

This proposed Working Format of the Mediation Commission within the to-be-ratified CIA v.30.2 compilation aims to fix an outdated information regarding the references as follows:

COMMISSIONS

WORKING FORMAT OF THE MEDIATION COMMISSION

~~Agora Enschede, May 2012~~ **Online Agora, June 2020**

I - GENERAL RULES FOR THE MEDIATION COMMISSION

¹The Mediation Commission is to be activated according to article ~~30~~ **29** (9) of the Statutes of AEGEE-Europe in all cases that require sufficient and legitimate action to reach a clear and coherent situation for all Ordinary Members of AEGEE-Europe. ²The Mediation Commission should pay attention to the following general rules:

(1) The Mediation Commission is supposed to keep the lowest profile in order to minimise the harm to AEGEE-Europe caused by its findings.

(2) The Mediation Commission is expected to strive for an amicable settlement among the parties involved before considering further actions, serving as mediator.

(3) The Mediation Commissioners as well as the other bodies of AEGEE-Europe contacted by the Mediation Commission during its investigation are obliged to keep strict discretion about available information regarding the cases currently under consideration, but only if it is not part of the decision to be published according to n^o. II

(5) of this working format. In case of amicable settlements they have to keep discretion for one year on request of the parties involved.

(4) The Mediation Commission is obliged to pay full and impartial attention to all issues, evidence and proves brought forward by the parties involved.

(5) The Mediation Commission is expected to cooperate fully with the other bodies of AEGEE-Europe and to utilise their experience and knowledge.

(6) The Mediation Commission is expected to document all cases and decisions under review and to use previous decisions as guidelines for future decisions.

(7) These documents shall be stored in the head office of AEGEE-Europe and made accessible to the members of the Mediation Commission and Juridical Commission at any time requested.

(8) ¹The Mediation Commission can be assisted by so-called Case Shadowers. A Case Shadower is a member of a previous Mediation Commission, appointed by the Mediation Commission as their advisor for the sole purpose of continuity in a specific case. A Case Shadower must have been involved in the specific case during his/her term as Mediation Commissioner. ²The appointment as Case Shadower will be terminated at latest within 2 weeks after the case is closed.

(9) ¹During the appointed time, a Case Shadower will have access only to the data and information related to the specific case she/he is appointed to during her/his term as Case Shadower. This access can be limited by the Mediation Commission. ²A Case Shadower does

not have access to internal documents of the Mediation Commission, except for the specific case s/he is appointed to. S/he is not in the mailing list, does not attend internal meetings and has no decision power.

II - PROCEDURAL RULES FOR THE MEDIATION COMMISSION

In case of request fulfilling the conditions of article **30 29** (9) of the Statutes of AEGEE- Europe, the Mediation Commission should pay attention to the following guidelines:

(1) ¹The Mediation Commission informs the Ordinary Members concerned by registered letter, followed by any other proper way of communication, the requesters and all other people involved in the case by normal letter, or any other proper way of communication, at least two weeks before the meeting about the request for a sentence and the details of the procedure to follow. ²The logistical means have to be provided by the Comité Directeur (snail mail, fax, phone).

(2) The term "meeting" as used in this section also includes chat sessions, phone conferences or any other means of real time communication.

(3) ¹The ordinary member concerned, informed by registered letter, or any other proper way of communication, sent out no later than two weeks before the meeting, will be invited to have a meeting with the Mediation Commission in order to give all the information necessary for the final decision. ²An ordinary member concerned must be represented by the President, possibly assisted by the Financial Director and the Secretary.

(4) ¹The Mediation Commission as well as any other organ of AEGEE-Europe or the Ordinary Members concerned in the case under investigation can have a clarifying meeting when this is needed. ²They can request to meet on short notice (then applying article 18 (12) of the General Financial Rules). ³On request of the member(s) concerned, the meeting has to be open to the public audience, but no other than one delegate per ordinary member, one envoy per Working Group/Supporting Committee and Project Team and members of AEGEE-Europe bodies, all without any speaking and voting rights, unless requested by the Mediation Commission. ⁴In case of disturbance, interference or obstructive behavior of the audience, the Chair of the meeting may decide to exclude part or whole of the audience from the meeting. ⁵The Mediation Commission discusses the content of the request and takes a decision on the case one day before the Agora (Agora following the receipt of the request) in a closed meeting.

(5) ¹A decision of the Mediation Commission can be preliminary or final. ²Preliminary decisions do not need to be published to the Network immediately.

(6) All decisions made in response to the request should be preliminarily announced to the parties involved and then to AEGEE-Europe and its Ordinary Members at the following Agora.

(7) ¹The final decision is to be ratified by the Agora as soon as possible. ²In case of decision during Agorae, the decision should be ratified no later than on the last day of the respective Agora.

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III - SENTENCES TO BE CONSIDERED FOR DECISIONS BY THE MEDIATION COMMISSION

¹It is the first priority of the Mediation Commission to strive for an amicable settlement. ²However, if this is not possible the following advisory part should be considered for the decision of the Mediation Commission.

(i) Advisory:

Principles to be considered for decisions of the Mediation Commission:

- Balance between considered sentence, the violation sentenced, the circumstances, and the presence of premeditation;
- Principle of “in dubio pro reo”;
- Coherence with previous decisions in similar cases.

(ii) Advisory:

Sentences to be considered for decisions of the Mediation Commission (not to be considered complete):

- Temporary suspension of the active voting rights of the ordinary member during statutory meetings up to one year;
- Degradation of the ordinary member;
- Exclusion of the ordinary member from participation in the Summer University Project up to one year;
- Exclusion of the ordinary member;
- Issue of a recommendation statement replacing or suspending an official decision by the Mediation Commission, in particular regarding the internal relations or behavior of Ordinary Members. In case of non-compliance to the issued recommendation, the Mediation Commission may be called again for a new decision.

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