

Alternative Dispute Resolution (ADR)

The ADR process is a way of attempting to resolve complaints of discrimination at the lowest possible level, without having to go through the lengthy and cumbersome complaints process. There are many types of ADR such as arbitration, mediation, peer-panels, mock trials, ombudsmen, etc. NASA has chosen mediation as its primary ADR process.

The goal of mediation is to provide an impartial and independent forum for parties to discuss a dispute, using a neutral third-party mediator. If mediation does not lead to a successful resolution, an individual can file a formal complaint of discrimination.

By electing ADR, the employee is offered an opportunity to sit down at the table with the responsible official (usually the individual who is named in the complaint) and talk things through. The parties are encouraged to come up with a proposed resolution to the issues during this process. The mediator is an individual who has no interest in either party and is trained and certified to conduct mediations. Mediators used by SSC are acquired through contract and are not NASA employees.

NASA SSC's Diversity and Equal Opportunity (DEO) Officer will assess whether a particular dispute lends itself to possible resolution through the use of mediation and will review each case on an individual basis.

When an employee elects mediation, he or she has the right to discontinue the mediation session at any point and return to the traditional equal opportunity (EO) process. By electing ADR, an employee does not give up the right to file a formal complaint unless settlement is reached. In the NASA process, the Office of Diversity and Equal Opportunity (ODEO) arranges for the mediator and provides a private mediation room. The DEO Officer is responsible for ensuring the terms of all settlement agreements are met.

The most common mediation session would include the complainant, the responsible official, the mediator and the settlement official. Most mediation sessions last from two to six hours, but ample time is allowed for fair and open discussions.

Complainant	Employee bringing the issues to mediation
Mediator	Contract mediator hired by NASA
Responsible Official	Usually the individual named in the complaint
Settlement Official	SSC Senior Manager trained in mediation and delegated authority by the Center Director to approve or disapprove settlement agreements reached by the parties

Mediation offers the parties the opportunity to discuss issues and to better understand one another's point of view. Many EO complaints are resolved in this manner due to the opportunity to discuss the issues at hand in confidence and to suggest to one another what may resolve the

complaint. Resolutions reached by the complainant and responsible official must be approved by the settlement official. The mediator is neutral in the process and is only there to guide the individuals through the process.

If an agreement is reached, the settlement official, in order to ensure that the language is sufficient and that the remedy does not violate regulations or laws, may coordinate with the DEO Officer, Chief Counsel, Manager of Human Resources, or other management officials as are appropriate. Once the agreement is written and signed, it becomes a binding legal document.

If no agreement is reached during mediation, the complainant will then be given a final letter of counseling by the EO counselor, and may proceed as instructed with the filing of a formal complaint. If the mediation is during the formal stage of a complaint, and there is no resolution, the process resumes at the point where election of ADR were made.

The only documentation resulting from a resolved mediation is the Settlement Agreement. If the issues are not resolved, the DEO Officer simply reports that there was a mediation held, who was involved and the fact that there was no resolution. No written records of mediations proceedings are kept.