

# VANDERBILT UNIVERSITY AND MEDICAL CENTER

## HUMAN RESOURCES POLICIES AND PROCEDURE

### SUBJECT: DISPUTE RESOLUTION POLICY

POLICY #: HR-O22

EFFECTIVE DATE: March 1, 2000

## POLICY

The purpose of this policy is to provide an opportunity for Vanderbilt staff to resolve internally disputes arising out of issues concerning Performance Improvement Counseling and/or discharge. Staff members utilizing this process in good faith will be protected from any retaliatory actions, such as reprimands or harassment.

## PROCEDURE

Vanderbilt has established a Dispute Resolution process to facilitate the timely and objective review of information for the purpose of fact finding, clarification and the issuance of a determination on matters found to be appropriate for review. Staff who intend to utilize this process must do so by contacting the department Employee Relations Representative within 10 calendar days of the action that gave rise to the dispute. If there are allegations of a violation of the [Equal Opportunity and Affirmative Action Policy # 001](#), [Anti-Harassment Policy # 002](#), or retaliation, the staff member should contact the Opportunity Development Center (ODC).[1]

## ELIGIBILITY FOR DISPUTE RESOLUTION PROCESS

A staff member (except temporary staff)[2] who has completed his/her initial orientation period[3] may use the Dispute Resolution Process to appeal actions involving written Performance Improvement Counseling (PIC), final PIC or discharge.[4] The first step of PIC, the verbal warning, is not included in this process.

## **PROCESS**

### **DISCUSSION WITH SUPERVISOR**

A staff member is encouraged to have a discussion with his/her supervisor. If the discussion does not result in a satisfactory resolution, the staff member should notify an Employee Relations Representative of his/her intent to initiate the Dispute Resolution Process. The staff member may also proceed to Step 1 of the Dispute Resolution Process without having a meeting with the supervisor.

### **DEPARTMENTAL REVIEW: Step 1**

If no resolution was reached with the supervisor, or if the staff member chooses to proceed directly to Step 1, the staff member in consultation with the appropriate Employee Relations Representative should fill out the Dispute Resolution Form within 10 calendar days of the event. The Employee Relations representative will notify the appropriate administrator and schedule a meeting at the earliest available time to discuss the concern. The meeting should be scheduled within seven calendar days. If the staff member's complaint alleges a violation of the Equal Opportunity and Affirmative Action Policy, Anti-Harassment Policy or retaliation, the staff member should contact the ODC immediately and the Employee Relations Representative sends a copy of the Dispute Resolution Form to the ODC.<sup>[5]</sup>

Within seven calendar days following the meeting with the appropriate administrator, the administrator should provide the staff member and the Employee Relations Representative with a written response that summarizes his/her review of the dispute and the recommended resolution. If the staff member does not consider the issue to be satisfactorily resolved as a result of the appropriate administrator's review, he/she should contact Employee Relations or the ODC if alleging a violation of the Equal Opportunity and Affirmative Action Policy, Anti-Harassment Policy or retaliation. This notification must be within seven calendar days of issuance of the written response to proceed to Step 2.

### **FACILITATION: Step 2**

The role of facilitation will include reviewing information, monitoring the progress of the dispute and attempting to reach a resolution.<sup>[6]</sup> Depending on the nature of the complaint, either Employee Relations or the Opportunity Development Center will conduct an investigation of the issues. The investigation should be conducted in an expedient manner. The staff member, the department and the Employee Relations Representative will be advised in writing of the anticipated completion date. If the investigation exceeds the anticipated time frame, the facilitator should inform the staff member, the department, and the Employee Relations Representative of the revised date. At the conclusion of the

investigation the facilitator will work with all parties to see if a mutually acceptable resolution can be reached. The facilitator will forward the results of facilitation to the department, the staff member and the Employee Relations Representative. If facilitation does not result in a resolution, the staff member must notify the Employee Relations Representative within 10 calendar days of the facilitation notice of their request to proceed to Step 3.

