

ATLANTA METROPOLITAN STATE COLLEGE
**Consolidated Alternative Dispute Resolution
Policies and Processes**



University System of Georgia

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Policy

Atlanta Metropolitan State College is committed to the prompt and fair resolution of the concerns of students, faculty, and classified employees. The College does not discriminate on the basis of race, religion, natural origin, gender, age, sexual orientation, disability, or veteran status in its practices, programs, or activities.

Purpose

The purpose of the Atlanta Metropolitan State College Consolidated Alternative Dispute Resolution Policy is to ensure that disputes are consistently resolved at the lowest supervisory level of the College in a timely and equitable manner. This policy complies with the University System of Georgia Board of Regents' goals and directives concerning conflict resolution initiatives for institutions. (See Appendix) Note: No individual's status with Atlanta Metropolitan State College shall be adversely affected in any way as a result of seeking redress under this policy, nor shall any retaliatory actions be taken against an individual for participating in the Alternative Dispute Resolution Processes be tolerated. Any such action taken against an employee or student for seeking redress under this policy may be considered grounds for dismissal from employment at Atlanta Metropolitan State College.

Alternative Dispute Resolution Processes-How to Initiate and Resolve Disputes

To ensure fairness and consistency in the College's relations with its students, faculty, and classified employees, and to make the institutional environment more protective and respectful of the value of conflict, three Alternative Dispute Resolution (ADR) Processes are incorporated in the College's Consolidated ADR Policy. The ADR Processes and operational definitions follow:

- A. **Alternative Dispute Resolution (ADR)**-mediation, arbitration, ombudsperson. These strategies are alternatives to traditional litigation. Either mechanism usually involves a third party neutral intervener to facilitate agreement between two parties outside the judicial forum.
- B. **Informal Process**-involves the disputant(s) meeting with supervisors to resolve issues.
- C. **Mediation Process**-involves confidential dispute resolution and collaborative problem solving processes; provides trained impartial party or parties to facilitate a negotiation between disputants who have reached an impasse; espouses a win-win process.
- D. **Formal Process**-adversarial activities in which a party or parties hear grievances, analyze the evidence/documentation, and make a recommendation concerning the resolution of the dispute.
- E. **Disputant(s)**-employee(s) or student(s) who have a **perceived** conflict
- F. **Trained Mediators**-trained administrators, faculty, staff or students who have received mediation training from the University System of Georgia's Consortium on Negotiation and Conflict Resolution in conjunction with the Chancellor's Committee on ADR.

The College employs resource persons who are available to assist disputants in working with the appropriate persons to resolve issues. They are:

- **Faculty and Staff**

Director of Human Resources-for consultation concerning affirmative action, employee benefits, compensation, Americans with Disabilities Act, Workman's Compensation or civil rights related issues (See Section IX and Classified Employees Handbook).

ADR Committee Members

- **Students**

Director of Academic Advising and Disability Services (See Student Handbook)
Director of Counseling and Testing (See Student Handbook)

ADR Committee Members

The Director of Human Resources (Affirmative Action Officer), ADA Coordinator and ADR Committee Chair also serve as resource persons for the Vice Presidents and the President.

Informal Process

All AMSC employees and students must participate in the Informal and/or the Mediation Processes prior to initiating the Formal Process. (Examples of selected Campus Issues/Conflicts Appropriate for Resolution through the Informal Process are contained in the Appendix.)

Step 1. The Disputant(s) addresses the complaint to the faculty member, Division Chairperson, or immediate supervisor. If the complaint involves a first level supervisor, Division Chairperson, or professor, the complaint must be presented to the next person in the line of supervision. **The complaint must be in writing.**

Step 2. Complaints that cannot be resolved at the first supervisory level or Unit Head/Division Chairperson level must be submitted to the appropriate Vice President. **The complaint must be in writing.**

Step 3. The Vice President shall attempt to resolve the dispute informally. If the dispute cannot be resolved informally, the Vice President shall refer the disputant(s) to the ADR Committee Chair for participation in the Mediation Process.

Mediation Process

The Mediation Process is not mandatory, but is strongly encouraged. This process must be selected by disputants who are interested in meeting with a trained mediator or co-mediators to work out an agreement that is fair to all parties. (Examples of selected Campus Issues/Conflicts Appropriate for Resolution through the Mediation Process and the Procedural Steps for the ADR Committee are contained in the Appendix.)

