

3.430 RCUH Alternative Dispute Resolution

I. Policy

It is the RCUH's policy to employ an "Alternate Dispute Resolution" (ADR) process to resolve differences in a voluntary, timely, less contentious, and problem-solving environment. The ADR process provides a means to facilitate early resolution of differences and disputes. Key components of the ADR are timeliness, fairness, voluntary participation, neutrality, confidentiality, and enforceability.

ADR participation is not intended to bar or to waive any other rights or resources an employee may have to redress their complaint. This policy will provide guidelines relating to the RCUH Alternative Dispute Resolution ("ADR") process.

II. Responsibilities

A. RCUH Employee

1. May request the ADR process at any time by contacting the RCUH Director of Human Resources.

B. Principal Investigator

1. May request the ADR at any time by contacting the RCUH Director of Human Resources.

III. Applications

This policy applies to all RCUH employees (regardless of FTE or status) and excludes individuals on a new-hire probationary status.

IV. Details of Policy

- A. **ADR Is Encouraged When a Third Party Is Needed to Revolve Disputes** – RCUH employees and/or Principal Investigators are encouraged to use the ADR process whenever a dispute requires a third party to resolve differences between the employee and his/her immediate supervisor and/or Principal Investigator.
- B. **The ADR Process Must Be Timely to Ensure Success** – Early resolution to any problem or dispute will enhance the chances of success. The ADR process is available to resolve incidents or actions that have not been subject to any other formal process and must be used in a timely manner (i.e., actions that have occurred within the last ten (10) working days). The ADR will not address issues that have been persisting for longer than thirty (30) calendar days.
- C. **ADR's Principal Is Based on Fairness and Impartiality** – All ADR actions must be perceived to be fair and impartial. All parties must agree to allow open communications throughout the process. Meetings will be restricted to the

immediate parties involved (the parties must not be represented), and the parties must be committed to resolve issues through the ADR process.

- D. Participation in ADR Is Voluntary** – All parties must knowingly, willingly, and voluntarily enter into the ADR process. Any party has the right to opt out of the ADR at any point prior to the resolution for any reason. No party will be coerced into accepting the other party's offer to resolve a dispute. If parties reach an agreement, they will be allowed to settle, provided the settlement is consistent with RCUH policies and is legal and enforceable.
- E. RCUH Human Resources Will Act as the Neutral ADR Facilitator** –The RCUH Director of Human Resources will act as the ADR facilitator, who will serve as the impartial third party with no vested interest in the outcome of the dispute. If the Director of Human Resources declares a conflict of interest, the RCUH Executive Director will name another individual to serve as facilitator. The facilitator must possess a thorough knowledge of RCUH policies/procedures and applicable employment laws and must remain neutral and honest and act in good faith.
- F. The ADR Process Will Be Confidential** – Maintaining confidentiality is a very important component of the ADR process. All parties must agree to keep all proceedings strictly confidential; a breach of such agreement will be sufficient cause to terminate the process. [Chapter 92F, H.R.S.](#) will govern any disclosure of information relating to the ADR process.
- G. Agreements and Resolutions Must Be Enforceable** – Any agreement reached to resolve the dispute must be enforceable and consistent with RCUH policies and applicable employment laws. If a resolution impacts the broader interest of the RCUH or affects RCUH policy, the resolution shall be subject to review and approval by the Executive Director.
- H. Non-Resolution of ADR Process** – If the parties are unable to resolve the dispute with the assistance of the facilitator, he/she will terminate the process or may, with the agreement of all parties, refer the matter to the RCUH Executive Director for review and action. If both parties agree to this alternative, the decision of the Executive Director will be considered final and binding.

V. Procedures

- A. Principal Investigators and/or Employees May Request ADR** – Employees and/or Principal Investigators or authorized designee may request the ADR at any time, by contacting the RCUH Director of Human Resources.
- B. RCUH Will Determine if ADR Is Appropriate** – The RCUH Director of Human Resources will meet with both parties to determine if an ADR is an appropriate means to address the issue. If it is determined that the issue is not applicable or appropriate for the ADR process, an alternative process may be suggested. This may include (but not be limited to) alternative work methods or utilization of external agencies.
- C. ADR Should Be Done on Work Time** – Work time should be utilized whenever possible. The ADR process will take no more than twenty (20) working days. The facilitator will ensure all meetings are productive; if not, the process will be

terminated. The facilitator will (by prior agreement from both parties) have full control over the meeting (i.e., content, length of time, date, etc.).

VI. Contact

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VII. Relevant Documents

[Chapter 92F, H.R.S](#)

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