

MEDIATION

The Process

The Diocese values its employees and respects their feelings and opinions, therefore open communications are encouraged between the employee and the immediate supervisor or administration. A two-way dialogue can prevent problems from arising or keep them from developing into a serious disagreement or dispute.

The Diocese believes that when these disputes do arise and every attempt to resolve them has been exhausted by the diocesan entity, it is in the mutual interest of all concerned to handle the situation promptly and with minimum disruption.

Accordingly, the Diocese instituted a mandatory mediation procedure that will provide a more expeditious resolution of certain employment related disputes before pursuing any other legal process.

What is mediation?

Mediation is a process by which participants, together with the assistance of an independent third party, certified circuit court mediator, works to overcome a disagreement and reach a mutually acceptable resolution to their situation or dispute.

How does the process work?

The certified court mediator works with those involved, both separately and together, to explore ways in which any conflict between the two parties may be resolved. Through a series of joint and separate meetings, all in confidence, the mediator:

- Structures and manages the negotiation process,
- Establishes ground rules for conduct,
- Acts as a sounding board, innovator and reality tester.

Mediation is not a legal process concerned with rules and regulations, rather a common sense and practical process in which people work to find their way to a sensible and workable solution.

At the end of the mediation, the mediator will help to write the agreement reached. Everyone is asked to sign the agreement and the mediation session is then closed.

What are the benefits of the mediation process?

- Saves money because mediation is cheaper and quicker than the court process.
- Mediation can help solve a problem without offending any party.
- Feelings and emotions can be acknowledged.
- Mediation gives individuals time and space to talk about their issues and for the other side to hear these issues.
- Mediation can provide an opportunity for individuals to look beyond their own version of events and to understand the dispute from a wider perspective.
- Where communication, friendship or a working relationship has broken down, mediation can help repair the damage.
- Mediation allows for creative solutions to difficult situations.
- Coming to mediation shows that those involved have tried every reasonable option.
- Mediation is a confidential process; all conversations during the mediation will be held in confidence.
- There is nothing to lose by coming to mediation and all other options remain open.
- Difficulties can be addressed quickly and in a positive way before those involved become more entrenched and the situation worsens.
- Parties have an equal say in the process and decide settlement terms, not the mediator. There is no determination of guilt or innocence in the process.

Who can participate?

All employees throughout the Diocese of Venice are eligible to participate in the mediation process.

PROCEDURE:

Once an employee requests mediation, which must be done within thirty (30) days notice of adverse action, they will be asked to complete and sign a “Request for Mediation” form (see attachment). The form will be sent to the Human Resource Director of the Diocese of Venice who will coordinate the overall process. The Human Resource Director has the responsibility of investigating the disagreement or dispute as a first attempt from the diocesan level to resolve the situation prior to mediation. If the Human Resource Director believes that it is not possible to reach a solution, a request for a circuit court mediator will be made for a mediation session. Generally, the mediation occurs within four (4) to eight (8) weeks following receipt of the “Request for Mediation” form. The mediation session is usually held at a neutral location. While there is not time limit on the length of the mediation process, sessions typically last between one to three hours. The time spent in the mediation is governed by the complexity of the issues, the participants’ willingness to communicate openly and fully discuss the identified issues, and their commitment to reach a mutually satisfactory resolution. Participants may bring documentation that is relevant to the dispute and supports their points of view. Although not necessary, an employee may be represented by legal counsel at their own expense during the mediation process.

The conclusion of mediation

The mediation process will proceed until a negotiated settlement is reached unless one of the parties withdraws from the process or the mediator believes it is not possible to reach a solution.

Costs of mediation

There are not costs to the employee for mediator’s fee. The fee for mediation is an expense to the diocesan entity where the alleged disagreement or dispute occurred.

Contact:

For additional information, please contact:

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