Step 4. If referred for mediation by the Vice President, the disputant(s), within ten (10) working days of the referral, shall initiate a request for mediation services. **The mediation request must be in writing to the ADR Chair.**

Step 5. If the disputants request mediation services, the ADR Chairperson and/or Committee will determine if mediation is a viable option for the disputant(s).

Step 6. If the dispute is not a viable option for Mediation Process, the ADR Chairperson will notify the disputants and appropriate Vice President (or President if the dispute involves a Vice President). If the Mediation Process is appropriate, the ADR Chairperson will make the logistical arrangements and assign trained mediators from the College or the Center for Negotiation and Conflict Resolution.

Step 7. The mediator will assist the parties to come to a mutual agreement that is fair and meets the needs of all parties. The mediator will not impose sanctions nor monitor progress of the agreements or solutions.

Once the conflict is resolved, the mediation session will end with both parties signing a confidential agreement. **Note:** Parties may consult their supervisor before signing the agreement.

The mediator **will** make copies of the agreement for the disputants. The mediator **will not** share the contents of the agreement with anyone.

Step 8. The ADR Chair will inform the Vice President or President that the dispute was resolved or unresolved.

Step 9. If the dispute remains unresolved, the disputant(s) will be referred back to the appropriate Vice President who shall render a decision and/or refer the disputant(s) to the Grievance Committee Coordinator for initiation of the formal grievance.

Formal Process (Grievance Committee Hearing)

The Formal Process may be initiated only after the disputant has exhausted the Informal Process and/or the Mediation Process in attempting to resolve a dispute. The Formal Process involves a hearing before a Grievance Committee. All Committee meetings, including meeting with the disputants and the witness, are confidential and will be tape-recorded. (Examples of selected Campus Disputes that may be appropriate or inappropriate for the Formal Process, the Grievance Committee Coordinator's Responsibilities, the Selection and Composition of the Grievance Committee Pool, Committee Meeting Guidelines, and specific Guidelines for a Formal Hearing are all contained in the Appendix)

- Step 10.** The Disputant, within 10 working days of the decision of the Vice President, may accept the decision or initiate a request for a Formal Grievance Hearing. **This request must be submitted to the Vice President in writing.**
- Step 11.** The Vice President shall notify the Grievance Coordinator that a request for a formal grievance hearing has been filed. The Vice President forwards the request to the Coordinator, within 10 working days.
- Step 12.** The Grievance Coordinator will constitute a Grievance Hearing Panel consisting of five hearing panelist members after consulting with appropriate governance leaders (i.e. Divisional Vice Presidents, Deans, Chairs, and Directors) of the complainant and respondent, ensuring that members of the Grievance Hearing Panel do not have a conflict of interest with the involved parties. The Grievance Coordinator will initially select up to eight potential Grievance Hearing Panelists. The complainant and respondent may strike one each of the recommended Grievance Hearing Panelists. The Grievance Coordinator will then randomly choose the five hearing panelist members and one alternate hearing panelist from the remaining members in the recommended pool. If either or both decline to strike a potential Grievance Hearing Panelist member, the Grievance Coordinator will randomly choose the five Panelist members. The Grievance Coordinator will also select one alternate Grievance Hearing Panelist member from the recommended pool of potential Grievance Hearing Panel members.
- Step 13.** The Grievance Coordinator will proceed to make all arrangements for a formal hearing before a Grievance Hearing Panel and assure that all materials submitted are available to the Complainant, the Respondent(s) and Grievance Hearing Panel members in advance of the formal hearing. An initial organizational meeting of the Grievance Hearing Panel will be called by the Grievance Coordinator within 14 days from the date of selection of the Grievance Hearing Panel. The Grievance Hearing Panel will elect a Chair by majority vote. The meeting will then be turned over to the Grievance Hearing Panel Chair who will preside over all the meetings of the Grievance Hearing Panel until the review is completed.
- Step 14.** The Grievance Coordinator will notify each disputant concerning the

guidelines for participating in a Grievance Committee Hearing and the logistical arrangements (time, date, and place) and the submission of the requested documentation or witnesses to support their issues.

- Step 15.** The complainant(s) will present information pertaining to the dispute and may question the opposing party consistent with the rights of due process at the Committee hearings.
- Step 16.** Upon the review of all of the supporting documentation and interviews of disputants and witnesses, the Hearing Committee shall prepare and submit a report of its findings, conclusions, and recommendations for the resolution of the grievance to the President, within 10 working days of the end of the Committee's findings.
- Step 17.** The President, within 10 working days of receipt of the Grievance Hearing Committee's report, shall review the report and render a decision for the College.
- Step 18.** Upon exhausting all of the ADR processes at the College, the disputant may appeal the decision of the President to the Board of Regents, within 20 working days of receipt of the President's letter. The President's letter will include specific information concerning the procedure for the disputant's option to appeal said decision to the Board of Regents.

