



Mediation Alternative Dispute Resolution Policy

Policy owner: UCD HR

Approval date and body: 18th June 2018 UMT

1. Purpose

The University is committed to providing an environment in which all members of our community should expect to be able to thrive and to be respected and valued for their unique perspectives and contributions so that they can achieve their fullest potential. The University recognises that a positive study and work environment can have an important impact on student and employee well-being and lead to better performance, improved retention, and contribute to a healthy University. Our University is committed to the promotion of a culture free from discrimination and conflict but it also recognises that conflict can occur, and the University aims to support all members of the University community to work together to resolve conflicts such as interpersonal difficulties.

Where interpersonal difficulties occur, the University promotes and encourages early resolution of issues through informal means in so far as is possible. Mediation is one means of resolving issues informally, once efforts at resolution have taken place at local level, and is proven to be an effective tool for resolving conflicts between individuals at work.

2. Definitions

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
- Attempts at resolution have already occurred at local level so that parties are aware of the issues going into mediation
- 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.)

3. Principles

The key principles of this policy are to:

- Provide individuals or groups with a framework for resolving interpersonal conflicts in a way which is impartial and objective
- Resolve interpersonal conflict at the earliest possible opportunity through informal means
- Allow individuals the opportunity to engage in a voluntary and confidential process
- Allow the individuals the space and opportunity to initiate their own solutions to the issues thereby increasing the likelihood of a successful and long lasting outcome
- Support the 6 values of the University of: Excellence, Integrity, Collegiality, Engagement, Diversity and Creativity
- Create a positive working and learning environment which supports good communications amongst leaders, people managers, colleagues and students, and make clear the expectations of our community with regard to mutual respect.
- Promote awareness of steps which individuals may take if they have interpersonal difficulties

- Preserve the professional relationship between students and employees and to help restore it where it has broken down
- Have an effective monitoring and analysis process that supports the policy
- Provide a process that is voluntary and non-binding.

4. **Scope**

This policy applies to all employees and students in UCD. Mediation is mainly used to help resolve issues between two parties but can also be of value in helping to restore a professional relationship following another process.

5. **Roles and responsibilities**

Manager

- To promote a culture of dignity and respect and lead by example
- To raise awareness around mediation as a means of Alternative Dispute Resolution
- To encourage and support early resolution through informal means, at local level in the first instance, with mediation available as a further option
- To liaise with the Equality, Diversity and Inclusion (EDI) Unit in relation to organising mediation for individuals in their School/Unit
- To engage with the other party on behalf of the person who has requested mediation to offer this as an option (or to discuss with the line manager of the other individual where they are an employee in another Unit)
- To advise people to contact the EDI Unit for further information on the mediation process before making a decision
- To support employees who may be attending mediation
- To re-enforce the confidential nature of the process
- To help the parties preserve a professional relationship or restore it if it has broken down.

Employees

- To support a culture of dignity and respect

- To consider informal methods as a means of resolving issues including mediation as an option following local level interventions
- To attend mediation sessions if there is an agreement to engage in the process
- To maintain confidentiality regarding the mediation process
- To attend a mandatory briefing session on mediation in the case of a formal Dignity and Respect complaint

Equality, Diversity and Inclusion Unit

- To provide advice on the mediation policy and processes
- To provide briefing sessions to individuals who are considering mediation as a means of resolving disputes
- To liaise with the mediation provider to arrange mediation
- To update the manager on the dates of mediation sessions and the outcome of mediation whilst maintaining confidentiality

Mediator

- To arrange the mediation sessions with both parties
- To maintain confidentiality throughout the mediation process
- To listen objectively to both parties
- To help facilitate discussions between both parties in order to reach an agreement as to how to work together in the future.

Human Resources

- To encourage early resolution through informal means, at local level in the first instance, with mediation available as a further option
- To promote awareness of mediation as a means of alternative dispute resolution
- To refer interested parties to the EDI Unit for further information

6. Related documents

- Dignity and Respect Policy
- Grievance Procedure
- Disciplinary Policy & Procedures
- Student Complaints Policy
- Student Code of Conduct
- Equality, Diversity and Inclusion Policy

Related Resources – Workplace Relations Commission (WRC) Mediation

The mediation service offered by the Workplace Relations Commission is an alternative to the UCD Mediation Service. It affords employees appropriate access to its mediation service in circumstances where assistance is sought in respect of claims of infringements to employment rights. It also provides access to the general public in respect of claims involving unequal treatment and discrimination claims in the civil and public service. This form of mediation seeks to arrive at a solution through an agreement between the parties, rather than through an investigation or hearing or formal decision where a formal complaint has been lodged with the WRC for Adjudication. It is important to note that the agreement reached through mediation following a formal complaint at the WRC is legally binding and can be enforced through the Courts. Further information on the WRC Mediation Service can be found at the Workplace Relations Commission website <http://www.workplacerelations.ie/en/>

7. Version history

Version	Date	Description	Author
1.0			HR