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The University of Georgia

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Mediation Project

What is Mediation?

**Mediation is
Accessible
Voluntary
Free**

Mediation is a process that helps people resolve disputes for themselves in a mutually agreeable way. A mediator is a neutral third party who assists the parties involved in the dispute to discuss their differences, explore options and negotiate a mutually agreeable solution.

The purpose of mediation is not to determine who wins or loses, but rather to help the parties reach their own practical workable solutions to their problems. Unlike a judge, an arbitrator or a grievance panel, a mediator has no authority to judge the parties or impose a solution.

Conflicts can occur in any setting. Sometimes people are able to work these out by communicating directly and openly with each other. However, very often these disputes escalate to a point where the parties involved cannot resolve the issues themselves. In many cases, an outside party must be called in to help the individuals begin to talk and problem solve again. Often times common courtesy and mutual respect will prevent disagreements from escalating into full-blown disputes.

Mediation is a form of dispute resolution in which neutral parties, one or more trained mediators, assist two or more parties in conflict to negotiate a mutually satisfying resolution to their dispute. The mediators provide an open environment and fair process in which clear communications and mutual decision-making can occur. A mediator remains neutral, not commenting on right and wrong or giving advice. Unlike a judge, an arbitrator or a grievance panel, a mediator has no authority to judge the parties or impose a solution. The mediator does not determine who wins and who loses in the dispute.

The goal of mediation is helping people in conflict reach their own solutions. Because the parties work jointly to resolve the dispute, resolutions are frequently more creative, tailored to the individual situation, and longer lasting. Win-lose decisions imposed by third parties, such as grievance panels, often result in greater hard feelings than the initial conflict. Winners and losers

return to the situation with more issues than ever before. In mediation, parties agree only to things that are acceptable to them. Mediation is a flexible, empowering and easy problem solving process. Mediation agreements tend to be more lasting than “win/lose” resolutions obtained through traditional, competitive, higher-authority methods.

State and federal agencies, corporations, and even professional athletes have realized that mediation has a number of benefits. Because parties jointly work to resolve the dispute, the resolutions are frequently more creative and tend to enhance, or at least preserve, relationships better than other forms of dispute resolution. The time, effort and emotional costs of mediating to resolve conflict are lower than other methods of resolution.

Mediation can be started early in a conflict, often resulting in the conflict being resolved more quickly. Since the disputing parties are involved directly, mediation is more likely to resolve the cause of the problem, rather than dealing simply with the symptoms. In this way, the agreement has a better chance of lasting longer. Because mediation gives the responsibility for the content of the agreement to the parties who will be implementing its outcomes, the outcomes are more workable, and longer lasting. The parties have a vested interest in making sure the agreement works. Through mediation, the parties learn communication and problem solving skills, which they can use to resolve future conflicts.

The University of Georgia Mediation Project

The Mediation Project at The University of Georgia will provide neutral, trained third party mediators to parties in the University community involved in disputes. Mediation is free and totally voluntary. No one will be required to engage in mediation at any time. Parties engaged in grievance proceedings may suspend the grievance process and attempt mediation at any time. If a solution is not reached through mediation, the parties may return to the grievance proceedings. Seeking a solution through mediation does not take away any of the individual’s rights to pursue their claims through grievances or other avenues.

Mediation sessions are private and the parties are asked to sign an agreement at the outset of the process agreeing not to call the mediators to any subsequent proceedings or litigation. The mediators will not retain any notes of the mediation session, and no tape recording is permitted.

If an agreement is reached, it is usually put into writing, signed by the parties and the mediators, and provided to any person designated by the parties. Mediation will not provide a resolution for every dispute; nor is it appropriate for every conflict. Mediation often suffers from a “touchy feely” image and a perception that through some magic all parties will emerge from the process in total harmony with one another. Mediation, however, can improve communications and understandings by simply assisting parties to talk about their difficulties in a neutral setting. It does provide a framework for achieving practical, real-world solutions to problems.

