



UNIVERSITY OF GUAM
UNIBETSEDÁT GUAHAN
BOARD OF REGENTS

RESOLUTION NO. 09-10

**RELATIVE TO ESTABLISHING A FACULTY-FACULTY DISPUTE RESOLUTION POLICY
PURSUANT TO THE 2008 BOR/FACULTY UNION AGREEMENT**

WHEREAS, the University of Guam is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges (WASC) serving the post-secondary needs of the people of Guam and the region;

WHEREAS, the governance and well-being of the University is vested in the Board of Regents; and

WHEREAS, the Board of Regents and the UOG Faculty Union (AFT Local 6282) entered into a Collective Bargaining Agreement on February 21, 2008; and

WHEREAS, Article XIII.A of the BOR/Union Agreement states that "An ad hoc committee shall be formed composed of three (3) Faculty and two (2) Administrators appointed by the Senior Vice President, who shall develop a recommended procedure for resolving Faculty-Faculty disputes. The recommended procedures shall be submitted to the Administration for inclusion in the *Rules, Regulations and Procedures Manual* by the end of Fall 2008;" and

WHEREAS, the ad hoc committee completed its work and forwarded a proposed policy to the President early in the Spring 2009 semester and

WHEREAS, the President has reviewed and discussed the proposed policy with the UOG Faculty Union Executive Board, and

WHEREAS, the President and the Academic, Personnel and Tenure Committee recommend the approval of the proposed Faculty-Faculty Dispute Resolution policy.

NOW, THEREFOERE, BE IT RESOLVED, that the Board hereby approves the Faculty-Faculty Dispute Resolution Policy (see attached)

Adopted this 21st day of May 2009.


P. Sonny Ada, Chairman

ATTESTED:



Dr. Robert A. Underwood, Executive Secretary

Faculty-Faculty Dispute Resolution Policy

It is the policy of the University of Guam Board of Regents that there be a method of resolving disputes and conflicts that may arise between and among faculty members. This method must be mutually respectful of our community of scholars and confidential.

There shall be three levels:

Level 1 Initial Dispute Resolution

Use of Systematic Dispute Resolution Techniques by the Parties Involved

1a. The University shall provide training in one or more particular systems for negotiating resolutions to disputes for all full-time faculty through workshops, as funding is identified. *Inafa' Maolek* Community Mediation Center, or other personnel with certified training in alternative dispute resolution, under contract with the University, shall provide this training. Following an initial series of workshops, training for new faculty shall be provided periodically, as needed.

1b. When disputes between faculty members arise, faculty are encouraged to resolve them using the skills acquired and systems described in their negotiation training.

Level 2 Formal Dispute Resolution

Mediation by Neutral Third Parties: Members of a Faculty Dispute Resolution Committee

2a. The University shall ensure a minimum of one faculty member per UOG division has training in basic mediation techniques, through periodic training in Alternative Dispute Resolution. Division chairs shall be encouraged to complete this course or series of workshops, with training or workshops provided by UOG. If a division chair declines or is unable to complete the course, the chair shall nominate another member of the division to complete the training.

2b. Faculty members trained in mediation through UOG-approved training shall become members of a Faculty Dispute Resolution Committee (Committee), tasked with supplying mediation for faculty members who have attempted a Level 1 solution (as described above) without success. To ensure neutrality, a given faculty mediator shall be assigned only to disputes from outside his or her own division. Any of the parties in the dispute shall have the right to reject one or more mediators tentatively assigned to the case, if the party feels that the given mediator(s) cannot be impartial. In that event, the mediator(s) in question may be excused, and one or more substitutes appointed prior to the mediation. The Chair of the Committee shall make the determination on appointment and on any contested rejections. Each member of the Faculty Dispute Resolution Committee shall serve until replaced by another trained representative of his/her unit; until s/he voluntarily resigns (in which case the division must nominate another trained person); until the member no longer holds a full-time position as a faculty member at the University of Guam; or until removed by a two-thirds vote of the other active members or the Senior Vice President, for reasons of unavailability, unsatisfactory

performance as a mediator (an unusual number of failed mediations), or repeated departures from ethically sound mediation procedures, such as confidentiality breaches.

2c. When constituted, and at the beginning of each academic year thereafter, the Faculty Dispute Resolution Committee shall elect a Chair and Vice-Chair. The Chair shall have the responsibilities of reviewing confidential applications for mediation, and selecting appropriately neutral mediators to conduct the mediation. Mediators appointed to a case will conduct pre-mediation screening interviews as needed, then schedule and conduct the mediation. The Vice Chair shall assist the Chair in these duties, and serve as Acting Chair when the Chair is unavailable. As the system matures, members with greater experience as mediators shall be appointed to serve as co-mediators with less experienced members.

2d. Participants in a mediation shall be required to sign a release protecting the mediator(s) from involvement in any court case(s) arising from the dispute. This procedure safeguards the confidentiality of mediations, and prevents attempts by participants to harass or bias volunteer mediators. Such releases are lawful, and currently in effect in many U.S. states.

2e. Participation in mediation is confidential: mediators shall not disclose the names of faculty who participate. Comments and statements made during a mediation shall remain confidential, and may not be shared with anyone without the express written permission of both parties. Mediators shall destroy any notes taken during the mediation, at its conclusion. Mediators will not discuss events or comments taking place during the mediation with anyone other than the participants, and cannot take part in Level 3 resolutions.

2f. Participants in mediation will be asked to evaluate the mediation. The Committee shall review these evaluations periodically and work with mediators to improve continually the quality of their services.

2g. Priority for mediation services shall go to faculty in divisions with active representatives in the Faculty Dispute Resolution Committee.

2h. At the conclusion of a given mediation, the mediator(s) shall provide to each participant a copy of any written agreement developed by the participants. With the written consent of all participants, such agreements may be presented to the appropriate administrator if the case moves to Level 3.

Level 3 Dispute Resolution

Arbitration by an Appropriate Administrator

3a. In the event that one or more of the parties in a dispute refuses mediation, or in the event that a mediation at Level 2 is ineffective, the Chair of the Faculty Dispute Resolution Committee shall refer the case to arbitration by an appropriate administrator.

3b. The University shall provide periodic training in arbitration, to be facilitated by qualified contract personnel, for all deans and directors, and all senior administrators who will arbitrate faculty disputes, with training expenses provided by the University.

(End of policy)