



## Who can Initiate Mediation?

An employee, former employee or applicant who contacts an EEO counselor regarding his/her belief that an action or situation in the workplace occurred due to unlawful discrimination can request mediation in lieu of traditional EEO counseling. The EEO counselor will advise the individual of the mediation option and of his/her rights under the EEO process.

If the individual elects to have his/her concern(s) mediated, the case will be evaluated by the Operating Administration (OA) Civil Rights Office, or the appropriate contact office, to determine whether mediation is appropriate. If a determination is made that mediation is appropriate, management will be asked to participate. Once both parties agree to go to mediation, the request will be referred to the Mediation Coordinator.

A mediator will then be assigned and dates will be coordinated with the participating parties.

## Who Arranges the Location?

The Mediation Coordinator works with the mediator and the parties to identify a neutral location for the session to be held.

## Disability Accommodation.

The Mediation Coordinator will respond to any requests to accommodate a disability during the mediation process.

## Mediation is not Litigation!

A mediator does not determine who is right or wrong. The mediator works as a facilitator to enable the parties to work together to create their own solution. Mediators do not provide legal advice. However, either party may have a representative or legal counsel present during the mediation session.



## Benefits of Mediation.

The mediation process acknowledges all points of view in a conflict and focuses on finding a workable solution to the dispute rather than on the causes or who is at fault. Participation in a mediation session assists the parties in resolving problems in a constructive manner. Mediation saves time, expense, and the emotional distress of living with unresolved conflict in the workplace. Mediation promotes a renewed, positive working relationship between parties and supports the accomplishment of the Department's mission.

## Is the Resolution a Written, Binding and Legal Agreement?

When the parties agree on a mutually acceptable solution to the dispute, a written agreement is developed by the mediator, which all parties to the mediation sign. This document reflects that the EEO matter is resolved.

An agreement reached in mediation has the same effect as any other settlement agreement, i.e., the agreement is binding on the parties and is legally enforceable.

When there is no resolution, the complainant has the right to resume the EEO complaint process.

## Who can Terminate a Mediation Session?

Participation in mediation is voluntary. Either party may withdraw from the mediation at any time. Withdrawal from mediation will not effect the individual's right to continue the claim through the traditional administrative EEO complaint process.



## FOR FURTHER INFORMATION

A video entitled, "From Conflict to Resolution: The DOT Mediation Program for EEO cases" is available on the DOT website. It describes the mediation process in depth, discusses the causes of conflict, ways of resolving conflict, and also describes the EEO process. You may access The Departmental video at <http://www.dotcr.ost.dot.gov/video/index.html>

## DOT CIVIL RIGHTS CONTACT INFORMATION

Office of the Secretary Departmental  
Office of Civil Rights (202) 366-4648

Federal Aviation Administration (202) 267-3254

Federal Highway Administration (202) 366-0693

Federal Railroad Administration (202) 493-6012

National Highway Traffic Safety  
Administration (202) 366-6795

Federal Transit Administration (202) 366-4018

Pipeline and Hazardous  
Materials Safety Administration (202) 366-9638

St. Lawrence Seaway  
Development Corporation (315) 764-3208

Maritime Administration (202) 366-3449

Federal Motor Carrier Safety  
Administration (202) 366-8810

Research and Innovative  
Technology Administration (202) 366-7582

Office of the Inspector General (202) 366-1444

### TTY/TDD: Federal Relay Service:

TDD/TTY (800) 877-8339

Voice (800) 877-8339

VCO (800) 877-6280

Speech-to-Speech (877) 877-8982



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## ONEDOT Sharing Neutrals EEO Alternative Dispute Resolution Program

# MEDIATION

Way of Resolving Disputes



HQ-033105

## What is the ONEDOT Sharing Neutrals EEO ADR Program?

The ONEDOT Sharing Neutrals EEO ADR Program is a Department-wide program that uses mediation to quickly resolve workplace disputes during any stage of the equal employment opportunity (EEO) complaint process. It is established pursuant to the requirements of 29 CFR Part 1614.

### What is Mediation?

Mediation is a form of Alternative Dispute Resolution (ADR). It is an ADR process that is particularly suited to help individuals resolve workplace disputes and reach a mutual agreement.

#### Mediation offers the disputants:

- An opportunity to be heard;
- An opportunity to develop new ways of dealing with conflict; and
- An opportunity to create a mutually agreeable solution that is binding on the parties.

### Who is the Mediator?

A mediator is a trained professional in conflict resolution, specifically, the mediation process. The mediator is impartial and does not take sides or render a decision on the merits of the dispute.

## Are Mediation Sessions Confidential?

Mediation is a confidential process. Confidentiality means that neither you nor the mediators can be compelled to testify in a court or administrative proceeding about what was said or done in the mediation session. The mediator agrees not to disclose any communication provided by a party to the mediator in confidence, unless:

(1) all parties agree in writing to disclose the information; (2) the information has already been made public; (3) the disclosure of the information is required by law; or (4) a court determines that disclosure of the information is necessary.



## What Happens in a Mediation Session?

The mediation process begins with an introduction by the mediator and discussion of the process. The parties describe the matter prompting the dispute. Both parties provide information on the situation from their personal perspectives.

After each party has had the opportunity to speak, the mediator may ask questions to clarify the matter(s) discussed. This is done in a joint session with both parties present. The mediator may continue with a series of private meetings (caucuses) where the mediator explores various options for resolving the dispute.

During a private caucus, the party has the chance to suggest possible solutions to the conflict.