

Facts About Mediation

Mediation is a form of Alternative Dispute Resolution (ADR) offered by Ames ODEO as an alternative to the traditional EO investigative or litigation process. Mediation is an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination. The decision to mediate is completely voluntary for the charging party and the employer. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreement into resolutions. A mediator does not resolve the charge or impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. The mediation process is strictly confidential. Information disclosed during mediation will not be revealed to anyone, including other Ames employees. However, settlement information may be shared with those who have a need to know to ensure compliance with the terms and conditions in the settlement agreement.

How Mediation Works

An ODEO representative will contact the employee, RMO, and other key Agency participants concerning their participation in the ADR process. If both parties agree (employee and RMO), a mediation session conducted by a trained and experienced mediator is scheduled. While it is not necessary to have an attorney in order to participate in Mediation, either party may choose to do so. It is important that management representatives attending the mediation session have the authority to resolve the dispute. If mediation is unsuccessful, the EO charge is investigated like any other charge.

Advantages of Mediation

Free

Mediation is available at no cost to the parties.

Fair and Neutral

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.

Saves Time and Money

Mediation usually occurs early in the charge process, and many mediations are completed in one meeting. Legal or other representation is optional and not required.

Confidential

All parties sign a confidentiality agreement. Information disclosed during mediation will not be revealed to anyone, including other ODEO investigative or legal staff.

- The mediator conducts joint and private confidential sessions with the parties.
- Mediators may suggest options for agreement.
- Settlement agreements reached during mediation do not constitute an admission by the agency of any violation of EEO laws.
- Mediation usually lasts from one to eight hours and the mediator may schedule a second session.
- The vast majority of cases that are successfully mediated are mediated in one session. Other sessions are permitted if agreement is possible.
- An agreement does not have to be signed at the time of mediation, but the final agreement must be in writing and signed by all parties.

Where to Find Information about the NASA ADR Program

- NPR 3713.2 - Alternative Dispute Resolution for Discrimination Complaints