



## Mediation – Frequently Asked Questions

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### 1. What is mediation?

Mediation is a voluntary and confidential process where an impartial third party helps disputing parties explore solutions acceptable to all the parties. It relies on the good-faith agreement of the parties to discuss and reach a mutually acceptable resolution. Mediation offers internal, diplomatic resolution of disputes and provides an opportunity to talk constructively about future working relationships.

### 2. Who can use the mediation services?

Mediation services are available to faculty, staff, and graduate associates to resolve workplace disputes. Mediation can occur between peers or between individuals at different levels in the university.

### 3. Who are the mediators?

Professional mediators from outside the university are used. The mediators have significant experience and expertise in mediation. The mediation coordinator will assign the mediator. You will have the opportunity to decline a mediator prior to mediation and request a different mediator if you prefer.

### 4. What is the mediation coordinator's role?

The coordinator is responsible for conducting the intake process with all parties to a mediation, explaining the mediation process to the parties, matching mediators to cases, scheduling mediation sessions, and working to evaluate and improve the program.

### 5. How do I initiate the mediation process?

If you have a concern that you think could be resolved through mediation, the first step is to call and ask for the mediation coordinator at (614) 292-1050. The coordinator will share specific information about the mediation process with you. You will need to share information about the dispute that you would like to mediate, including the names and contact information of all parties to the dispute, and whether or not you have talked with them about mediation as a way to resolve your conflict. This is a part of the intake process.

### 6. How do I refer others to mediation?

If you want to refer other parties to mediation, your first step should be to talk with the parties involved in the dispute about using the mediation program. If you feel you cannot do this, call and ask for the mediation coordinator for guidance at (614) 292-1050.

### 7. What is the mediator's role?

The mediators' role is **not** to decide who is right or wrong, who wins or loses. Rather, the mediator is a completely neutral party who facilitates a seven-stage process to help the participants reach their own resolution to the matter.

### 8. What happens during mediation?

The mediator facilitates the mediation process that includes these seven stages:

1. Introduction (ground rules, process explanation)
2. Problem determination (all parties share their perspectives)
3. Summarizing
4. Issue identification (all parties agree to the issues to be mediated)
5. Generation and evaluation of alternatives (the parties generate their own alternatives)
6. Selection of appropriate alternatives (the parties select what will work for them)
7. Conclusion (clarify agreement terms, follow up arrangements as needed)



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### 9. How long will mediation sessions last?

Most mediation sessions will last 3-4 hours. Parties need to hold 4 hours to ensure adequate time for the mediation process. Some disputes may take 2-3 sessions to mediate. In these cases, additional sessions will be scheduled prior to the end of the first session.

### 10. What is the role of participants?

Participants initiate the process by requesting mediation. They agree to ground rules at the beginning of the mediation session, describe the conflict, and agree on the list of issues to be discussed. Participants generate potential solutions, negotiate in good faith, and work towards mutually acceptable solutions.

### 11. What types of conflicts CAN and CANNOT be handled through mediation?

Mediation can be used to resolve any workplace dispute **except** promotion and tenure, discrimination, sexual harassment, serious misconduct or criminal activity, discharge, or any other issues covered by state and federal law.

### 12. What are the advantages of using mediation?

Mediation allows parties to develop their own solutions, rather than having others' solutions imposed on them. This creates greater ownership and commitment to the solution. Mediation is a very effective way to resolve disputes between parties who will continue to work together over time...it not only solves the problem at hand, but improves working relationships as well.

### 13. When should I use mediation?

Any time you have a dispute with faculty, staff, or graduate associates, consider mediation as a way to resolve the conflict. All parties must voluntarily participate, and all should be able to see that a constructive solution to the conflict is possible. Mediation is especially effective at the early stage of a disagreement, opening up communication before concerns escalate. Individuals are encouraged to make use of mediation sooner rather than later; however, later stage disputes can also be resolved successfully.

### 14. What happens after the mediation session?

As a party to the mediation, you will come up with your own solutions to your conflict, in collaboration with the other parties. You will complete a "settlement agreement" that will outline your agreed-upon solution. In most cases, the parties to the mediation will write down and keep their copy of the "settlement agreement." In cases where the agreement contains an action to be taken by the university, the mediation coordinator will keep a copy of the settlement agreement.

### 15. Is the settlement agreement binding?

This agreement is between the parties to the conflict, and it is your responsibility to follow through on your commitments.

### 16. If I agree to mediation, am I required to agree to a solution?

You can withdraw from the mediation process at any time, with no consequences to you. You are not required to agree to any particular solution. The parties themselves develop a solution that is acceptable to all parties to the mediation.

### 17. Who pays for the process?

The Office of Academic Affairs funds the cost of the mediation process.



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### **18. Who has to approve my access to mediation?**

Faculty, staff, and graduate associates have the right to access mediation services. It is a benefit provided to you by the university. The mediation coordinator will determine whether or not the dispute is appropriate for mediation. Mediation sessions will generally occur between 8a.m. – 5p.m. If you need permission to leave the workplace to participate in mediation, talk with your supervisor to arrange a time that works best for the mediation process and for your unit. If you need permission to leave the workplace and do not want to disclose to your supervisor that you are going to participate in mediation, you will need to take vacation time to participate. We will do our best to schedule mediation sessions for 2<sup>nd</sup> and 3<sup>rd</sup> shift employees that are convenient for their schedules.

### **19. What happens if mediation does not succeed?**

We hope that mediation will succeed, and in the vast majority of cases it does. If you find you cannot implement your settlement agreement, you may choose to re-mediate your dispute, if all parties agree. You may also choose to use another avenue within the university to help resolve your dispute. To discuss your options, contact your departmental human resource professional or the Office of Human Resources at (614) 292-1050.

### **20. Are mediation materials public records?**

The intake discussion and mediation session are confidential. The “agreement to mediate” and “settlement agreement” forms are public records.

### **21. Will mediation records become a part of my personnel file?**

Mediation records (agreement to mediate, settlement agreement) will not become a part of your personnel file.

For additional information, contact the Office of Human Resources, **Mediation Service** at [hr-mediation@osu.edu](mailto:hr-mediation@osu.edu), 614-292-1050, 1-800-678-6010, Suite 300, 1590 North High Street, Columbus, OH 43201-2190, [hr.osu.edu](http://hr.osu.edu).