

**Proposed Faculty Conflict Resolution Policy.
November 17, 2003**

The following document is based upon the TCU Staff Conflict Resolution Policy as approved by Chancellor Ferrari, effective October 1, 2000.

All additions are marked by unlined, bold as in **Additions.**

All deletions are marked by strikethrough, bold as in **~~Strikethrough.~~**

PURPOSE

The purpose of this policy is to afford all TCU staff **and faculty** a prompt and fair method for the resolution of work-related problems or disputes and to encourage informal dispute resolution through discussion and mediation.

DEFINITIONS

Dispute or grievance is a complaint or concern voiced by any staff **or faculty** member regarding a condition of employment or the application, meaning, or interpretation of policies or procedures as they affect work activity. **Issues related to faculty promotion and/or tenure are not considered under this policy.**

Disputants are the parties to a dispute. Any party to the dispute may exercise the appeal procedures available within this process.

Time limits refer to working days.

Conflict Resolution Facilitator (CRF) is an appointed neutral party who assists the disputant and serves as an impartial listener and problem solver in the conflict resolution process. The CRF does not serve as an advocate for any party. The CRF is appointed by the Chancellor, in consultation with the **Associate** Vice Chancellor for Human Resources, the Chair of the Staff Assembly, and the Chair of the Faculty Senate. Persons serving in this capacity will be trained mediators and fully conversant with all aspects of federal and state employment laws as well as TCU policies and procedures.

The *Peer Review Board* hears and renders a ruling on the dispute, subject to review by the Provost. The board consists of TCU faculty and staff representing a variety of campus areas. Board members are assigned to staggered 3 year terms. Members of the Peer Review Board may self-nominate, be nominated, or be asked by the CRF to serve. Any individual appointed to the Peer Review

Board must undergo training as specified by the Human Resource Department prior to hearing a dispute.

A *Peer Review Panel*, consisting of 3 members appointed by the CRF from the Peer Review Board, hears and renders a final ruling on a dispute (subject to review by the Provost) if a dispute proceeds to Step 3 of the process.

A *mediator* is a neutral third party who listens to both sides of a dispute. A mediator, however, does not issue a decision but rather assists all parties to the conflict to reach their own settlement. The CRF will typically appoint two mediators when mediation is required. Mediators shall be trained in compliance with Title 7, Chapter 154, Texas Civil Practice and Remedies Code, and consistent with the Texas Mediation Trainer Roundtable Annotated Standards. The mediators must abide by the Code of Ethics established by the Texas Association of Mediators and the State Bar of Texas Alternative Dispute Resolution Section.

POLICY OVERVIEW

This policy is available to any staff **or faculty** member. The process begins with a staff **or faculty** member informally discussing concerns with the appropriate **immediate**-supervisor. This step may be followed by an appeal to the TCU Conflict Resolution Facilitator (CRF), who may refer the conflict to mediation. If mediation is unsuccessful, the dispute may be submitted to a Peer Review Panel and the Provost for resolution and final review. Only employment dismissal decisions may be appealed beyond the Peer Review Panel and Provost to the Chancellor. During this conflict resolution process, any party to a dispute, including mediators, Peer Review Panel, disputants, the Provost, or the Chancellor, may request an extension of a time limit from the CRF, who upon finding sufficient cause, may grant an extension of a specific length of time.

ADMINISTRATIVE RESPONSIBILITY

The human resources department is responsible for administering and interpreting this policy.

PROCEDURE

Step 1: Informal Discussion

Staff **and faculty** members are first encouraged to discuss any work-related problem with their immediate supervisor.

If not satisfied with the supervisor's response, the staff **or faculty** member is encouraged to contact the Conflict Resolution Facilitator (CRF). If the staff **or faculty** member is uncomfortable speaking to the immediate supervisor, the CRF may be contacted **immediately directly**.

The CRF is available to help staff **and faculty** with any work-related problem, concern, or issue. Notification and/or appointments with the CRF are made by calling 257-5015 or sending an e-mail to crf@tcu.edu. Appointments will be set within 24 hours. **Staff or faculty** may request the opportunity to present to the CRF any evidence and names of witnesses who can support his or her position. All calls to and appointments with the CRF are strictly confidential unless a violation of law requires disclosure.

If the CRF is unable to assist the disputants in successfully resolving the conflict within 5 days after the initial appointment, the person initiating the grievance may proceed to Step 2.

Any dispute that results in retaliation or adverse consequences to any party to the conflict resolution process will be referred by the CRF to a Peer Review Panel at Step 3 of this process.

