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# INFORMAL MEDIATION WITH THE OMBUDS

## INFORMAL MEDIATION PREPARATION QUESTIONS AND ANSWERS<sup>i</sup>

### WHAT IS MEDIATION?

Mediation is a collaborative approach to problem solving that, with the aid of an independent neutral third party, is an opportunity for individuals to voluntarily meet, share perspectives, gain greater understanding of what is important to everyone involved, negotiate future-focused agreements and move forward.

### WHAT ARE THE ADVANTAGES OF USING MEDIATION?

Mediation helps people uncover underlying interests, address deep concerns and emotions, discover new information, make requests, reach acceptable agreements, reconcile and often improve relationships. This service is offered to all persons with university-related concerns at no financial cost.

### WHAT IS THE OMBUD'S ROLE?

The ombuds serves as a third party neutral who facilitates the conversation. The ombuds will calibrate expectations, invite sharing, ask clarifying questions and will facilitate negotiated agreements. The ombuds remain impartial. Ombuds do not judge or arbitrate and they have no decision-making power.

### WHAT IS THE ROLE OF PARTICIPANTS?

Participants initiate mediation by requesting this service. The mediation's success relies upon open-minded participants willing to have honest and candid conversations. Participants should come with curiosity to hear opposing viewpoints. Participants craft their own agreements and are self-accountable for adherence to these agreements.

### WHAT HAPPENS DURING MEDIATION?

Prior to agreeing to facilitate a mediation, the ombuds will meet with each party separately. Once the ombuds determines that mediation is appropriate and the parties agree to participate, the ombuds will schedule a joint session.

The joint session typically includes these five stages:

- 1) Convene mediation
- 2) Ombud's introductory remarks
- 3) Communicate
- 4) Negotiate
- 5) Conclude

## HOW DO I INITIATE THE MEDIATION PROCESS? CAN I BE SUMMONED TO A MEDIATION WITH AN OMBUDS?

Any party to a dispute may request a mediation, however, not all disputes are appropriate for mediation with the Ombuds. After meeting with each party individually, the Ombuds will determine if mediation is appropriate. If mediation is an appropriate course of action, the Ombuds will work with participants and the Ombuds scheduler to arrange a joint mediation session. Mediation is a voluntary process. No one can summon, mandate or obligate someone to participate in an Ombuds mediation. In addition, participants may withdraw from the mediation process at any time, with no consequences.

## ARE THERE ANY INSTANCES WHERE THE OMBUDS WOULD NOT MEDIATE?

Yes. While mediation can be an appropriate tool for dealing with most interpersonal and work-related conflicts, it is not appropriate for every situation. The ombuds will help determine if aspects of the conflict presented are able to be mediated.

## WILL THERE BE ANY RECORDS GENERATED FROM THE MEDIATION PROCESS?

No. There are no records. If any sort of agreement is reached between parties to the conflict, it is the participants' responsibility to write down agreements.

## DO I GIVE UP OR WAIVE ANY ACCESS TO FORMAL PROCESSES BY SEEKING MEDIATION?

No. The conversations and good-faith agreements made by the parties are non-binding, which means that parties do not waive the right to pursue other formal or informal options.

## IF I AGREE TO MEDIATION, AM I REQUIRED TO AGREE TO A SOLUTION?

No. The parties will be given the opportunity to generate, explore and negotiate solutions together. Participants are not required to agree to anything. In addition, participants may withdraw from the mediation process at any time, with no consequences.

## WHAT SHOULD I DO TO PREPARE FOR A MEDIATION?

Prior to the mediation, the ombuds may ask participants to generate a bulleted list of up to five issues, concerns, or questions, which will serve as the foundation of the conversation. The ombuds also encourages all participants to consider the following questions:

- What do I want for me?
- What do I want for the other person/people involved?
- What do I want for the relationship(s)?
- What do I want for the organization?
- What does resolution look like?

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<sup>i</sup> Authored by Kerry Tay McLean. All Rights Reserved. For the University of Colorado Boulder Ombuds Office services and information, please call 303-492-5077.