

**University of Michigan School of Nursing (UMSN)
Postdoctoral Dispute Resolution Policy and Guidelines
November 2013**

Dispute Resolution is available to all UMSN Research (Postdoctoral) Fellows who have a dispute or disagreement with faculty or staff about the fairness of decisions or procedures that affect the conduct of their research. For example, issues may arise regarding access to resources or attribution in publications.

Academic dispute resolution is a means for resolving disputes and achieving a workable outcome for all parties, within the integrity policies of the University. Resolutions are not imposed, but result from agreement of all parties.

The UMSN Dispute Resolution Officer is the UMSN Faculty Ombudsman. The UMSN Faculty Ombudsman is responsible for managing this policy.

Scope of the Policy

Other University policies and procedures apply to allegations of faculty and staff misconduct; such matters will be governed by appropriate policies administered under other University units:

- Complaints that a member of the faculty or staff has engaged in research misconduct will be handled by the Office of the Vice President for Research.
- Complaints that a member of the faculty or staff has violated the University's non-discrimination and harassment policies will be investigated by the University's Office of Institutional Equity.
- Claims that a member of the faculty or staff has violated employment contracts will be investigated by Academic Human Resources.

A Postdoctoral Fellow who alleges misconduct by a faculty or staff member must pursue the complaint in the most appropriate forum; a Fellow may not pursue the same allegation in different venues. Fellows who agree to have a dispute mediated under this policy agree not to pursue the same matter in any other forum within the University.

Dispute Resolution Principles and Responsibilities

Adherence to principles of impartiality, confidentiality, timeliness, and effective communication are important to successful dispute resolution. The UMSN Office of Research and Global Affairs and the UMSN Office of Human Resources will strive to ensure these principles are understood and observed in the dispute resolution process.

1. Impartiality

The Dispute Resolution Officer will remain impartial. The Dispute Resolution Officer will recuse him/herself for a conflict of interest. Such circumstances include if the Dispute Resolution Officer has a personal or professional relationship with any party in the dispute that would impede his or her impartiality. In such instances, the Associate Dean for Research or the Fellow's Division Chairperson may ask another impartial and qualified faculty member to handle the dispute resolution process, or may ask the UMSN Dispute Resolution Officer to ask another member of the faculty to provide this service. A Fellow with concerns about the impartiality of a resolution process should seek advice from the Associate Dean for Research.

2. Confidentiality

- A Fellow may meet informally to discuss an issue with the Dispute Resolution Officer. While these discussions will remain confidential to the extent permitted by law, confidentiality will not be maintained if the Dispute Resolution Officer believes that disclosure is necessary to avoid an imminent risk of serious harm or is required by law.
- All parties implicated in the complaint have the right to know the details of the issues that give rise to the dispute. A Fellow may not anonymously request a formal dispute resolution process.
- When the resolution process suggests how institutional policies and their implementation may be improved, the Dispute Resolution Officer may share this information as appropriate with other units, while maintaining the confidentiality of personal information.
- Records summarizing the resolution of disputes will be archived by the UMSN Office of Human Resources. Personal information in these records will be kept confidential.

3. Timeliness

Timely address to disputes is important for successful resolution. Normally, resolution conferences will be held within 15 business days from the time the Dispute Resolution Officer receives the case. The academic calendar may make it difficult to adhere to this schedule, but good faith efforts will be made to convene the conference within a reasonable time.

4. Communication

The UMSN will maintain and make public dispute resolution procedures to Postdoctoral Fellows, faculty and staff. The Dispute Resolution Officer will be available to speak with a Fellow about the purpose and principles of these procedures, and the implications of proceeding with a formal dispute resolution conference, including potential outcomes.

Resolution Conference

While prompt informal discussion within the unit where the parties are appointed can often resolve most disputes, a more formal process may be necessary to address disagreements that may have greater complexity and consequence. The formal resolution of dispute takes place in a resolution conference. Through the resolution conference, the parties seek to reach a mutual understanding of the causes of the dispute and to produce a solution guided by academic policies. The purpose of the resolution conference is to allow parties to a dispute to present their viewpoints, to share information, to clarify concerns and issues, to resolve misunderstandings or interpersonal difficulties that may contribute to an issue, to evaluate options for resolving the problem, and to reach a formal agreement on an outcome intended to resolve the dispute.

The Dispute Resolution Process

In many cases, disputes can be quickly and effectively resolved when addressed informally at the local level. Misunderstandings, miscommunications and disagreements often can be resolved through such conversations. The steps for filing a formal complaint are described below. At every stage the Postdoctoral Fellow may discontinue the formal complaint process with a written statement of withdrawal, if he or she is satisfied that the conflict has been resolved successfully. No adverse action may be taken against any Postdoctoral Fellow for his or her use of the dispute resolution procedure.

1. A Fellow may consult informally with the Dispute Resolution Officer. This individual can offer impartial advice and suggest steps to resolve the issue.

2. If informal discussion does not resolve the disagreement, the Fellow may then file a formal complaint in writing to the UMSN Dispute Resolution Officer. The complaint statement should include a description of the incident in dispute, the names of individuals involved and any other facts or mitigating factors. The statement should also include a description of the remedy sought and the informal efforts that have been pursued. The complaint should be submitted within 30 calendar days of the incident that is the subject of the complaint. Upon receipt of the written complaint, the Dispute Resolution Officer will conduct a formal resolution conference according to the procedures of the UMSN.
3. The Dispute Resolution Officer will notify relevant parties, Associate Dean for Research, UMSN Office of Human Resources, and the Fellow's Division Chair, and includes a summary of the issue at disagreement.
4. Through the dispute resolution process, the parties will develop a resolution plan to which the parties consent. The Dispute Resolution Officer will summarize the key points of the agreed resolution in a memo of understanding. The parties to the dispute will sign the memo of understanding, signaling their consent to the terms of the resolution. Copies of the memo of understanding will be shared with the Dean.
5. In the event that the parties are unable to reach an agreed resolution, the Dispute Resolution Officer will notify the Dean that a resolution could not be reached.

Reconsideration/Appeal

A Fellow may ask the Dispute Resolution Officer to reconsider the dispute if substantial relevant new evidence or information has become available after the resolution conference decision. In addition, a Fellow may file an appeal to the Dean if he or she believes that the resolution process at the school did not meet standards of fundamental fairness.

Reconsideration:

1. If substantial relevant new evidence or information has become available after the resolution conference decision, the Fellow may submit written request to the Dispute Resolution Officer to reconsider the dispute, this period may extend beyond ten (10) business days after receipt of outcome notice.
2. If the Dispute Resolution Officer determines that the grounds for reconsideration have not been established, they will recommend that the outcome be upheld. The Dispute Resolution Officer will notify the Fellow of the outcome, which ends the reconsideration process, and decision is final.
3. If the Dispute Resolution Officer determines grounds for reconsideration have been established, they will submit the new evidence or information to the members of the resolution conference for review and decision. The Dispute Resolution Officer will notify the Fellow of the decision in writing, which ends the reconsideration process, and decision is final.

Appeal:

1. If the Fellow believes that the resolution process at the school did not meet standards of fundamental fairness, he or she may submit a written appeal to the Dean through the Dispute Resolution Officer within ten (10) business days after receipt of written notification of the resolution conference decision. The Dispute Resolution Officer will submit the Fellow's written appeal, the Fellow's formal complaint and the written outcome of the resolution conference decision to the Dean for review and final decision. The Dispute Resolution Officer will notify the Fellow of the decision in writing, which ends the appeal process, and decision is final.