

# Workplace Issue Resolution Program

## Frequently Asked Questions

### What is the Workplace Issue Resolution Program?

It is a dispute resolution program that facilitates the timely resolution of employment related differences that arise in the workplace. It is offered as an alternative to a complaint process, which doesn't provide a process for the parties to create their own solutions.

### What is mediation and why is it included in the Workplace Issue Resolution Program?

Mediation is an alternative form of dispute resolution. It's an informal process in which a trained mediator helps parties reach a negotiated resolution of the dispute. The mediator doesn't decide who is right or wrong, and has no authority to impose a settlement. Instead, the mediator helps the parties jointly explore and reconcile their differences. The main reason NMSU uses mediation is because we believe that the parties themselves are in the best position to resolve their concerns, and that communication may improve as a result of the process.

### Is the mediation process confidential?

Yes, NMSU maintains strict confidentiality in the mediation program. The mediator and the parties must sign an agreement that they will keep everything that's revealed during the mediation confidential. Mediation sessions are not tape-recorded or transcribed; notes taken during sessions are destroyed.

### How are the mediators selected?

The Office of People Relations selects a mediator from the list of trained mediators or may select two mediators to co-mediate the dispute. Mediators are selected taking into account the nature of the problem, the parties, and the experience of the mediators.

### Who are the Mediators?

The mediators are trained members of the Office of People Relations, and members of the NMSU community who are trained to mediate employment disputes. NMSU has developed an on-campus pool of trained mediators who are neutral and unbiased, with no stake in the outcome of the mediation process. OPR can also utilize trained mediators who are part of the State of New Mexico's Alternative Dispute Resolution (ADR) program, at no cost to NMSU or the participants.

## Does NMSU require the parties to participate in mediation?

No. Participation in mediation is voluntary. However, we strongly believe that disputes are more effectively resolved by the involved parties and so we encourage the resolution of disputes in this manner. Either party may decline to participate in mediation.

## At what point in the dispute resolution process will mediation take place?

Mediation is usually offered to the parties after they have tried unsuccessfully to resolve the dispute within their college/department. In some cases, mediation is offered immediately in the hope that it will prevent the hardening of positions that can occur during a lengthy dispute.

## Will I find out who the mediators before the mediation session takes place?

Yes. You'll be given this information to ensure that there are no conflicts with the chosen mediators.

## Where will the mediation sessions take place?

The mediators arrange a mutually convenient time and place for the mediation after consultation with both parties.

## How long does the mediation process take?

Mediation is a very efficient, timesaving process. A mediated settlement may be reached in a single session that can last from 1-2 hours. More than one session may be appropriate or necessary.

## Who should attend a mediation session?

Both parties to the dispute – usually the employee and the supervisor – should attend, although disputes can occur among co-workers.

## What happens if a dispute isn't resolved in mediation?

If a dispute isn't resolved during the process, other options will be considered.

## Are all disputes eligible for mediation?

No. The Office of People Relations evaluates each dispute to determine whether it is appropriate for mediation. We consider such factors as the nature of the case, the relationship of the parties, the size and complexity of the case and the relief sought. There are specific issues that cannot be addressed in mediation:

Determination of base salary or salary increases

Claims of salary inequities, job grading and classifications  
Selection for jobs or reassignments  
Performance Appraisals  
Decisions resulting in restructuring or position elimination  
Disciplinary Actions  
Terminations

## Can the parties bring an attorney or other representative to the mediation session?

No. The purpose of mediation is for you to work out a solution together, using the mediators as facilitators to come to agreement.

## Are the parties required to pay for the mediation?

No. There is no fee for mediation.

## What happens if a party does not comply with an agreement reached in mediation?

If either party believes that the other has failed to comply with a mediated settlement agreement, he or she should contact a representative from the Office of People Relations.

## Can information revealed during a mediation session be used during a panel hearing?

No. Since the entire mediation process is strictly confidential, information revealed during a session can't be disclosed to anyone – including other NMSU personnel. So, it cannot be used during any subsequent proceeding.

## Does mediation work?

Yes. It is a fair and efficient process that can avoid a lengthy resolution. It also may assist with improving communication in the workplace.

## What are the other options?

NMSU strongly believes that most disputes can be resolved using the open door philosophy, conference/facilitated meeting, or mediation. However, when an issue can't be resolved using those resources, a staff member may elect to file a grievance using NMSU's staff or faculty grievance policies.