

who is the conciliation counselor?

Wilbur (Bill) Leatherberry, a Professor Emeritus at the law school, is the Conciliation Counselor. Professor Leatherberry is a dual alumnus of the University, earning both his B.A. (Adelbert 1965) and his J.D. (1968) here.

Professor Leatherberry taught courses on contracts, insurance, and commercial law at the law school. He developed and taught a skills course introducing law students to interviewing, counseling, and negotiation. That was a precursor of the school's current CaseArc skills courses that now are required of all students. From 1992-2000, he served as Associate Dean for Academic Affairs.

Professor Leatherberry has served on the Faculty Senate, its By-Laws Committee, and several Faculty Senate Grievance Committees. He chaired the ad hoc committee that designed and recommended the conciliation process. He helped to design the Alternative Dispute Resolution program for the United States District Court for the Northern District of Ohio. He organized and conducted training for the neutrals who serve in that program. He is an experienced mediator, both in the District Court program and as a private practitioner.

contact information:

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Case Western Reserve University aspires to be an inclusive environment, believing that the creative energy and variety of insights that result from diversity are a vital component of the intellectual rigor and social fabric of the university. As a scholarly community, Case Western Reserve is inclusive of people of all racial, ethnic, cultural, socioeconomic, national and international backgrounds, welcoming diversity of thought, pedagogy, religion, sexual orientation, gender identity/ expression, political affiliation and disability. We believe in a culture of inclusion that encourages relationships and interactions among people of different backgrounds, a culture that enhances human dignity, actively diminishes prejudice and discrimination and improves the quality of life for everyone in our community.

The Faculty Conciliation and Mediation Program was established permanently in April 2011. Approval by both the Faculty Senate and Board of Trustees occurred in 2012.



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faculty conciliation and mediation program

[case.edu/president/facsen/
conciliationandmediation.html](http://case.edu/president/facsen/conciliationandmediation.html)

faculty conciliation and mediation program at case western reserve university

what is conciliation/mediation?

A confidential, semi-structured process in which an impartial third party helps disputing parties resolve their work-related problems or conflicts. It is a non-judgmental, voluntary process that helps parties find mutually satisfying resolutions to their problems without the use of formal grievance proceedings.

how does it work?

One party to a conflict contacts the conciliation counselor and asks for an initial meeting to determine the nature of the problem and explore possible options for resolving it.

Options may include:

- Individual consultation
- Facilitated dialogue
- Conciliation/mediation by the conciliation counselor
- Mediation by an outside mediator
- Referral to another source

If conciliation/mediation is desired, the initiating party or the conciliation counselor will contact the other party to determine their interest in participating in the process. If both parties agree, the process proceeds with the conciliation counselor serving as a mediator. For a variety of reasons (confidentiality, conflict of interest, or legal issues), one or both parties may request referral to an outside professional mediator to be provided at the University expense.

how do I initiate the process?

Phone the conciliation counselor directly at 216.368.3585
or email conciliator@case.edu,
or phone the office of the Secretary of the University Faculty at 216.368.4316.

grievance process	conciliation/mediation
An adversarial, rights-based process	A conciliatory, interests-based process
An entitlement. The complainant grieves and the university is obligated to respond	A mutually voluntary process – either party may request it, and either may accept or decline
An alleged violation of policies and procedures	Broad range of conflicts and disputes
Committee hears facts and makes recommendations to President of the University	Seeks common understanding and mutual agreement
President makes final decision or determination	Parties search for a mutually acceptable solution
May result in redress for the complainant	Parties decide on an acceptable solution within their authority
Often stretches out over a period of months	Can be completed in as little as a few weeks
Is confidential	Is confidential, protected by law
A formal and structured proceeding	An informal and facilitated process

what topics are appropriate for conciliation and mediation?

- Complaints against the administration or an officer of the university
- Procedural disputes regarding the promotion and tenure process
 - Resource allocation
- Personal or professional disputes with a faculty colleague
 - Issues of respect and cooperation

what issues are not appropriate for conciliation and mediation?

- Violation of the university constitution or by-laws
 - Academic misconduct
 - Decisions on tenure and promotion
 - Sexual harassment
 - Discrimination
 - Research misconduct
- Any issue in which legal action is pending

who will know about the mediation?

Under Ohio law, the content of a mediation with the conciliation counselor and any outside mediator is confidential. Only the names of individuals involved, meeting dates, and whether a resolution was reached will be disclosed to the Office of the Provost.

is the grievance process still available?

Yes. The grievance process is still available to faculty when there is an alleged violation of university policies and procedures. Although conciliation and mediation are recommended alternatives or precursors to the grievance process, they are not required.

do I waive my rights to filing a grievance later on if I elect conciliation/mediation now?

No. Participants in a conciliation or mediation will be asked to suspend any grievance process until the conciliation or mediation is completed.