BENEFITS OF MEDIATION

- Mediation promotes a win-win resolution to disputes.
- Dialogue tends to generate creative options for ending conflict.
- Participants agree only to solutions that are acceptable to them.
- Due to the collaborative approach, resolutions may preserve and even enhance relationships.
- Mediation is less adversarial and costly than litigation and less time-consuming than the grievance process.

Strictly confidential

The discussions held during mediation are confidential unless conduct by either party is criminal in nature, or threats of violence are made that lead the mediator(s) to reasonably believe someone’s safety is at risk, or in any other situation required by law. The mediator(s) will not retain any notes taken during meetings, and tape recordings of proceedings are not permitted. The mediator(s) cannot testify for nor against any party should the dispute later be pursued through grievance or legal proceedings.

If a resolution is reached, the mediator(s) will write up the agreement for all parties to sign. A copy of the agreement will be given to the involved parties but not retained by the mediator(s). The mediator(s) will inform the ADR co-liaisons whether or not an agreement was reached, but will not discuss the mediation with them or give them a copy of the agreement.
Conflicts in any work environment are inevitable. Difficulties in such areas as communication, working styles and departmental policies often lead to disagreements among co-workers, most of which are resolved by the parties involved without assistance.

Faculty, staff and students at the University of West Georgia are encouraged to seek resolution of any conflict through such informal discussion. If you are unable to reach a solution in this way, the mediation services of the Alternative Dispute Resolution (ADR) Program can help you assess your problem and work toward a solution.

What is mediation?
Mediation is a form of dispute resolution in which a trained mediator helps the parties in conflict to negotiate a mutually satisfying resolution.

Am I eligible?
Any faculty member, staff member or student may request a mediation to resolve disputes with other faculty, staff or students. Participation in mediation is completely voluntary; all parties involved must agree to a mediation before it can be initiated. The acceptance or refusal of any party to participate in mediation will not be considered in any grievance proceeding if the dispute is later submitted as a grievance.

Time spent in mediation is considered part of the workday, and you will not by required to take leave to participate. Supervisors should make reasonable efforts to enable employees to be available to participate in mediation.

Who do I contact?
If you are involved in a conflict that you have been unable to resolve, you can request mediation by contacting the director of human resources, who can put you in touch with a campus ADR co-liaison. Two co-liaisons – one for staff and one for faculty – administer the Alternative Dispute Resolution Program in cooperation with the Campus Committee on Conflict Resolution.

You may request mediation before submitting a formal grievance or you may interrupt a grievance process that has already begun to attempt to resolve the problem through mediation.

How does it work?
The ADR co-liaisons will review your situation to determine if mediation could be helpful and will seek the consent of all parties involved. If mediation is appropriate for your situation and all parties agree to it, one or more trained mediators appointed by the co-liaisons will assist in negotiating the dispute. The mediator(s) will meet with all parties to help them discuss the conflict and attempt to reach a mutually acceptable resolution.

All parties will be given the opportunity to present their side of the issue. Because mediation is not a legal proceeding, rules of evidence do not apply, and you may discuss anything related to the issue that you believe will help lead to a resolution. You may request to bring an advisor to the meeting if you wish. The mediator(s) will decide whether or not to allow the advisor to attend, as well as how much the advisor may participate in the process.

A mediator does not take sides or decide who wins or loses a dispute. Instead, he or she acts as a neutral third party who establishes a fair and structured process to facilitate communication and mutual decision-making. The goal of mediation is for the parties in conflict to create their own agreement for a solution. No resolution will be imposed by the mediator(s).

Successful results are not guaranteed in mediation. If you should fail to reach an acceptable resolution, you may still pursue other avenues to resolve your dispute.

When is mediation not appropriate?
Not all disputes are appropriate for mediation. Some examples are: disputes that have been subject to a final ruling in accordance with university policies and procedures; conflicts involving purely academic decisions, such as faculty assessment of a student’s work; disagreements over trivial matters; allegations of sexual harassment; complaints of discrimination based on protected class; and disputes that have no relation to the university.