual Problem Solving

In the spirit of subsidiarity (problem solving at the lowest possible level), employees are encouraged to engage in mutual problem solving by directly addressing their concerns with the other parties involved. The other parties involved may be the employee's coworker, supervisor or another employee. Employees may always seek assistance from other resources, including the Director of Human Resources, who is available to assist the employee with understanding pertinent University policy and with clarification and articulation of the issues. In situations where dissatisfaction and/or disagreement remain, the employee should address the concern with each level of supervision sequentially.

Each member of the University community is expected to listen and respond using the established practices of interest-based problem solving and collaborative decision making. Concerns can often be resolved via the mutual problem solving phase through parties' active engagement in these practices.

Step 2: Informal Conflict Resolution

An employee who is not satisfied with the mutual problem solving process may request the Mediation and Resolution of Disputes Committee (“Committee”) to facilitate an informal outcome through conflict resolution, which includes mediation. If a party bypasses step 1 because the party does not believe that an attempt at mutual problem solving is possible or would be productive, that party must explain its reasoning in that regard to the Committee.

Mediation is not arbitration. Mediation is negotiation using a neutral third party to help resolve a dispute. The Committee member(s) serving as mediator will not judge guilt or decide who is right or wrong during this process. Rather, this process is designed for the parties themselves to jointly reach solutions that will allow them a productive path forward. A sincere desire to resolve the issue, and an open mind to possible solutions via compromise are essential to effective mediation.

During the informal outcome process, the Committee member(s) will assist the parties in creating ideas to resolve their issues, but they will not create a solution itself or impose any solution on the parties. The Committee is neutral. During this phase, the Committee’s role is to make sure that the parties clearly communicate with each other and attempt to resolve their own dispute.

Step 3: Written Statement Regarding the Informal Conflict Resolution Phase

If a resolution cannot initially be agreed upon by the parties during the Informal Conflict Resolution phase, the unsatisfied party may initiate step 3 of this process by submitting a written statement to the Committee that includes a description of the disagreement from the unsatisfied party's perspective and the proposed solution. The Committee Co-chairs will serve as a clearinghouse for the process and will be responsible for appropriate documentation and record keeping. The Co-chairs will inform the parties involved, the immediate supervisor(s) (if applicable), and the Director of Human Resources (staff) or the Provost (faculty) that a request for Committee review has been made and a copy of the written statement will be provided to each.

Within fourteen (14) days (including summers, but excluding University holidays) after the receipt of the written statement, the Co-chairs will discuss the written statement with the unsatisfied party (or parties), the other parties involved, and the immediate supervisor(s), as applicable. After these discussions, the Co-chairs may gather additional information and/or documents they deem relevant to the concern raised. If any of the additional information and/or documents gathered includes new information, the Co-chairs must share that with the unsatisfied party (or parties) and the other parties involved to obtain their perspectives.

Within fourteen (14) days (including summers, but excluding University holidays) after concluding their discussions and gathering any additional information and/or documents they deem relevant, the Co-chairs will decide to:

- a) encourage the employee, the supervisor(s), and/or any other parties involved to renegotiate solutions and offer resources in conflict resolution, and/or;
- b) request that the employee, the supervisor(s) and/or any other parties involved make another attempt at mediation with a different Committee member as the mediator; and/or;
- c) confirm all informal outcome possibilities have been exhausted.

If the Co-chairs confirm that all informal outcome possibilities have been exhausted, the Co-chairs will summarize the outcome of the process in a written report which will be sent to the parties involved, the immediate supervisor (if applicable), and the Director of Human Resources (staff) or Provost (faculty). This written report will be available during a formal resolution should such a process be initiated by one of the parties.

Step 4: Formal Outcome Through Full Committee Review

If a party is still not satisfied with the informal processes, the party may file a written request for a Formal Outcome with the Committee, summarizing what outcome is desired and how the prior process(es) have failed to achieve a satisfactory outcome. The Formal Outcome is designed to provide a fair internal mechanism for ultimately resolving concerns. The success of this process depends upon willingness of all members of the University community to fully, truthfully, and promptly participate when asked.

1. The written request for a Formal Outcome must be submitted to the Co-chairs within fourteen (14) days (including summers, but excluding University holidays) of receiving the Co-chair's written report after the Informal Conflict Resolution phase (or other written decision, if the Informal Conflict Resolution phase is not applicable). The Co-chairs will provide a copy of this written request to the other parties involved, the employee's supervisor (if applicable), and the Director of Human Resources (staff) or Provost (faculty).
2. The Committee will first review if previous informal resolution efforts have been exhausted. If previous informal resolution efforts have not been exhausted, the Committee will refer the parties back to step 2 above.
3. The remaining Committee members who have not been involved with attempted resolution of the concern prior to the commencement of this step 4 (the "Ad Hoc Committee") will meet with each other, the involved parties, and the employee's supervisor (if applicable), as the Ad Hoc Committee deems necessary to make a recommendation regarding the concern raised. The Ad Hoc Committee may gather additional information and/or documents it deems relevant to making a recommendation regarding the concern raised. Any new information and/or documents brought forward at this stage must be shared with the other parties involved to obtain their perspectives.
4. The Ad Hoc Committee will report its recommendation(s) to the parties involved, the Director of Human Resources (staff) or Provost (faculty), and to the President's Cabinet within twenty-eight (28) days (including summers, but

excluding University holidays) or within any time extension warranted by extenuating circumstances or agreeable to the parties.

5. The President's Cabinet (excluding any members involved in the employee's concern or attempted resolution of the concern before this point) will make a final decision/determination regarding the concern raised after review of the Ad Hoc Committee's recommendation(s). Within fourteen (14) days of receiving the Ad Hoc Committee's written recommendation(s), the President's Cabinet will send a written record of its final decision/determination, rationale, and summary of the process to the parties involved and to the Director of Human Resources (staff) or the Provost (faculty) and the President. No further formal resolution or appeal is available under this process.