



Office of the Dean

GRADUATE AND POSTDOCTORAL STUDIES

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UMMS Postdoctoral Dispute Resolution Policies and Guidelines Revised 2012

Dispute Resolution is available to all UMMS 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 UMMS Dispute Resolution Officer is Victor DiRita, PhD, Associate Dean for Graduate and Postdoctoral Studies. Dr. DiRita is responsible for managing this policy and may be reached at vdirita@umich.edu.

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. Faculty and staff who are also students, or a student who also has a staff appointment, may be subject to procedures described in the "Statement of Student Rights and Responsibilities."
- 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.

Resolution Board

As needed, the Dispute Resolution Officer will convene an ad hoc Resolution Board of members of the UMMS faculty with a representative from the UM-PDA. Prior to convening, the Resolution Board will be advised regarding current best practices for dispute resolution. The Resolution Board may seek advice from faculty and other University offices such as the Rackham School of Graduate

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Studies with expertise on mediation and conflict resolution. The goal is to guide the parties to a mutually agreeable solution.

Dispute Resolution Principles and Responsibilities

Adherence to principles of impartiality, confidentiality, timeliness, and effective communication are important to successful dispute resolution. The UMMS Office of Graduate and Postdoctoral Studies will strive to ensure these principles are understood and observed in the dispute resolution process.

1. Impartiality

The Resolution Officer will remain impartial. The Resolution Officer will recuse him/herself for a conflict of interest. Such circumstances include if the 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 Senior Associate Dean for Education may ask another impartial and qualified faculty member to handle the dispute resolution process, or may ask the UMMS 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 Senior Associate Dean for Education.

2. Confidentiality

- A Fellow may meet informally to discuss an issue with the Resolution Officer. While these discussions will remain confidential to the extent permitted by law, confidentiality will not be maintained if the 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 Resolution Board 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 UMMS Senior Associate Dean for Education. These records will be a resource for the Board. 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 ten business days from the time the 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 UMMS will maintain and make public dispute resolution procedures to Postdoctoral Fellows, faculty and staff. The 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. The Fellow must be kept fully informed at every step and participate in reaching a resolution.

Resolution Conference

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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 Academic Dispute Resolution Process

In many cases, academic 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 Departmental Chair, Director of the UMMS Office of Postdoctoral Studies or the Resolution Officer. These individuals 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 UMMS 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 90 days of the incident that is the subject of the complaint. Upon receipt of the written complaint, the Resolution Officer will conduct a formal resolution conference according to the procedures of the UMMS.

3. The Resolution Officer will notify relevant parties and the ad hoc Resolution Board and include 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 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 will be shared with the relevant Deans and the Resolution Board.

5. In the event that the parties are unable to reach an agreed resolution, the Resolution Officer will notify the relevant Deans and the Resolution Board in writing that a resolution could not be reached.

Reconsideration

A Fellow may ask the Resolution Officer to reconsider the dispute if he or she believes that the resolution process at the school or college level did not meet standards of fundamental fairness or if

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substantial relevant new evidence or information has become available after the resolution conference.

1. The Fellow must make this request to the Resolution Officer in writing within ten business days after receipt of written notification of the outcome of the resolution conference. If substantial relevant new evidence or information has become available, this period may extend beyond 10 days after receipt of outcome notice.
2. If the Resolution Officer and the Resolution Board determine that the grounds for reconsideration have not been established, they will recommend that the outcome be upheld. The Resolution Officer will notify the Fellow of the outcome, which ends the reconsideration process.