Mediation Alternative Dispute Resolution Policy

Policy owner:	UCD EDI	**Approval date and body:**	12th March 2024 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 where everyone is respected and free from 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 and study.

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/studying together

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- Breakdown in a working relationship for employees or students
- Where it is felt bullying or harassment has taken place

Mediation is most effective when:

- Both parties are willing to work together to resolve their differences
- Room exists for an improvement in working relationships
- Attempts at resolution have already occurred at local level where appropriate so that parties are aware of the issues going into mediation
- There is a dispute over a workplace situation or in a study context
- No breaches of legislation or incidents of physical abuse have occurred (such matters should be dealt with under the University's Disciplinary Policy, Student Code of Conduct or other relevant 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, confidential and non-binding 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; Excellence, Integrity, Collegiality, Engagement, Diversity and Creativity.
- Create a positive working and learning environment which supports good communication amongst leaders, people managers, colleagues and students, and makes 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 help restore it where it has broken down.
- Have an effective monitoring and analysis process that supports the policy.

4.   Scope

This policy applies to all employees and students in UCD. In limited circumstances, the policy may apply to other UCD community members. 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

Note: The UCD Dignity and Respect Support Service, as part of the Equality, Diversity and Inclusion (EDI) Unit, provides briefings and coordination services in respect of all university mediation requests including those without a dignity and respect aspect.

Manager (in the case of employees)

- To promote a culture of dignity and respect and an environment free from conflict 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 where appropriate, at local level in the first instance, with mediation available as a further option.
- To liaise with the Dignity and Respect Support Service 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 mediation 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 Dignity and Respect Support Service 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/Students

- To support a culture of dignity and respect and an environment free from conflict.
- To consider informal methods as a means of resolving issues, including mediation as an option, following local level interventions, where possible.

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- To attend a briefing on mediation to better understand the process - this is not a requirement in order to proceed with mediation but is beneficial in order to be able to make an informed decision as to whether to engage in the process.
- To attend mediation sessions if there is an agreement to engage in the process.
- To maintain confidentiality regarding the mediation process apart from seeking support throughout the process.
- To give any request to attend a mediation briefing session, in the case of a formal Dignity and Respect complaint, due consideration.

UCD Equality Diversity and Inclusion Unit

- To communicate mediation recommendations of the Dignity and Respect Screening Panel to the complainant and respondent in the case of a formal Dignity and Respect complaint.
- To act on notification that mediation is terminated 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.
- To act on notification of the outcome of mediation as part of a formal Dignity and Respect complaint process.

UCD Dignity and Respect Support Service

- To provide advice on the mediation policy and process.
- To provide briefing sessions to individuals who are considering mediation as a means of resolving disputes.
- To provide guidance to managers/Heads of School/Student Support Professionals on the mediation process so they can support employees/students in dispute resolution.
- To oversee the provision of mediation services.
- To liaise with the mediation provider to arrange mediation.

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 or study together in the future.

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- To encourage early resolution through informal means, at local level in the first instance if appropriate, 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 Dignity and Respect Support Service for further information.

6. Related documents

- Mediation Procedure and webpage
  https://www.ucd.ie/equality/support/mediation/.
- Bullying and Harassment Policy
- Sexual Misconduct Policy
- Grievance Procedure
- Disciplinary Policy & Procedures
- Student Complaints Policy
- Student Code of Conduct
- Equality, Diversity and Inclusion Policy
- Conflict Resolution for Supervisor(s) and Graduate Research Students Policy

7. Related Resources

- Bullying & Harassment - Informal Options
- The Mediators Institute of Ireland
- Dignity & Respect supports
- 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/.

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7.   Version History

Version	Date	Description	Author
1.0	June 2018	Mediation Alternative Dispute Resolution Policy	HR
2.0	March 2024	Mediation Alternative Dispute Resolution Policy	EDI