

A PRACTICAL GUIDE TO MEDIATION

BACKGROUND

In private industry as well as in Government organizations, Alternative Dispute Resolution (ADR) is becoming the common way to settle disputes. Some of the common types of ADR are fact-finding conferences, mini-trials, ombuds programs, settlement negotiations, arbitration, facilitation or mediation. Mediation is the most commonly used process within NASA. The SSC ADR Plan contains detailed information pertaining to authorities, responsibilities and procedures.

Of all the available ADR choices, mediation is the most widely used within Government. State, District and Local Courts have also widely used mediation, particularly to settle family law disputes and child custody cases.

An important advantage of mediation is that it allows the parties the opportunity to open the lines of communication and understanding in a private and confidential setting. This is done with the assistance of a trained neutral (mediator) to guide them as they explore the issues and possible resolutions.

THE PROCESS IN A NUTSHELL

The decision to mediate is completely voluntary for the charging party and the employer.

When an equal opportunity (EO) complaint is brought to an EO counselor, the charging party may be offered the opportunity to participate in mediation. If both parties agree, the Office of Diversity and Equal Opportunity (ODEO) will schedule a mediation session and contract with a mediator to conduct the session.

During the session, both parties will be able to express their concerns, exchange information, and attempt to reach a resolution.

Discussions and exchanges during the mediation session are confidential and are not revealed to anyone.

If agreement is reached, a settlement agreement is prepared and signed, and this document becomes a binding document to both parties.

SSC's ODEO is responsible for monitoring the agreement to see that the agreed upon actions are carried out.

WHY MEDIATE?

- It is a neutral process.
- Parties have an equal say in the process and the parties decide the settlement terms (the mediator has no interest in the outcome).
- Most mediation sessions are completed within one day.

- There is no determination of guilt or innocence in the process.
- Saves time and money (legal representation is not required, but is permitted).
- The process is confidential.
- By attempting to resolve conflicts through mediation, lengthy processing and litigation procedures can be avoided.
- Mediation provides the opportunity to have a neutral mediator assist both parties in reaching a resolution without the long months of investigation and litigation.
- If resolution is reached, the parties sign a binding agreement without determining if discrimination has or has not occurred.
- If resolution is not reached, the charging party has the right to continue with the complaints process (No rights are given up by attempting mediation).
- Mediation promotes understanding, reduces costs to both parties, and can be an effective and efficient way of resolving disputes.

To learn more about mediation you may visit the EEOC Web site at www.eeoc.gov or you may contact the Diversity and Equal Opportunity Officer at (228) 688-2079.