

# UCD Alternative Dispute Resolution Mediation Service Policy and Guide

## 1. Introduction

University College Dublin is committed to the promotion of an environment which fosters mutual respect and understanding between individuals and its constituent communities.

The University recognises that a positive working environment and positive working relationships can have a positive impact on staff and student well-being. It can also lead to better performance, improved employee retention and reduced stress-related sickness absence.

The University also recognises that conflict in the workplace happens and when it does the University aims to support staff and managers to work together to resolve disputes and conflicts. Mediation is proven to be an effective tool for resolving conflicts between individuals or teams at work. Mediation is both voluntary and confidential to the limits of the law.

## 2. Policy and Service Aims

The aim of this policy is to provide individuals or groups with a framework for resolving conflicts in a way which is impartial and objective. A mediation service is provided through the Equality and Diversity Unit and is available as an informal mechanism in the Dignity and Respect Policy and in other interpersonal disputes to staff members who wish to resolve their differences through this process.

The aim of the mediation service is to resolve conflict at the earliest possible opportunity and to encourage the parties to resolve their differences without having to go through a formal process. Trade Union Representatives can

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assist with this aim by supporting and encouraging their members to engage with mediation as a way to resolve conflict at the earliest opportunity.

To a lesser extent, the process may occasionally be used to reconcile working relationships if this is recommended following a formal hearing.

## 3. Definition

Mediation can be defined as a voluntary, confidential process that allows two or more disputing parties to resolve their conflict in a mutually agreeable way with the help of a neutral third party, a mediator.

Examples of such disputes include:

- Interpersonal differences, conflicts, difficulties in working together
- Breakdown in a working relationship

Mediation is most effective when:

- Both parties are willing to work together to resolve their differences
- Room exists for an improvement in working relationships
- Allegations and counter allegations have been made
- There is dispute over a workplace situation
- No serious breaches of workplace policy or procedures have occurred\*.  
(\*Breaches of legislation or incidents of physical or verbal abuse should be dealt with under the University's Disciplinary Policy.)

Most types of work-related disputes can be mediated if those involved want to find a way forward. Mediation is especially suitable when the aim is to maintain the employment relationship. It can be used at any stage in a dispute but is often most effective if used early on in the dispute. The Mediator does

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not tell the parties what to do but rather acts as a broker of a settlement agreed by the parties. Mediation is voluntary and not normally legally binding.

The benefits of mediation include:

- It is an opportunity to resolve a problem in an informal non-adversarial way.
- The resolution of the issue remains in the control of the individuals directly concerned. They will be involved in the development of the solution and as a result the outcome is likely to be better and longer lasting.
- It has the potential for a high success rate and positive outcomes where the parties are genuinely committed to a resolution.
- Mediation focuses on the future working relationships of those involved.
- It is flexible to the needs of the parties and much faster than more formal processes.
- Mediation is a confidential process. The mediator agrees with the parties not to disclose any information arising in the mediation process. The parties themselves must maintain confidentiality as to what happens in the mediation except where they agree otherwise.
- Information learnt through the process cannot be used in grievance procedure or similar process.
- The settlement terms remain confidential to the parties and to the mediator except if parties otherwise agree.

## 4. The Mediation Service

The University will use a panel of external mediators to provide the mediation service.

The Mediation Service is available to all staff of UCD and in circumstances of a conflict/dispute arising between a student and an academic supervisor. Mediation will be provided by a panel of external mediators consisting of three service providers:

- Conflict Positive
- Mediation and HR Services
- Round Table Mediation and Training

The members of the mediation panel are fully qualified to MII (Mediators Institute of Ireland) Practitioner level and experienced in the area of Alternative Dispute Resolution (Mediation).

Access to mediation as an alternative dispute resolution method is made available through the Equality and Diversity Unit. This will usually be where two parties are in dispute or are considering making a formal complaint under the Dignity and Respect Policy. Alternatively, a HR Partner or member of the Employee Relations Unit may suggest mediation where two parties have been involved in a formal procedure and need to reconcile working relationships.

The Equality and Diversity Manager on receipt of the mediation request form and with the agreement of all parties will make the initial contact with the panel of mediators and advise them that mediation is requested by the parties.

## 5. The Mediation Process

Mediation will normally be available following local efforts to resolve the situation. An employee who wishes to begin mediation under this policy must first raise the issue with their Manager and ensure that the other party involved is aware of the nature of the dispute. If the matter cannot be raised with your manager, then you should refer it to the next level of line management. A completed Mediation Request Form should then be submitted by the Line Manager with the agreement of both parties to the Equality and Diversity Unit indicating the nature of the issue and the parties involved. A copy of this form is attached to this policy. The Equality and Diversity Manager will then select a mediator to conduct the mediation.

The first stage in the process will be for the mediator to arrange separate meetings with the parties to be involved. These meetings are designed to ensure that the parties:

- Understand and have confidence in the mediation process and mediator.
- Understand the issues.
- Are tasked to think about key issues identified by the mediator at the initial meeting so that they are better prepared for the joint meeting.

After the initial meeting the parties will be invited to a joint face to face meeting where, with the support of the mediator(s) acting as facilitator(s), they will work towards reaching a mutually satisfactory outcome.

At the end of the discussion the mediator will assist the parties to draw up an agreement, if one has been reached. This agreement is confidential to the parties unless they agree to share it with the University (in some instances, for example, the agreement may include a request for action from the University). The Mediator will notify the University as to whether an agreement has been reached through the Equality and Diversity Manager who will notify line management.

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During the process the following principles will be adhered to:

- All meetings are confidential. The only exception to this rule is where there is evidence of a serious breach of Statutory/University rules or policy or where there is evidence of serious risk to health and safety. In those circumstances the process will be terminated and the Equality and Diversity Manager informed.
- The mediator is impartial and does not take sides.
- It is solution focused – the object of the exercise is to reach a workable and mutually agreeable solution to the conflict or issue of difference.
- All parties have the right to withdraw from the process at any time.
- There may be circumstances where mediation will not be recommended, for example where disciplinary action has been instigated.
- Mediation is voluntary and is not normally legally binding.

## 6. Related Policies

UCD's Dignity and Respect Policy

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## Mediation Request Form

Date:			
Name of Manager (s):			
School/Unit:			
Phone:			
E-mail:			
Persons requesting mediation:			
Nature of their working relationship:		<input type="checkbox"/> Line Manager <input type="checkbox"/> Subordinate <input type="checkbox"/> Co-worker/colleague <input type="checkbox"/> Other*  *Please indicate _____	
Nature of the matter to be mediated:			
Desired outcome for the parties:			
Are both parties aware of this request for mediation?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Manager(s): _____  _____		Date: _____	

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**Submit this form to:** The Equality and Diversity Unit, UCD HR, Roebuck  
Offices, Belfield

The Equality and Diversity Unit will contact you regarding this request for  
mediation.