

## UNT Mediation Program Frequently Asked Questions

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### **Q: Who is eligible to participate in the mediation program?**

**A:** The Alternative Dispute Resolution program – mediation - is available to all faculty, staff and students of the University of North Texas. If you are an employee of the university seeking information or desire to schedule mediation, you should contact the [Human Resources Department](#), (940)565-2281. If you are a student and all involved parties are not employees of the university, you should contact the [Student Legal Services Office](#), (940)565-2614.

### **Q: When is mediation most appropriate?**

**A:** Mediation can be used at any time when the working relationship of two or more individuals has broken down. Mediation is appropriate when the individuals:

- Have voluntarily chosen to participate in the mediation and do not feel coerced
- Are committed to finding workable solutions to their problems
- Need help from an external third party to facilitate discussion
- Have to work together and experience frequent conflict

### **Q: When is mediation not appropriate?**

**A:** Mediation may not be appropriate when:

- One party does not have genuine interest in resolving the issue at hand
- A manager/supervisor wants to use mediation to avoid managerial responsibilities
- A decision about right or wrong is needed, for example with a disciplinary issue
- The parties do not have the authority to settle the issue

### **Q: Does mediation work?**

**A:** Mediation has a high success rate but there can be no guaranteed outcome. The mediator is there to help, but it is up to the parties involved to reach their own agreement and follow through.

### **Q: What is the difference between mediation and arbitration?**

**A:** Mediation is quite different from arbitration.

A mediator assists the parties in reaching a solution that is acceptable to each of them without imposing a decision. Mediators will not make judgments or determine outcomes—they simply ask questions that help uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their conflict.

In contrast, arbitration involves an impartial outsider making a firm decision on a dispute, based on the evidence presented by the parties. In arbitration, both parties must agree in advance that they will abide by the arbitrator's decision.

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**Q: Is mediation confidential?**

**A:** The process of mediation is entirely confidential. Any notes or records made by the mediators during the process will be destroyed after the mediation process is concluded. The mediators will not divulge any information that is shared unless given permission to do so by the parties involved. The exceptions to this are when the mediator reasonably considers that the safety of any person is or may be at risk, or when there is potential/alleged illegal or criminal activity reported. Should any of these exceptions come to light, the mediation process will be stopped and mediators will alert the Human Resources Department.

**Q: Am I required to take part in mediation?**

**A:** No. Mediation is entirely voluntary and needs the agreement of both parties. This allows you and the other party to drive the process yourselves and come to your own agreement rather than having an outcome imposed upon you. It is hoped that this will make you both feel more committed to what you agree. If you agree to take part you are also free to withdraw at any time.

**Q: Is my supervisor/department required to provide me time to participate in mediation?**

**A:** Mediation is a problem-solving avenue supported by the university; therefore, departments are encouraged to support efforts made by employees to informally and effectively solve workplace issues to improve individual, department and overall institutional effectiveness.

**Q: Who are the mediators and what is their role?**

**A:** The mediators are volunteers from within the University of North Texas System who have received formal mediation training and receive ongoing training to enhance their mediation skills.

The mediators are neutral and impartial; they have no vested interest in the outcome and will not impose an agreement. The mediators are only interested in helping parties reach a mutually acceptable solution. They will manage the mediation process, creating a safe and supportive environment so that you can talk honestly and openly about what has happened and how it has affected you.

**Q: How many mediators will facilitate the process?**

**A:** One or two mediators will facilitate the process, depending on the circumstances and number of employees involved in the mediation. At times, the University of North Texas uses co-mediation where two mediators work as a team to mediate the issues at hand. Neither mediator supports any particular party in the mediation, but they work together to give a fair and balanced mediation.

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**Q: Can I choose my mediators?**

**A:** No. The mediators are chosen by Human Resources to ensure that there is no conflict of interest and to match mediator's background and experience appropriately with the issue(s) being mediated.

**Q: What is my role in the mediation?**

**A:** Mediation is only as successful as the parties involved make it. Your responsibilities are:

- Work with the other party to decide on the root cause of the issue(s)
- Keep an open mind when working through the mediation
- Show respect for the other party's point of view of the situation
- Actively look for a solution
- Work with the other party to determine the best/most applicable solution for the issue(s)

**Q: How long do mediations typically last?**

**A:** Initially, Human Resources will schedule three hours for mediation, either from 9 a.m. to noon, 1 to 4 p.m. or 1:30 to 4:30 p.m. Most mediations will be completed in this time setting, and if more time is needed, Human Resources will work to set up additional mediation sessions as close to the original time frame as possible.

**Q: Where does the mediation take place?**

**A:** Mediation is arranged by Human Resources at a neutral location convenient to both parties.

**Q: What do I need to do before the mediation begins?**

**A:** Prior to the mediation, you will receive a Pre-Mediation Information Form from HR. Use this form to briefly describe the situation or issues that have occurred that brought you to request mediation. This form will help the mediators have a clear understanding of the situation before entering into the mediation. Be prepared to discuss this issue with the other party involved, and when doing so, think about what is important to you, what you need from the other party and, from your perspective, what you believe is the best possible outcome.

**Q: How do you schedule mediation?**

**A:** Once you decide you would like to use mediation, it is up to you to decide whether you'd like to invite the other person(s) to participate or whether you'd like HR to extend the invitation. Either way, once confirmed that all parties have agreed to mediate, HR will send information to all parties involved providing general information and next steps.

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**Q: What if I don't like the mediated agreement?**

**A:** There can only be a mediated agreement when all parties agree. If you feel you are being asked to agree to something which you do not genuinely favor, you should speak to the mediator to explain your objections. You and the other party are responsible for defining the problem and deciding the content and terms of the agreement. No agreement can be imposed through mediation.

**Q: Do both parties have to keep to the agreement that was reached in mediation?**

**A:** Yes, the parties who have agreed to mediation do so under the assumption that once an agreement is reached, both parties will work towards honoring that agreement. If one party feels that the other party is not honoring the agreement, the first party may request further mediation or pursue their concern through the [Grievance Policy 1.7.2](#). Please reference the [Alternative Dispute Resolution Policy 1.7.5](#) for further information.

**Q: Why is mediation a good alternative to the grievance process?**

**A:** There are several benefits to the mediation process:

- Mediation can be used to address a broad range of issues that might or might not be appropriate for the grievance process.
- Mediation is informal and off the record, while the grievance process is not.
- Unlike the grievance process, mediation is a mutually voluntary process that any party can decline to participate in at any time.
- Mediation is a more collaborative process designed to allow the parties to seek common understanding and reach an agreement that meets everyone's needs.
- Mediation is a non-adversarial process; it is especially useful in situations where the participants will continue to work together once it is over.
- Mediation opens up the lines of communication, providing an informal and neutral setting for discussion between two individuals or small work groups.

**Q: What is the difference between the services offered by the Office of the Ombuds and the Mediation Program?**

**A:** The difference between the Mediation Program and the services the Ombuds offers is that the Office of the Ombuds does not keep written records of the mediation agreement, where as the HR Mediation program will keep a Mediated Agreement document if the two disputing parties create one.

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**Q: By taking part in mediation will I give up my right to raise a formal grievance?**

**A:** No. Per the [Alternative Dispute Resolution Policy 1.7.5](#) “In the event a party fails to comply with a mediated agreement ... a party may request a subsequent mediation or, if a staff member, pursue his/her concern through the procedures established under the [Grievance Policy 1.7.2](#).”