



1785

The University of Georgia

®

DISPUTE RESOLUTION POLICY

Introduction

The University of Georgia (“the University”) is committed to maintaining a campus environment where its diverse population can live, work and learn in an atmosphere of tolerance, civility, and mutual respect for the rights, duties, and sensibilities of each individual.

Members of the University community inevitably will have disagreements. The University’s Dispute Resolution Program (“the Program”) was created to help members of the University community resolve disagreements. Among other things, the Program provides members of the University community with the resources necessary to resolve disputes informally and pursue mediation of disputes.

To facilitate the use of the Program for these purposes, Dispute Resolution Coordinators will be accessible to perform various and distinct functions. First, a Dispute Resolution Coordinator will serve as the initial point of contact for persons seeking to use the Program’s resources and will provide guidance about what dispute resolution alternative may work best to settle a particular dispute. Second, a Mediation Coordinator will be available to advise parties about the different dispute resolution techniques available through mediation (for example, one-to-one meetings between two people to discuss personal differences affecting a work relationship, or group discussions to evaluate issues affecting an entire work unit).

Disputes may be addressed through this Policy’s informal procedures and, if desired, through mediation. However, this Policy does not provide a formal mechanism for filing a grievance or disciplinary review. Requests for grievances and/or disciplinary review that fall within the *University of Georgia Grievance and Disciplinary Review Policy* (“Grievance Policy”) must be directed to the Grievance Coordinator.

A document entitled “[Resource Guide for Workplace Issues](#)” is attached to this policy to provide general information to the University community about where to go to seek assistance with specific kinds of issues.

Prohibition of Retaliation

Any attempt to intimidate or retaliate against a person for raising an issue or participating in dispute resolution under this Policy is strictly forbidden. Any person who makes such an attempt will be subject to disciplinary action, up to and including termination.

Administration of Disputes

Sexual Harassment and Discrimination

Disputes involving allegations of sexual harassment and/or any other form of illegally based discrimination will be referred to a Non-Discrimination and Anti-Harassment (NDAH) Officer for investigation and resolution under the procedures outlined in the University's NDAH Policy.

Grievances

Disputes involving requests for a hearing based upon allegations that a person has been harmed by any action that violates the policies of either the University or the Board of Regents of the University System of Georgia or that an employee has received disciplinary action, including termination of employment, that falls within the University of Georgia policy for Conduct, Dismissal, Demotion or Suspension, which can be accessed at <http://www.busfin.uga.edu/app/hr/hrpol.htm>, will be referred to the Grievance Coordinator for handling under the University's Grievance Procedures.

Final Resolutions

If parties to a dispute reach a resolution through mediation, that resolution will be memorialized at the discretion of the parties. A person who has sought to resolve a dispute under this Policy may not present the same dispute again in an attempt to gain a more favorable resolution.

Dispute Resolution Resources

Dispute Resolution Coordinator

Dispute Resolution Coordinators are located in the Office of Legal Affairs and the Office of Human Resources and are responsible for helping to coordinate the expeditious and fair resolution of problems raised by University students and employees. The role of the Dispute Resolution Coordinator is to assist the parties in seeking a satisfactory resolution of the issues and not to determine who is "right" or "wrong." To that end, Dispute Resolution Coordinators will remain neutral throughout the proceedings and will serve primarily as facilitators. In appropriate circumstances, Dispute Resolution Coordinators may also coordinate efforts within various University offices to resolve disputes in a prompt, flexible, and responsive manner. In order to facilitate satisfactory resolution of a particular dispute, and with notice to the parties, a Dispute Resolution Coordinator may modify the steps or procedures set forth in this Policy.

Mediation Coordinator

The Mediation Coordinator may be contacted at any point during the dispute resolution process to discuss mediation. Mediation can be pursued independently of these procedures, and offers a number of ways for parties to seek to resolve a dispute. The Mediation Coordinator will apprise the parties of the available methods, and will be available to provide guidance and assistance to any person with a question or concern about these procedures or any other dispute resolution mechanism. Mediation is voluntary, and no party will be required to participate in that process.

Supervisors and Managers

Supervisors at all levels have a fundamental responsibility to resolve workplace disputes by taking whatever appropriate, prompt, and fair action is commensurate with their authority. To enable supervisors to discharge this responsibility, the University will offer training in the areas of personnel management and dispute resolution. Supervisors attempting to resolve disputes should seek appropriate assistance from their department heads, their dean, their director, the Dispute Resolution Coordinator, the Office of Legal Affairs, the Office of Human Resources, the Equal Opportunity Office, and/or any other suitable University resource.

Advisors

Attorneys are not authorized to participate in the dispute resolution process; however the complainant may select an advisor other than an attorney to assist and advise the complainant.

Federal and State Laws

There are federal and state laws that cover school and workplace complaints and provide remedies for some school and workplace disputes. Participating in dispute resolution efforts under this Policy does not extend the deadlines within which to seek redress from outside agencies or initiate appropriate legal proceedings.

Time Limits for Raising an Issue

Normally, a party with a dispute or complaint (“complainant”) should raise the dispute within ten (10) working days from the occurrence of the particular incident. The Dispute Resolution Coordinator in his/her sole discretion may extend time limits for good reason. Unless a complainant has requested an extension of the time limit, failure to act within the time limits established in this Policy should terminate the dispute resolution process. In those situations, parties will remain free to seek to resolve disputes through mediation.

Dispute Resolution Procedures

As a first step, complainants should try to resolve problems and complaints by contacting their immediate supervisor or, in the case of a student, the academic department head or unit director. This initial contact should be made within ten (10) working days from the occurrence of the problem. The supervisor or department head should then arrange a meeting with the

complainant, and all concerned should make a good faith effort to resolve the problem. The Dispute Resolution Coordinator will be available to assist in these initial efforts to resolve disputes.

If the dispute cannot be resolved through the efforts outlined above, the parties *may* be referred to the Mediation Coordinator to discuss whether mediation is an appropriate means for resolving the dispute. Mediation is a process that helps people resolve disputes for themselves in a mutually acceptable way in which everyone involved in the dispute meets with one or more trained mediators. In a private setting, the mediator provides an orderly, simple process for the parties to discuss their dispute along with their feelings, perceptions and needs. The goal is to begin communication and move towards resolving the dispute in a manner agreeable to all.

If the parties are unable to informally resolve the dispute, they do not wish to pursue mediation or are unsuccessful in resolving the dispute through mediation, the Dispute Resolution Coordinator will advise the person raising the dispute of what other resources may be available, if any.

For questions concerning this policy, please contact a Dispute Resolution Coordinator in the Office of Legal Affairs at 542-0006 or the Office of Human Resources at 542-9756.

This policy and the Grievance Policy supercede and replace the Dispute Resolution Policy for the University of Georgia as adopted in 1998.

Attachment: Resource Guide for Workplace Issues

Revised January 2004

2004