Anyone interested in mediation or discussing the Mediation Project should contact:

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Mediation Procedures

Mediation sessions should be held away from the parties' work surroundings. A mediator usually enters the situation without much background information about the dispute. At the beginning of the mediation session, the mediator will inform the parties of the ground rules that will be followed. All participants must agree on who will be present at the mediation. Each party will be given the opportunity to present their side of the issue in their own words. During the session, the mediators help the parties to generate and evaluate options, which may result in the disputants reaching an agreement to settle the issues under discussion.

The discussions held during a mediation session are private. Neither supervisors/administrators nor Human Resources officials are informed about details. If an agreement is reached, however, the parties may agree to share a copy of the signed agreement with interested parties. Please note, however, that any documents, including agreements between the parties, may be subject to release under the Georgia Open Records Act. The mediators will not retain any notes (notes are usually destroyed as the last step in the session) and may only inform interested parties that an agreement was or was not reached. No tape recording will be made during the session by any of the parties. Neither party in the mediation dispute may call the mediator as a witness to testify for either party in any subsequent proceeding.

Mediation will not provide a resolution for every dispute that occurs in the workplace; nor is mediation appropriate in every situation. It is not a process to be used by either party seeking to determine "who is right." A successful mediation is one where the parties involved in the dispute reach an agreement between themselves.

CONSENT TO MEDIATION

By signing this consent, I am confirming that I understand that:

Stipulations of the Mediator(s)

- Everything discussed in mediation is kept CONFIDENTIAL by the mediator(s) except as required by law or where there are threats of physical harm or incidents of actual violence.
- The mediator(s) will not discuss information shared in private conversations (caucuses) without the express permission of the party.
- The mediator(s) will not communicate with people between sessions regarding the details of a dispute or the previous mediation sessions. Communication will be permitted regarding logistical concerns (dates, times, etc.)

Stipulations of the Parties

- This is not a legal proceeding and the rules of evidence do not apply. People are free to bring any materials or discuss any matters they think will support a resolution of this matter.
- Mediation is a negotiation process based on GOOD FAITH EFFORTS on the part of all involved. In order to be successful, mediation requires a willingness on everyone's part to try to communicate honestly, listen to each other, and work toward MUTUALLY AGREEABLE SOLUTIONS. However, it is up to each party to decide what to say during mediation.

I understand that participation in mediation does not preclude my pursuing this matter through a formal grievance or legal procedure. Further, I understand that the mediator(s) will not divulge why I ceased to participate. However, as we enter into this mediation we hope to work toward a resolution of the matters before us.

- It is understood and agreed that if this matter goes to any administrative or judicial proceeding, neither the mediator nor mediation notes will be requested/subpoenaed by any party. It is also understood and agreed that a mediator will not testify in any administrative or legal proceeding even if a party asks a mediator to testify.
- People are coming to the mediation as prepared as possible to participate fully in the mediation, including bringing documentation that might clarify issues that might be discussed, discussing with superiors how decisions are to be made and supported, how time away from the job during the mediation will be handled, and confirming that primary people will participate in the mediation.
- Participants to mediation are not bound by the same rules of confidentiality as the mediator(s), but it is understood that it may be in the best interest of a lasting resolution for

everyone to refrain from discussing what was said during mediation with people not involved in the actual mediation.

- No tape recording of any part of the mediation is permitted.
- Participation in this mediation is VOLUNTARY and at any time, I can withdraw from the process by telling the mediator(s).
- Mediation is different from an administrative hearing, litigation or arbitration in that mediator(s) have no authority to make decisions regarding the substance or terms of any agreement that might arise from this mediation process. Since my participation is voluntary and the mediator(s) will make no decisions regarding the substance of any agreement, I agree that I will not sue or bring any claims against the mediator(s) or the program in connection with this service.
- All people participating in this mediation will receive a signed copy of any agreement resulting from the discussions.
- The persons or units to receive a copy of our agreement or notice of the lack of agreement will be determined at the mediation. Please note, however, that any documents, including agreements, may be subject to release to the public under the Georgia Open Records Act.
- Only persons who sign this consent may be present at the mediation.

_____	_____
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	Date
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	Date