Step 2: Mediation

If the conflict cannot be resolved at Step One, the disputant may submit a written notification (fax, e-mail, or mail) to the CRF requesting mediation of the dispute. The CRF or person to whom any disputant reports may also refer the case to mediation. The appointment of mediators by the CRF shall take place within three days of notification of a request for mediation. The mediation will be scheduled and conducted within 10 days. If necessary and agreed to by both disputants, mediators may request additional time to complete the mediation. If mediation resolves the dispute, the case will be closed and the CRF notified **in person or** in writing (fax, e-mail, or mail) by the mediators. The mediators shall seal the written agreement and forward it to the CRF. Failure to comply with the mediation agreement may be reported in writing by either party to the CRF.

If the parties to the dispute are unable to reach a resolution through mediation, the mediators shall immediately inform the CRF that the parties have reached an impasse. The disputants will be instructed by the mediators at this time to explain the dispute in writing.

All conversations held and notes made during mediation will be kept confidential by all parties. Written agreements are considered contracts and are, therefore, subject to contractual law which may include disclosure on a need to know basis.

Step 3: Peer Review Board/Provost Review

Within 5 days of being notified of an impasse by the mediators, the CRF shall appoint three members from the Peer Review Board to a Peer Review Panel and designate one member Chair of the panel. **When a conflict involves faculty only, the Peer Review Panel will normally consist of faculty members.**

When a conflict involves faculty and staff, the Peer Review panel will consist of at least one faculty member and at least one staff member. Prior to this appointment the CRF will share the Peer Review Board list with disputants and ask them to nominate names from the Peer Review Board list. The CRF reserves the right to make the final appointment of members of the Peer Review Panel and to designate the Chair of the panel.

The Chair will schedule and conduct a hearing within 10 days of the date of the appointment of the panel and then notify all parties to the dispute of the date, time and place for the hearing. Within three days of the hearing's conclusion, the Chair of the Peer Review Panel will submit a written decision to the Provost for final review. The Provost will have three days to review, concur and/or modify, and finalize the panel's decision. The Provost will notify the Chair in writing of his decision. Within two days of receipt of the Provost's written review of the panel's decision, the Chair will issue a final, written ruling to all parties to the dispute and notify the CRF in writing of the final decision. Disputes involving dismissal, however, may be appealed to the Chancellor.

The peer review panel will permit representation; however, the staff **or faculty** member's representative may serve only in an advisory role. The Peer Review Panel Chair will determine the level of involvement permitted to the representative. Witness testimony will be allowed, and the hearing will be recorded. The recording will be available to the Provost and the Chancellor for their review processes. A member of the Human Resources staff will be present at the hearing to provide technical assistance.

Step 4: Chancellor's Review of Dismissal Appeals

If the Provost upholds the dismissal of an employee or if a dismissal decision is overturned, any party may appeal to the Chancellor by notifying the CRF in writing no later than 5 days after receipt of the final decision by the Chair of the Peer Review Panel. The CRF shall submit to the Chancellor the panel's written decision within 3 days of the request. The Chancellor shall issue a final ruling within ten days of the receipt of the written findings of the panel. The panel's written ruling and review by the Provost shall constitute the record for the review by the Chancellor.

SUMMARY OF CONFLICT RESOLUTION PROCESS

STEP 1: INFORMAL DISCUSSION

- The staff **or faculty** member and supervisor discuss the conflict and attempt to resolve the issues informally.
- Conflict Resolution Facilitator (CRF) schedules appointment within 1 day of contact by the disputant.
- CRF has 5 days from the initial appointment to resolve the conflict before proceeding to mediation.

STEP 2: MEDIATION

- CRF assigns mediators to case within 3 days of request.
- Mediators have 10 days, once notified, to conduct mediation.
- Mediators may request an extension of time to complete mediation.
- If settled, mediator submits agreement to CRF for safekeeping.
- If impasse results, CRF is notified in writing.

STEP 3: PEER REVIEW BOARD/PROVOST REVIEW

- CRF has 5 days from date of impasse notification to appoint a three-person peer review board and designate one member to Chair the panel.
- Panel Chair schedules and conducts the hearing within 10 days of the date of the appointment of the panel by the CRF.
- Chair has 3 days after board hearing to submit the final, written decision to the Provost for review.
- The Provost has 3 days upon notification by the Chair to review, concur and/or modify and finalize the board decision.
- The Chair, within 2 days of written notification from the Provost, issues a final, written decision to all parties to the dispute.

STEP 4: CHANCELLOR REVIEW (Dismissal disputes only)

- Parties may appeal the Peer Review Panel and Provost decision to the Chancellor by notifying the CRF within 5 days of receipt of the decision.
- The CRF has 3 days to notify the Chancellor and forward the written Peer Review Panel decision for review by the Chancellor.
- The Chancellor issues a final decision within 10 days of the CRF notification.