

## Mediation Guidelines For Staff

It is the policy of Texas State University to encourage the early resolution of conflicts arising on campus utilizing dispute resolution processes such as mediation. Mediation is a process in which an impartial person, the mediator, facilitates communication between disputing parties to promote reconciliation, settlement, and understanding. A mediator does not impose his/her own judgment on the issues; rather the disputing parties are responsible for developing their own resolution. This handbook attempts to outline the mediation process and procedures as implemented at Texas State University.

The Texas State mediation program is structured to meet the following objectives:

1. Participation in the program will be voluntary.
2. Mediation will be accessible to staff employees at Texas State.
3. The mediation process will be confidential.
4. The mediation process will be timely and consistent.
5. The program will be evaluated on a regular basis.
6. The use of mediation will be actively promoted.

### Voluntary

The integrity of the mediation program depends upon its voluntary nature. University management may encourage but not compel disputing parties to avail themselves of mediation.

### Staffing and Support

The staff is required to contact Human Resources for assistance with mediation.

The parties involved in the mediation will be contacted directly by the mediator. The mediation meeting will occur on campus. Time spent in the process of mediation is considered “work time

### Confidentiality

Confidentiality is the cornerstone of any mediation program. The concentration of efforts to maintain confidentiality rests with the control of written and verbal information generated during the mediation process. As such, all documents generated during the mediation process will be retained by the mediator. The mediator will generate a final report documenting whether or not an agreement was reached by the parties, as well as comments by the parties regarding their satisfaction with the mediation program. This information will be retained by Human Resources and may be shared with supervisory officials who manage the performance of the employees involved as well as any other university official deemed appropriate by Human Resources.

### The Mediation Process

1. Cases may come to mediation from a variety of sources. Disputing parties may contact Human Resources directly (self-referral) and be scheduled for intake. Referral may also be made by any

staff member. Such referrals are accepted at the discretion of Human Resources. Human Resources may require the disputing parties to contact the HR office directly.

2. After a case has been referred to Human Resources, the intake coordinator will determine if both parties are willing to undertake the mediation process. The Human Resources office will contact the potential clients within five days of receiving the referral to conduct the intake interview. During the interview session(s), the intake coordinator will:
  - provide the clients with a definition of mediation and discuss the mediation program
  - ensure that the clients understand the voluntary and confidential nature of mediation
  - inform clients of the need for all parties to be willing to work toward an agreement
  - remind clients that the mediator will remain neutral and cannot provide an arbitrary decision through the process
  - inform the clients that at the beginning of the mediation hearing they will be given the opportunity to end the mediation if, for any reason, they are uncomfortable with the process
  - gather information necessary to complete the Intake/Referral form
3. The Intake/Referral form is considered highly confidential and will be handled only by Human Resources, and the mediation service. The intake coordinator will then contact the mediation service and forward to them the intake form. Upon receipt of the intake form, the mediation service provider will contact the parties involved and initiate the mediation process.

<b>Policy</b>
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The intake coordinator is responsible for determining if an issue requested for mediation meets the requirements for mediation under the provisions of [UPPS 04.04.41](#), Staff Employee Mediation and Grievance Policy, and the mediation process guidelines. Any exceptions to this determination must be approved by the Vice President for Finance and Support Services. Most workplace related issues outside those specifically addressed by UPPS [04.04.46](#) and [The Texas State University System Sexual Harassment Policy](#) may be appropriate for mediation. Similarly, violations of federal and state law, regent's rules, and university policy are usually not appropriate for mediation.

The following are examples of disputes appropriate for mediation:

1. Employment matters
2. Discrimination
3. Harassment

The following are examples of disputes deemed inappropriate for mediation:

1. Violation of a Regents Rule, such as:
  - a. Illicit use, possession, sale or distribution of prohibited drugs
  - b. Use, possession, sale or distribution of firearms, etc.
2. Violation of a university policy
3. Disputes involving sexual harassment – such disputes should be immediately referred to the Office of Equity and Access in accordance with [The Texas State University System Sexual Harassment Policy](#)