



Mediation Services

Conflict is the condition in which people's concerns appear to be incompatible. There are many ways to address a workplace conflict, and how we handle a conflict has implications for its resolution. Mediation is a confidential, voluntary, and informal (off-the-record) process for resolving a conflict between two or more participants. Mediation gives the participants involved a chance to directly share their experience, listen to understand the other person's perspective and, with the support of a mediator, work toward agreements for moving forward. Ombuds at UCSF are trained mediators and regularly mediate matters across the institution.

Mediation is a unique process for three reasons:

1. **Collaborative.** The participants in the conflict work together, with the ombud's impartial guidance, to develop their own agreement about how they will engage going forward. The ombuds does not impose a solution or make decisions about either the conflict or the steps to resolution.
2. **Facilitated.** Before the mediation, the ombuds prepares the participants to present their experience and needs effectively, and to listen to those of the other person. The ombuds then facilitates a process for all participants to share and be heard, helps reframe what participants share to foster understanding, and protects the process. The ombuds does not make judgments of right and wrong.
3. **Confidential.** California law protects all communications, written and verbal, made pursuant to a mediation including all consultations, the mediation itself, and the participants' agreements. Mediation is confidential and inadmissible in a formal process, in accordance with California Evidence Code §§ 1115-1129 and § 703.5 and International Ombuds Association Standards of Practice.

Mediation Process

All participants must first meet individually and confidentially with an ombuds to discuss their own concerns. During these meetings, the ombuds learns more about the situation, explains the mediation process, and explores whether mediation is appropriate to meet the goals of the participant. The initial person consulting with the ombuds invites the other person to reach out to the ombuds for their own impartial intake conversation and to explore their interest in mediation. The ombuds does not cold-call someone to invite them to mediation. A manager or supervisor may also refer both or all participants to schedule an individual meeting to learn more about mediation as an option. These conversations are confidential and will not be reported to any other person.

All three of the following requirements must be present to move forward with mediation: 1) both participants reach out to meet individually with the ombuds, 2) both participants express good faith interest in addressing the conflict through mediation, and 3) the ombuds assesses that mediation is the “right tool at the right time.” This last requirement is based on the ombuds’ understanding of both participants’ experiences and goals and on the experience of having conducted many mediations. If mediation does not move forward, both participants’ confidentiality is protected because the ombuds does not disclose which of the three “ingredients” is missing. Participants may opt-out at any point.

Even if mediation is not possible at the time, participants can continue individual ombuds meetings. Many problem-solving approaches are available, and a core aspect of the ombuds’ work is to help visitors consider the available options.

Mediation Experiences

Faculty, staff, students and administrators have used mediation with satisfying results, often changing a negative dynamic in one or two mediation sessions. The most common concerns addressed in mediation include communication, respect, work style, and trust.

“The safety, rules and protection of mediation led to extremely useful disclosures that totally changed the misunderstanding.” (Staff member)

“I resolved most of the issues I was faced with. This is an extremely valuable service offered by UCSF.” (Faculty member)

“Thank you for the draft agreement. I agree it captures what we discussed. The agreement also reminds me of how grateful I am for your help. I’ll read through and reflect on it. [To the other participant:] I’m also really grateful to you for your genuine engagement and support for this process.”

“We needed to untangle the knot together with guidance. I think it really is very analogous to what mediation is, which is untangling knots, knots that were once part of a greater whole in unison. Akin to how we would untangle garden hoses, so we get the flow back.”

Initiating Mediation

Any individual may confidentially call the Office of the Ombuds at any point in a conflict or difficult situation. Individuals may call as an initial starting point when they are not sure what to do or may initiate a call on behalf of a group (i.e., a manager interested in a group facilitation or training).

To protect confidentiality, the Office of the Ombuds offers services by phone, via Zoom, or in person. We limit email, as electronic communications are not always private.

To make an appointment, please call us: (415) 502-9600.