

**THE MEDICAL COLLEGE OF GEORGIA
ADMINISTRATIVE POLICIES AND PROCEDURES**

Office of Primary Responsibility:
LEGAL ADVISOR

Subject:
THE INFORMAL MEDIATION PROGRAM

1.0 POLICY

The Medical College of Georgia recognizes the value of constructive conflict resolution. It promotes intellectual debate and heralds change, and as such, should be viewed as an opportunity for growth. The faculty, students, and staff of the Medical College of Georgia are encouraged to seek an appropriate resolution to any conflict within our institution through discussion with those persons and departments which may be involved. If this does not resolve the conflict, the parties may seek the assistance of the informal mechanisms described in this policy.

2.0 PROCEDURES

A. Oversight and Administration. The Medical College of Georgia (MCG) Informal Mediation Program shall be administered by the Committee on Alternative Dispute Resolution and the Campus Coordinator.

- 1 The Committee on Alternative Dispute Resolution shall consist of members as appointed by the President and shall oversee the Mediation Program, and advise the President and the Campus Coordinator concerning the Mediation Program.
- 2 The Campus Coordinator shall be appointed by the President and serve as the Chair of the Committee on Alternative Dispute Resolution. In addition, the Campus Coordinator shall:

Act as a first point of contact for any member of the Medical College of Georgia community who wishes to use the Mediation Program; Screen requests for mediation using the criteria described below (and Exhibit "A"); Provided that mediation is appropriate, arrange for an approved, neutral mediator to mediate the dispute; Obtain feedback from the participants in each mediation to find ways of improving the Mediation Program (using Exhibit "B");

B. Mediators. The Committee on Alternative Dispute Resolution shall be nominated by senior vice presidents, deans, department chairs, and division directors for appointment by the President and shall include current Medical College of Georgia faculty, students, and staff. Each nominee must successfully complete an appropriate course designed to train mediators (such courses should normally include a total of 20 hours of instruction and mock mediations). The Committee on Alternative Dispute Resolution will act as a neutral group to identify disputes that would benefit from mediation and direct others to appropriate alternative MCG resources. If needed, the Committee on Alternative Dispute Resolution may request funding to pay the expenses involved in obtaining proper training and experience for potential mediators. At times, it may be appropriate to obtain a mediator from off-campus. In these instances, the Campus Coordinator should contact other institutions within the University System to obtain a neutral mediator. The Campus Coordinator may request funds to reimburse this off-campus mediator for their travel. If other institutions within the University System request the services of mediators from the Medical College of Georgia, the requesting institution must pay the expenses involved in our mediator's travel. When an outside mediator is necessary, the manager's School or Department shall be obligated to pay the cost of the mediation.

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Upon the request of the Campus Coordinator, mediators shall arrange an appropriate time and place to conduct the mediation in question, obtain the participants' written consent per Exhibit "C," and conduct the mediation in accordance with their best professional judgment.

- C. Mediations.** Participation in mediations shall be voluntary. However, managers are strongly advised to include mediation, where appropriate, in the early stages of a dispute before it results in a grievance. Failure to do so may subject the manager to required mediation prior to taking any final disciplinary action against an employee. Time spent in mediations shall be considered part of an employee's normal working time. Employees shall not be required to take annual or other leave to participate in mediation, and supervisors are strongly discouraged from authorizing the use of overtime for mediations. Supervisors shall make reasonable efforts to make employees available to participate in mediation.

The Mediation Program shall be available for disputes between members of the MCG community of faculty, students and staff, with the following exceptions:

1. Disputes that have been the subject of a final ruling or decision according to MCG policies and procedures. For example, if someone has already been terminated, mediation is not available. Also, if the President has ruled on a grievance or appeal, then decision must stand.
2. Disputes involving purely academic decisions. Because academic decisions (such as the subjective assessment of a student's paper) are not subject to administrative or judicial review, they are also inappropriate for mediation. However, disputes involving academic matters may concern other issues such as race or gender discrimination. In those cases, mediation may be available, but only for the non-academic issues.
3. Disputes that do not concern a matter which, if left unaddressed, could result in either harm to the institution or discipline for an employee or student of the Medical College of Georgia. This rule is intended to give the Campus Coordinator the discretion to deny mediation for trivial matters, or for matters that have no relation to the official business of the Medical College of Georgia.

Both the mediators and the parties should normally consider the statements made during mediation to be private, and the mediator shall normally destroy any notes kept during the mediation. However, there is no legal privilege which protects the statements made during mediations, and all participants, including the mediators themselves, are required to report statements which reveal conduct which is criminal or which poses a significant risk to the safety of others or the proper operation of the Medical College of Georgia.

The parties to mediation should reduce their resolution of their dispute(s) to writing. Such written agreements must be consistent with the rules and policies of the Medical College of Georgia. If appropriate, the mediator should remind the parties of the limits of their authority, and of the possible need to discuss their proposed resolution with their supervisors or with other departments on campus which may be affected or involved.