

Mediation

Mediation is a voluntary process available to graduate research students and supervisors to support the [Graduate Research Grievance Resolution process](#) and address issues arising in graduate research. It aims to increase communication and clarification should an issue arise between students and/or staff, and to explore future focussed options with a view to resolution. If mediation does not resolve the issues, individuals can still choose to follow the formal complaints procedure (Level 2) as per Clause 9 (f) of the [Complaints Resolution Procedure for Students and Members of the Public](#).

MEDIATION PROCESS

Exploring mediation options usually starts with informal discussions with the Department or School HDR Director or the Academic Director, Graduate Research; however, individual parties may seek mediation directly with a nationally accredited Graduate Research Academy (GRA) mediator. If an individual would like to use a GRA mediator, they should contact gr.mediation@mq.edu.au. At this stage a mediator external to the Faculty of the student will be assigned to meet with both parties separately.

Mediation may also be undertaken if agreed by the parties involved after the commencement of a formal complaint. Where this is the case, the formal procedure may be suspended while mediation takes place, but this depends on the circumstances. Mediation may also be recommended as part of the actions to be taken following the completion of a formal complaint.

The process outlined below is typically how mediation sessions will be conducted, however, the process may be varied to suit the specific situation with the agreement of the participants. In some circumstances there may be two mediators working together.

In exceptional circumstances, individuals may feel the need for additional support during the mediation process. This should be raised at the first point of contact with a mediator who will then discuss options to enable full participation in the mediation.

PRELIMINARY CONFERENCE OR INTAKE

The initial meeting or 'intake' is to determine if mediation is an appropriate course of action. Intake meetings will be held separately with each party to allow them to talk through their issues and concerns and provide an opportunity to ask questions about mediation. All meetings will take place in a safe, neutral environment and may be conducted online. This process is confidential for all participants including the mediator.

If either party does not wish to take part in the process, the mediation cannot progress. In such circumstances, parties could consider alternatives, in consultation with the [Graduate Research Grievance Resolution process](#).

If mediation is to proceed, the mediator will confirm with all parties involved that they are willing to participate in mediation prior to arranging joint meetings. All parties will be required to sign the Agreement to Mediate form and will work with the mediator to prepare for the meetings.

JOINT MEDIATION

Following the initial intake meetings and decision to proceed with mediation, parties will come together in a joint meeting. The meeting will be led by the mediator. The mediator will normally start by explaining how the session will work, setting the agenda for the mediation and giving everyone uninterrupted time to put forward their perspective and potential solutions.

During a joint meeting, either party can ask to see the mediator privately. If this happens then the mediator will accompany the party to a separate room and ask the other party to remain in the room. Nothing said in a private discussion with one party will be repeated to the other party by the mediator.

As the process develops, the mediator guides parties in understanding the viability of options that are available to them. It is not the role of the mediator to make decisions for the parties or to provide advice. It is up to the

parties themselves to decide on whether and how they want to resolve their dispute. As an area of agreement is reached, the mediator will clearly articulate this, and assist in exploring an agreement from both/all parties and assist the parties to record it.

CONCLUDING THE MEDIATION

The mediation process will conclude when both/all parties confirm that they have dealt with the conflict and have reached a mutually acceptable resolution or where a resolution cannot be reached.

Where a mutually acceptable resolution has been reached:

- a. the agreement will be clearly described in a written document, assisted by the mediator;
- b. all parties will be asked to sign a copy of the written agreement; and
- c. all parties will decide if the some or all of the contents of the agreement will be disclosed to anyone else and in what circumstances.

If an agreement cannot be reached, for example because one party does not wish to continue or there is no mutually acceptable resolution, the mediator will assist both/all parties with identifying the next steps.

POST MEDIATION

There is no appeal process associated with mediation; however, participation in mediation does not exclude parties from instigating other University procedures, in line with the [Graduate Research Grievance Resolution process](#).

SUSPENDING OR TERMINATING MEDIATION

A mediator may suspend or terminate the mediation if they form the view that mediation is no longer suitable or productive. For example:

- a. a party is unable or unwilling to participate or continue in the mediation;
- b. a party is misusing the mediation;
- c. a party is not engaging in the mediation in good faith; or
- d. the safety of one or more parties may be at risk.

ROLES AND RESPONSIBILITIES

MEDIATORS

During the mediation process, mediators are required to:

- a. give equal value to the views of each party and always remain impartial;
- b. keep details of the mediation process confidential; and
- c. not impose solutions: their role is to support the parties to reach agreement.

At the end of the mediation process, mediators are expected to:

- a. destroy any notes made during the course of the process;
- b. provide a statement of the outcome (agreement reached/agreement not reached), but not the detail, that will be retained within the GRA;
- c. not disclose to the GRA or Department/School anything beyond communication that an agreement has/has not been reached unless both/all parties agree that something more specific is desired; and
- d. remind parties about the confidential nature of mediation and that anything that is discussed cannot be included in any subsequent complaint process.

PARTICIPANTS

During the mediation process, candidates and staff are expected to:

- a. act in good faith, with a view to reaching an agreeable outcome;
- b. keep details of the mediation process confidential; and
- c. abide by and respect the terms of any agreement reached through mediation.

HDR DIRECTORS, MRES ADVISORS AND HEADS OF DEPARTMENT/SCHOOL

HDR Directors, MRes Advisors and Heads of Department/School should:

- a. familiarise themselves with the benefits of mediation and promote this as a method of conflict resolution, where appropriate; and
- b. respect the confidential nature of the process and not seek information from the mediator or ask participants to reveal details of a mediation agreement.