### **PANEL OR HEARING OFFICER REVIEW: Step 3**

If facilitation did not resolve the matter, the staff member may request a review of the dispute by either a Staff Panel or a Hearing Officer. After the review by either the Staff Panel or Hearing Officer, a recommendation will be made within seven calendar days to the appropriate general officer or his/her designee for a final decision.<sup>[7]</sup>

## **GENERAL PROVISIONS**

- A **Staff Panel Review** is a review process where the staff member's concerns and the departmental actions are heard by a panel of three Vanderbilt staff members selected from a list maintained in Employee Relations. The panelists agree to objectively review disputes after receiving training in the dispute resolution process. Every effort is made to ensure that the panelists are not closely associated with the staff member or with the department. Both the staff member and the department have the right to request a substitute for one of the panelists. Neither the staff member nor the department is required to give a reason for requesting the substitution. The Staff Panel will review the information and make recommendations to the appropriate general officer or his/her designee for final disposition.
- **Hearing Officers** are selected from a list, maintained in Employee Relations, of Administrators from the University and Medical Center. The Hearing Officers agree to objectively review disputes after receiving training in the dispute resolution process. Every effort is made to ensure that the Hearing Officers are not closely associated with the staff member or with the department. The Hearing Officer will review the information and make recommendations to the appropriate general officer or his/her designee for final disposition.

### **Criteria for Staff Panelists and Hearing Officers -- Eligible staff must:**

1. have three years of service (Hearing Officers must be administrators);
2. be in good standing (staff member should not have been on PIC within the last six months);

3. be recommended by the appropriate general officer or his/her designee; and,
  4. successfully complete the training on the Dispute Resolution Process.
- Employee Relations facilitates this process. A staff member utilizing this process may bring one person currently employed by Vanderbilt to the hearing to provide support. Also, staff utilizing this process may not be represented by an attorney at any of the internal proceedings nor can a recording device be utilized. Both the department and the affected staff member may have witnesses. Witnesses must be current or former Vanderbilt faculty or staff with direct knowledge of the issues in dispute. If there was an allegation of the [Equal Opportunity and Affirmative Action Policy](#), [Anti-Harassment Policy](#) or retaliation, the ODC will be requested to appear at the hearing.
  - Failure of the department to meet the time limits shall move the dispute resolution to the next step of the process. However, if the staff member fails to meet the time limits established for a response, the dispute will be considered resolved and the Dispute Resolution Procedure will be terminated. Time limits may be extended by mutual agreement.
  - Participants who are disruptive of the process (e.g., using threatening behavior) or refuse to abide by the guidelines established in the policy will forfeit their opportunity to participate in the internal process.

This policy is intended as a guideline to assist in the consistent application of University policies and programs for staff. The policy does not create a contract implied or expressed, with any Vanderbilt staff members, who are employees at will. Vanderbilt reserves the right to modify this policy in whole or in part, at anytime, at the discretion of the University.

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[1] The telephone number for the Opportunity Development Center is 322-4705.

[2] Temporary Staff see the Administrative Review Policy.

[3] While staff who transfer do have a new department orientation; there is only one initial orientation period at Vanderbilt. For nonexempt staff it is the first 3 months of Vanderbilt employment, and for exempt staff it is the first 6 months of Vanderbilt employment.

[4] For issues other than written PIC, final PIC or discharge, refer to the Administrative Review process.

[5] Dispute Resolution Forms can be found on the Human Resource Web Page under "Staff Handbook", or by contacting Employee Relations at 322-7259.

[6] If the staff member alleges a violation of the Equal Opportunity and Affirmative Action Policy, Anti-Harassment Policy, or retaliation, the ODC will seek to resolve the matter. If the matter does

not require ODC intervention, it will be referred back to the facilitator for Employee Relations to attempt to reach an agreement between the department and the staff member.

[7] General Officers include the Vice-Chancellors, Provost and Treasurer.

**Approved on by Darlene Lewis, Associate Vice Chancellor, Human Resources**

**Approved on by Lauren Brisky, Vice Chancellor, Administration**

**Approved on by Harry Jacobson, M.D. Vice Chancellor, Health Affairs**

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