

University of Virginia
University of Virginia Health System
Faculty & Employee Assistance Program (FEAP)
The Mediation Process through FEAP

What is mediation?

Mediation is a method of third party intervention in which impartial mediators help parties in conflict identify their needs and interests as well as workable solutions to the problem. Our mediation services are free and confidential. They are scheduled to accommodate all parties. Mediation is not about determining right or wrong. It is about working out past problems and looking at future possibilities.

When is mediation not appropriate?

Mediation is not a substitute for performance management, nor is it appropriate in all conflict situations. Since mediation is a voluntary process, the two people involved need to want to mediate and be willing to approach mediation in that spirit. Sometimes people will say they are willing, but are not open to approaching the mediation process in a helpful way. In those circumstances, mediation will not be recommended.

What will happen in the mediation process? (Note: this is the typical process, but some modifications may be made based on specific situations.)

Step 1 – Human Resources and/or Manager/Supervisor consults with an Employee Assistance Consultant (EAC) to share information about why mediation is being considered.

Step 2 - The referring party shares information on the mediation process with the pertinent employees and advises the employees to call FEAP at 434-243-2643 to set-up an initial session with an EAC.

Step 3 – Each person participating in the mediation will meet individually with separate EACs to discuss the concerns leading to mediation, the mediation process, and if they are interested in pursuing mediation as an option to resolve concerns. Participation in mediation is voluntary.

Step 4 – The two EACs will consult on the appropriateness of mediation based on the situation and decide if that is the most appropriate intervention. It is important to understand that the EACs will guide the process and at times the process will take additional time for reasons that are not shared but are relevant to the mediation process.

If mediation is proceeding, the EACs will contact both participants to coordinate a date for the initial mediation session where both participants and both EACs will attend.

If mediation is not recommended, the EACs will share that mediation is not recommended at this time to both participants and to the referring agent. Possible reasons that mediation does not proceed can include not having two willing parties, performance management is the recommended intervention or the power inequity between participants is too substantial, etc. Names are not associated with the reasons in communication with the parties or the referring agent.

The employee can meet again with the EAC regarding strategies as they move forward.

Step 5 – The day of mediation, plan for 1.5 hours to meet for the initial session and at times it can take longer. The 2 EACs and the 2 participants meet to mediate concerns and create a positive pathway forward. At the end, the parties will agree on the strategies for moving forward which may be put in writing or summarized via email afterwards. There may be a follow-up mediation session scheduled in 1 month or a plan to check-in at that

time. Participants are free to communicate with the EAC they met with at any time for further consultation as they work to improve the working relationship.

Step 6 – One of the EAC’s will communicate to the referring agent that mediation has taken place and whether a subsequent mediation session is planned or not. No other content is provided.

Your role in the mediation

Mediation will only be as successful as you make it! Come to the mediation prepared to discuss what has brought you to mediation and what your needs and interests are in this conflict. This is an opportunity to lay out your concerns, not to “make your case.” Each party will be given an opportunity to share their view of the conflict with no interruptions while the other party listens. There is nothing to prove to the mediators, as they will not be deciding wrong and right.

Your responsibilities in mediation are to:

1. Decide what your issues and needs are in this conflict.
2. Listen openly to the other person’s perspective.
3. Look for solutions to the conflict.
4. Work in good faith with the other parties to determine a solution that is acceptable to all.

Remember: you work through the issues and construct the agreement; the mediators facilitate the discussion process. You should come to the mediation ready to work toward a resolution of the problems involved in your dispute.

The Role of the Mediator

The mediator, as a neutral third party, will facilitate discussion in order to enhance communication and understanding. If participants choose to reach a resolution, the mediator will assist in this process. The mediator serves as a facilitator. The mediator is not an advocate, judge, jury, counselor, or therapist. The mediator does not give legal advice. The mediator will not solve the dispute, express an opinion of who is right or wrong, or make decisions for the parties. The parties agree not to involve the mediators, the Dispute Resolution Coordinator, or any records pertaining to this mediation in any court or administrative proceedings.

Confidentiality is important

Confidentiality allows people to be comfortable working on tough and sometimes sensitive issues. Mediation creates an opportunity where you can openly address the issues of the conflict in an environment designed to facilitate resolution. Confidentiality is discussed at the beginning of each mediation. Note the communication that will take place with referring/relevant parties as described in Step 4 and 6.

I have read and understand the provisions of this agreement.

Signature of Participant Date

Signature of Participant Date

Signature of Mediator Date

Signature of Mediator Date

