

# Mediation FAQ

## 1. What is the role of the mediator?

- The mediator is a neutral facilitator. The mediator does not take sides, judge whether anyone is right or wrong, or decide how to resolve the problem.
- The mediator helps the participants to hear and understand each other, identify the real underlying issues, and find ways to address those issues and craft a solution that meets everyone's needs.
- The mediator will help the parties prepare a written agreement if they want one.

## 2. How confidential is mediation?

- Mediation Services keeps no name-based records of the mediation.
- The mediator will keep all information discussed at the mediation confidential unless:
  - otherwise agreed by all of the participants or
  - the mediator becomes aware that someone might be in physical danger, experiencing illegal harassment, or engaging in serious criminal activity.
- The parties are expected to keep the mediation conversation confidential unless they all agree otherwise.

## 3. Can someone be required to go to mediation?

Taking part in mediation at Mediation Services is strictly voluntary. Mediation may be suggested to staff or faculty as a way to resolve workplace problems. But no one can be required to go to mediation.

## 4. What are some advantages of mediation?

- Honest communication resolves good-faith misunderstandings. Mediation gives people a safe setting in which to engage in clear, honest, respectful communication.
- Difficult conversations, where emotions may run high, are often easier and more successful with a skilled, neutral mediator there to help.
- The participants, not the mediator or anyone else, decide how best to solve the problem being discussed. They are therefore more likely to do whatever is agreed to.
- Even if no agreement is reached, the parties usually gain a clearer understanding of each other and the issues. They often learn that their assumptions about the situation were wrong.

## 5. Why is mediation a good alternative to the grievance process?

Staff and faculty who use mediation to try to resolve disputes do not give up their right to use the grievance procedures available to them. They can begin the grievance process before or after mediation. Mediation is a good alternative to the grievance process in a number of ways:

- Mediation can be used to address a broad range of issues that might or might not be appropriate for the grievance process.
- Mediation is informal and off the record, while the grievance process is not.
- Unlike the grievance process, mediation is a mutually voluntary process that any party can decline to participate in at any time.
- Mediation is a collaborative process designed to allow the parties to seek common understanding and reach an agreement that meets everyone's needs. The grievance process is not.
- Since mediation is a non-adversarial process, it is especially useful in situations where the participants will continue to work together once it is over.

6. **Can inviting someone to mediation have undesirable consequences for you?**

A mediator/consultant at Mediation Services will be glad to talk to you by phone or in person about whether mediation might be helpful for you. Mediation can be particularly effective at the early stages of a disagreement, helping to improve communication before concerns escalate. So the sooner you call us, the better.

7. **How do you know whether mediation is appropriate for your situation or when it is time to consider it?**

Not only does University policy prohibit retaliation against any person solely for requesting or participating in mediation, it encourages use of mediation.

8. **How do you schedule mediation?**

Once you decide you would like to use mediation, you may invite the other party to mediate. We will be glad to confidentially talk to the other party by phone or in person about mediation services. If all parties agree to mediate, we will schedule the mediation for a time that is convenient for everyone. The mediator will speak with each of the parties by phone or in person before the day of the mediation. She will also give each of them our Agreement to Mediate (MS Word document) and review it with them to be sure everyone understands and agrees to it.