



## 45.009 Administrative Dispute Resolution Policy

**Responsible Executive:** Vice President for Finance and Business  
**Responsible Office:** Special Assistant to the President for Policy  
**Related Policy:** Code of Virginia Title 2.2, Chapter 41.1§2.2-4117  
**Approved-On Date:** April 14, 2009 General Counsel  
May 18, 2009 Executive Cabinet  
**Effective Date:** May 18, 2009  
**Revision Date:**

### Policy Statement

Rather than relying solely on adversarial proceedings to resolve disputes, Norfolk State University is committed to using alternative dispute resolution processes as set forth in the Virginia Administrative Dispute Resolution Act (VADRA) as a means by which the University and affected parties may attempt to achieve mutually agreed upon settlements of matters in controversy without incurring the costs associated with adversarial proceedings.

### Purpose

This policy provides for a dispute resolution program aimed at reducing the number of adversarial proceedings and improving the working relationships of individuals and groups from ethnically and culturally diverse backgrounds. The University has developed and implemented this policy in an effort to promote and maintain a cordial working and learning environment between colleagues, and reduce misunderstandings and miscommunications in the workplace.

### Procedures

Under this policy, conflicts will be resolved using the dispute resolution technique. Participation in the Administrative Dispute Resolution (ADR) program is voluntary and requires that all disputants agree to participate. In addition, participating in the dispute resolution process *does not* forfeit a disputant's right to engage other formal grievance procedures, including the state classified employee grievance process. The program requires the following actions:

1. Complete a Dispute Resolution Intake form – This form is to be completed by the participant(s) seeking service.
2. Complete a Statement of Understanding form – This form must be signed by all participants and the coordinator.
3. Complete an Agreement Goals and Objectives form – This form will be completed by the coordinator in collaboration with the participants.

## Program Administration

The administration of the ADR process will involve the division managers (Provost and Vice Presidents) along with the program's coordinator and human resource director. The following are the roles and responsibilities of each person engaged in the administration of the program.

Program Coordinator – The coordinator is responsible for managing the program, including screening all requests under an intake process. The coordinator is responsible for notifying appropriate parties that the program has been engaged; provide instructions on the use of the program and for marketing the program.

Provost and Vice Presidents – As senior managers, they are responsible for encouraging their staffs including managers and supervisors to use the administrative dispute resolution program to improve communications and reduce work related conflicts.

Director of Human Resources - The director is responsible for assisting in the marketing of the program. This will include recommending that disputing parties consider using the program to resolve their issues.

## Case Selection

1. The program will accept cases in the following categories:
  - A. Conflicts involving classified employees that could result in disciplinary action based on standards of conduct offenses at group levels one, two or three.
  - B. Conflicts between administrative and professional faculty and / or teaching faculty where the disputant perceives they have suffered a material professional detriment.
  - C. Disputes related to interpretation of policies and / or procedures
2. The program **will not** accept cases in the following categories:
  - A. Conflict involving complaints of sexual harassment
  - B. Conflict involving complaints of workplace violence
  - C. Conflict involving complaints of termination
  - D. Disputes related to compensation

The above cases have specific policies which govern their adjudication.

## **Neutral Services**

A neutral is a permanent or temporary employee of state government or any other individual who is acceptable to the parties to a dispute resolution proceeding. A neutral shall have no official, financial, or personal conflict of interest with respect to the issues in the controversy. A statewide mediation program is administered by the Department of Employment Dispute Resolution. Generally, the program coordinator and the participants will determine if a neutral is necessary. The coordinator may unilaterally authorize the use of a neutral service to mediate the conflict under the following conditions:

1. When the coordinator has a direct personal conflict of interest
2. When the conflict has a direct involvement of executive level managers
3. When the coordinator deem that the nature of conflict requires services of a neutral

## **Legal Authority**

*Code of Virginia, Title 2.2, Chapter 41.1, §2.2-4117 “State agency promotion of dispute resolution proceedings”*

## **Forms**

Attachment (A) Dispute Resolution Intake Form  
Attachment (B) Statement of Understanding Form  
Attachment (C) Agreement Goals and Objectives Form  
Attachment (D) Dispute Resolution Rejection Form