These procedures do not in any way impair the right of aggrieved parties to seek resolution of their grievances, either through outside litigation, or through agencies of the State or Federal government within limits imposed by the concurrent jurisdiction of the University System of Georgia and other agencies of the State of Georgia.

APPENDIX

Campus Issues Appropriate for the Informal and/or Mediation Processes

- Minor faculty or employee disputes
- Cultural insensitivity
- Turf struggle by and among administrators
- Student/faculty conflicts
- Co-workers' disputes among staff
- Faculty/faculty conflicts
- Employee/supervisor conflicts
- Implementation and interpretation of institutional policies –Handbooks
- Academic requirements
- Intergroup or intragroup conflicts - Clubs, SGA
- Sexual Harassment
- Title IX – Athletics
- ADA claims
- EEOC cases
- Student Code of Conduct and Due Process
- Student publications
- College Statutes
- Employment Policies - Readiness for work
- Risk management - student safety in classes and on campus - (LABS)

Procedural Steps for Alternative Dispute Resolution Committee at AMC

- Identify and review current campus procedures for addressing grievances, disputes and conflicts.
- Identify types of issues or conflicts that will be appropriate for mediation.
- Identify faculty and administrators to recommend to the President for possible training to serve as mediators
- Identify potential sources of referral, and determine the extent to which participation is voluntary, with or without expected results
- Determine the extent to which external mediators should be utilized
- Determine the mediation model that is appropriate for the College
- Determine cost of program and make recommendations to the President for funding
- Serve as liaisons to faculty and staff in order to address and allay any fears that may arise concerning the process
- Determine how the program will be evaluated

Types of Disputes That May Be Appropriate for the ADR Formal Process

Any student, faculty member, or classified employee who believes that they have been discriminated against on the basis of race, ethnicity, religion, national origin, gender, age, sexual orientation, disability, or veteran status is encouraged to utilize the College's ADR Processes (Inform, Mediation, and Formal Processes) for resolution of a dispute.

Additional examples of disputes that may be appropriate for the Formal Process are:

- Complaints alleging deviation from official College policy
- Employment related grievances by faculty, classified staff, and students (including appeals of termination)
- Complaints alleging abridgement of academic freedom

Types of Disputes that are Inappropriate for the ADR Formal Process

- Disputes that have not utilized the Informal Process
- Complaints against supervisory decisions that are consistent with official College policies
- Student grade appeal
- Decisions in the exercise of legitimate authority such as promotions, salary increases, pay levels, etc.

Grievance Committee Coordinator Responsibilities

The Grievance Coordinator is appointed by the President, on an annual basis, in consultation with the President's Council as he/she deems appropriate. The duties of the Grievance Coordinator are outlined below, with more detail provided within the remainder of this document.

The Grievance Coordinator will:

- maintain the Grievance Hearing Panelists Pool list of eligible employees.
- receive written complaint statements.
- notify the appropriate Vice President of the receipt and nature of a formal complaint.
- convey the complaint to the Respondent(s).
- convey the Grievance Pool list of eligible employees to both the Complainant and the Respondent(s) for selection of a Panel.
- excuse Hearing Panel members selected by either party if there is suitable justification.
- randomly select Grievance Hearing Panel members from a maintained pool of AMSC hearing panelists.
- Provide orientation and training for the Hearing Panel Chair and Hearing Panel members
- arrange the time, place, and availability of taping equipment for the formal hearing before the Panel.
- assure that all materials submitted are available to all appropriate persons in advance of the formal hearing.

- present the charge to the Grievance Committee and its selected Chair.
- assist the Grievance Committee Chair in contacting requested witnesses and gathering requested information.
- maintain all tapes and records of the formal hearing while the hearing is in process.
- Convey all tapes and records of the formal hearing to the College Affirmative Action Officer upon the decision of the President regarding the grievance.
- The Grievance Coordinator will facilitate the hearing proceedings. The Grievance Coordinator may, however, appoint a designee to facilitate the hearing. However, only the selected hearing panelists are charged with making the hearing findings decision.

Selection and Composition of the Grievance Pool

The College Grievance Coordinator is charged with maintaining a trained Grievance Hearing Panelist Pool selected from a list of eligible AMSC employees. The Coordinator will consult with the Director of Human Resources to assure accuracy of the data used.

