

## Guide for All Parties on Commencing Faculty Mediation

- The faculty grievance process is established and governed by university Policy and Procedure I.B.1. (<https://www.purdue.edu/policies/academic-research-affairs/ib1.html>). Note the required timing of events in I.B.1.
- The first step of the process is informal mediation. This step is purely voluntary, and any party may withdraw at any time. Withdrawal from mediation will not be used against the withdrawing party in any future step of the grievance process.
- **Purpose of mediation:** The purpose of this step is not to render a judgment on any contested issue of fact or policy that is disputed by the parties. Rather, the purpose is to assist the initiator and respondent (“parties”) in determining whether there is an acceptable resolution to the dispute.
- **The Mediator:** The chair of the faculty mediation committee appoints one of its members to become the impartial mediator and gives the mediator the document(s) provided by the initiator that started the informal grievance resolution process. This mediator must have no conflicts of interest with the parties and must be available to work with the parties of the Grievance to attempt to reach an informal resolution within 30 calendar days. The parties can expect that the mediator will listen to each of them and attempt to facilitate communication between them. It is not the role of a mediator to pass judgment on either party’s position. However, a mediator may provide input to both parties about the dispute based upon his/her understanding of university policy and procedures. Such input is designed to assist the parties with their own evaluation of their position.
  - The mediator may request assistance from the Associate Vice Provost for Faculty Affairs to obtain input from other campus offices if and as necessary to facilitate resolution of a grievance.
- **The Mediator contacts initiator and respondent(s):** The mediator will reach out to the initiator and respondent(s) and provide all parties with this ‘Guide for All Parties...’ document to provide guidelines and boundaries for the informal mediation process.
  - **Confidentiality of documentation:**
    - Confidentiality of the mediation proceedings is crucial because successful informal resolution depends upon absolute candor between the mediator and the parties.
    - Therefore, the information either party shares with the mediator will be held by the mediator as confidential to the greatest extent possible under the law or university policy. In any event, no information will be shared with the other party to the mediation without the expressed permission of the party who provided the information.
    - When information is shared by the mediator with the parties to the mediation, it is with understanding that the information will be used only for purposes of the mediation. It is inappropriate to use the information learned in mediation for purposes other than informal resolution of the matter.
- **The Mediator schedules meetings with initiator and respondent(s) and facilitates mediation:** After all parties have read this ‘Guide for All Parties...’ document, the mediator will then schedule a meeting first with the initiator to listen to their concerns, define the issues, and identify the resolution sought. The mediator will then meet with each respondent to again listen to the concerns, define the issues, and identify the resolution sought.

- This process may be repeated with individual communications and/or meetings until progress is made on agreeing on a satisfactory resolution by all parties.
- A joint discussion may or may not be considered. If both parties are brought together, the following stages may be followed:
  - Mediator's opening statement: The mediator will explain the goals, rules, time allotted, and boundaries of the mediation and encourage each side to work cooperatively toward a resolution.
  - Parties' opening statements: Each party is invited to describe, without interruption, the dispute, its consequences, and general ideas about resolution.
  - Joint discussion: The mediator may encourage the parties to respond to the opening statements, further define the issues, and refine ideas about resolution.
  - Private caucuses: The mediator may choose to meet with each party separately, discuss strengths and weaknesses of each position, and exchange offers for resolution.
  - Closure: If the parties reach an agreed resolution, the mediator will put the main provision(s) in writing and ask each party to sign the written summary of the resolution. If the parties don't reach an agreed resolution, the mediator may decide to end mediation.
- The mediator has no authority to impose a decision, and nothing will be resolved unless both parties agree to the resolution
- If any respondent chooses not to participate in mediation and a resolution requires agreement from each respondent, the mediation process will conclude without resolution.
- **Ending mediation and the informal grievance resolution process:** The informal grievance resolution process concludes by: 1) a decision by the initiator to withdraw the grievance, 2) a resolution of the grievance by agreement of the parties, or 3) ending without resolution due to a party withdrawing from the mediation process or expiration of the time period allowed.
  - Mediation could produce a mutually-agreed resolution to the complaint. If that occurs, the grievance process ends. The mediator will put the main provisions of the agreement in writing and ask the initiator and respondent to sign the written summary of the agreement. The mediator provides this document to the chair of the faculty mediation committee, who forwards it on to the initiator, the respondent, and the associate vice provost for faculty affairs.
  - Mediation could fail to produce a solution, in which case the initiator can either withdraw from the grievance process, or request to begin the formal grievance process. If the parties do not reach an agreement, the mediator documents the mediation process, attempts at resolution, and key reasons no agreement was reached on the 'Informal Grievance Status Report Form'. The mediator provides this document to the chair of the faculty mediation committee, who forwards it on to the initiator, the respondent, and the associate vice provost for faculty affairs.
- **Pursuing the formal grievance resolution process:** If mediation fails to produce a resolution, the initiator may request to begin the formal grievance process. In such cases, the initiator must provide all documents pertaining to the complaint to the Vice Provost for Faculty Affairs (VPFA).
  - The VPFA will determine whether the complaint is within the scope of the faculty grievance policy (I.B.1): if it is not, the complaint will be dismissed and both parties informed.
  - If the complaint is found to be within the scope of the policy, the VPFA will initiate the formal grievance process as per the procedures in I.B.1.