



# MEDIATION

## STANDARDS OF PRACTICE

### **Standards of Practice for Mediators in the UCI HR Mediation Program for Staff**

**Standard I: Competency:** Mediators must have completed a 40-hour course in internal workplace mediation that includes extensive role-playing. Where lacking the skills necessary for a particular case, the mediator shall decline to serve or withdraw from serving as mediator.

**Standard II: Neutral and Impartial:** Mediators shall, in word and action, maintain neutrality and impartiality toward the parties and the issues in the dispute and, where their neutrality or impartiality is in question, the mediator shall decline to serve or shall withdraw from serving as mediator.

**Standard III: Confidentiality and Privacy:** Mediators shall maintain the confidentiality and privacy of all information obtained by the mediator in mediation, unless otherwise agreed to by the parties or required by applicable law.

**Standard IV: Consent:** Mediators shall make reasonable efforts to ensure that all parties understand the mediation process and the options available to them, and that the parties are free and able to make whatever choices they desire regarding specific settlement options. Participation in mediation is voluntary on the part of the employee. When an employee requests mediation, supervisors and managers who are a party to the conflict are strongly encouraged to attend and participate in good faith. Supervisors and managers are not required to reach an agreement or settle.

**Standard V: Self-Determination:** Mediators shall respect and encourage self-determination by the parties in their decision to resolve their dispute, and on what terms, and shall refrain from being directive and judgmental regarding the issues in dispute and options for settlement.

**Standard VI: Separation of Mediation from Counseling and Legal Advice:** Mediators shall limit themselves solely to the role of mediator and shall refrain from giving legal or therapeutic information or advice, and from otherwise engaging in counseling or advocacy during mediation.

**Standard VII: Promotion of Respect and Control of Abuse of Process:** Mediators shall encourage mutual respect between the parties and shall take reasonable steps, subject to the principle of self-determination, to limit abuse of the mediation process.

**Standard VIII: Conflicts of Interest:** Mediators shall, as far as possible, avoid conflicts of interest and, in any event, shall resolve all such conflicts in favor of their primary obligation to serve the parties to the dispute in a neutral and impartial manner.