

<p style="text-align: center;">POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION</p>	<p style="text-align: center;">POLICY NUMBER 9.28</p>	<p style="text-align: center;">PAGE NUMBER 1 of 3</p>
<p>CHAPTER: 9 HUMAN RESOURCES AND EMPLOYEE MANAGEMENT RELATIONS</p>	<p>RELATED ACA STANDARDS: 2-CO-1C-03</p>	
<p>APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:</p>	<p>SUBJECT: CONFLICT RESOLUTION PROCESS</p> <p style="text-align: right;"> 4/2/15</p>	
<p>APPROVED FOR PUBLIC RELEASE</p>		

I. AUTHORITY: State of Delaware Merit Rules, Chapter 2 and 12; Code of Conduct, Chapters 4, 11, and 12; 29 *Del. C.* §5806.

II. PURPOSE: To offer a process in which a Human Resources representative attempts to resolve disputes and discrimination claims at the earliest possible time, thereby avoiding the need for costly administrative and legal proceedings.

III. APPLICABILITY: All Department employees, volunteers, persons or organizations conducting business with the Department.

IV. DEFINITIONS:

Discrimination: Disparate or prejudicial treatment of a person based on race, color, national origin, sex, religion, age, disability, sexual orientation or gender identity. Discrimination, as defined herein, includes any and all claims of retaliation for opposing or reporting any action prohibited by this policy.

Conflict Resolution Process: A process in which a facilitator assists the opposing sides in a dispute to reach a voluntary, mutually acceptable agreement.

Facilitator: Person that assists opposing sides to come to an agreement over issues. For purposes of this policy, the facilitator does not find guilt or impose a decision on the parties. Instead, the facilitator helps the parties agree to a mutually acceptable resolution. The Diversity Coordinator, Labor Relations Manager, Warden, Section Administrator or personnel as designated by the Human Resources Director may serve as a Facilitator.

V. POLICY: The Department strives to maintain a work environment of equal opportunity and free of discrimination. All complaints and disputes should be addressed at the lowest possible level; however, certain situations may not be capable of resolution in this manner. In these cases, conflict resolution is available to all parties involved in the dispute through the Facilitator.

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- A. When notified, and with the knowledge of the appropriate Warden or Administrator, the facilitator will contact the parties concerning the complaint and make appointments to speak to each party separately. During the initial interview, the facilitator will document each party's statement, seek clarification of the issues and offer each party the opportunity to participate in a conflict resolution process. The resolution may take place by meeting with both employees at the same time or separately. A complainant's participation in the Conflict Resolution Process is entirely voluntary and not to the exclusion of other available remedies.
- B. Employees may have union representation present, if applicable, during any part of the Conflict Resolution Process.
- C. After the initial meeting with the parties, the Facilitator will determine the underlying cause(s) of the complaint and ask how each party wishes to resolve the issues. The facilitator will take these expectations and craft a practical resolution which is acceptable to both parties and the Department. The resolution will be drafted into a written agreement.
- D. The parties will review the draft agreement and work with the facilitator until they are in agreement. Each party will sign and date the final agreement, signifying that they will abide with the resolution.
- E. Any conflict resolution which entails a change in work assignment, hours, shift or which may impact facility operations requires approval by the appropriate Warden or Administrator.
- F. A copy of the signed agreement is given to each party involved in the resolution process. The facilitator will keep the original, and a copy is distributed to the appropriate Warden or Administrator. The Resolution Agreement is not to be placed in any party's Personnel File and in and of itself may not be used for disciplinary purposes.
- G. During the entire process, the Human Resources Director will be kept informed regarding developments throughout the resolution process.

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- H. Any party who violates the Resolution Agreement may be subject to disciplinary action if warranted.

- I. If one or more parties refuse to participate in the resolution process, or if reaching agreement is unsuccessful, the complaint of discrimination is investigated like any other complaint. Failure to participate in the conflict resolution process shall not be a basis for employee discipline and may not be taken into consideration when proceeding with a formal investigation into any allegation of discrimination.