The eligible list of AMSC employees from which the Grievance Hearing Panelist Pool will be selected shall include all administrators, faculty, and classified employees of Atlanta Metropolitan State College (exceptions listed below) who are regular full-time employees of the College and who have completed a minimum of two years of service (a nine-month academic-year contract shall be considered one year of service for faculty members). Persons who are ineligible for inclusion on the Grievance Hearing Panelist Pool List are the following:

Vice Presidents
 Resource Officials, as designated
 Grievance Coordinator
 Full-time Temporary Personnel
 Part-time Temporary Personnel
 Adjunct/Part-time Faculty

The Grievance Coordinator shall remove from consideration the names of employees who are directly involved in the grievance being heard (e.g. Complainant, Respondent(s), witnesses).

Grievance Hearing Meeting Guidelines

- Committee meetings are closed and may be attended by only the essential parties, and by persons called by the essential parties during the testimony of those persons.

- Parties may be accompanied by legal counsel, or other advisor, shall be strictly limited to advising their clients.
- Legal counsels or other advisors may not address the Committee, register objections, or participate directly in the proceedings.
- All tape recordings and records of the Committee proceedings are confidential, but are subject to disclosure under the Georgia Open Records Act. Tapes and records will be retained by the Grievance Coordinator under secure conditions until the dispute is resolved. Upon resolution, all records and tapes must be transferred to the Office of Human Resources and will be retained for ten (10) years.
- Any faculty, staff, or student who is requested to submit information to the Committee must submit the information within five (5) working days of the Committee's request. If it is impossible to comply with the requested information within five (5) days, the person must notify the Committee Chair concerning the reason for the delay and must agree to submit said information within a reasonable agreed upon time period to the Committee Chair.

System Initiative and Policy Direction on Conflict Resolution

A. Policy Statement

The University System of Georgia--

Shall insure that each of its institutions provides an educational, physical, and social environment that . . . prepares its students for leadership, collaboration, and conflict resolution in an international, technological, and environmentally responsible society.

Shall insure adequate written policies and procedures for dealing with student complaints and discipline, with proper attention both to advocating students' concerns and to holding students responsible for their actions, in order to provide fair treatment of students collectively and individually at the institutional level, with specified grounds for appeal to its Board of Regents.

Shall . . . develop and retain faculty in an attractive, collaborative, productive environment for teaching and learning . . .

Shall recruit and retain nationally respected administrative leaders and well qualified staff ... encouraging excellence and teamwork, and insuring accountability at all levels.

Shall have strong ... procedures for ... making personnel decisions and handling appeals at the lowest responsible level; shall maximize authority and accountability for its institutions to resolve grievances; and shall specify the grounds for personnel appeals to be referred to its Board of Regents.

Shall be pro-active in pursuing equity and in managing risk, thereby maximizing the effective talents of its personnel and minimizing human injury and related legal cost.

B. Goals

Accordingly, the Board of Regents' goals are:

- to establish a System-wide conflict resolution program that maximizes collaborative resources and guidance for institutional processes and practices, which are developed for and well integrated into the particular institutional culture of each campus;
- to decrease the reliance on adversarial processes, such as formal grievances and appeals and courtroom litigation, both within the System and in its dealings with other persons and agencies;
- to achieve timely, equitable, and satisfactory resolutions at the lowest to the possible level within the System and at its institutions in the most efficient and cost effective manner commensurate with the interests and rights of all concerned and reduce conflict recurrence while anticipating and responding to future conflicts;
- to make the institutional environment for students, faculty, and staff more protective of human dignity and trust, more respectful of the value of conflict, and more effective in fostering communications and community; and
- to make the University System of Georgia an exemplar and nationally recognized leader in the development of alternative dispute resolution for higher education.

C. Implementation:

Since individual institutions within the University System are diverse and have different needs, conflict resolution procedures are likely to vary among them, and no one particular model or set of procedures should be mandated. The alternative processes of dispute resolution designed under this policy direction should complement, not undermine, existing decision-making processes and make existing structures of authority more, not less, effective. While they may require an initial commitment of resources, they should result in significant institutional savings System- wide. Periodic review and improvement should be expected.

The Board of Regents therefore directs that:

Each institution in the University System develops policies and practices that address the use of alternative means of dispute resolution congruent with this initiative, including the following:

- designation of an individual as its institutional dispute resolution specialist and its liaison to the University System Advisory Committee and the Chancellor's Office; provision of appropriate training for all involved; and
- a review of its standard agreements for contracts, grants, and other assistance, to determine whether to amend them to authorize and encourage the use of alternative means of dispute resolution.