

ADR FACT SHEET

- **What is ADR?**

Alternative Dispute Resolution (ADR) is a voluntary program for resolving Equal Employment Opportunity complaints, designed to be faster, simpler and less confrontational than traditional processes. In ADR, you have a say in the outcome as opposed to having a determination imposed upon you by a hearing officer or judge.

- **What is mediation?**

Mediation, one of the most popular forms of ADR, is a voluntary, informal, and confidential process in which a neutral person, a mediator, helps parties resolve disagreements on their own terms. Participants, not the mediator, control the discussion and may end it at any time. Breaks may be requested to confer privately, or to contact someone not present. An entire session lasts about 3 hours. Although mediation is the primary method of ADR, TSA uses other methods of ADR as necessary. For example, TSA uses facilitation as an ADR method for applicant (non-selection or non-referral) cases.

- **Why should I prefer ADR over Traditional Counseling or Formal Complaints?**

Quite simply, it works. No one knows your issues and priorities better than you. ADR provides an opportunity to discuss sensitive issues in a private setting and preserve continuing working relationships. Because the focus is on reconciliation, individuals are free to voice concerns, express personal views, ask questions and propose novel remedies, including ones not available through court. Parties determine the priorities, gain a realistic look at the alternatives, and shape a resolution that satisfies everyone. Best of all, mediation is free to you.

- **What happens to my EEO rights if I participate in ADR?**

Your rights are preserved. If ADR is unsuccessful, you may proceed with a formal complaint.

- **If I reveal my identity in order to participate, how can mediation be non-confrontational?**

ADR mediators are trained in reconciling parties through structured dialogue aimed at cultivating respect and understanding. They begin with an introduction, establish ground rules and keep the parties on a productive path. The candid but confidential nature of ADR allows the parties to get to the heart of the issue and find common ground.

- **Who are the mediators?**

Mediators are specially trained experts who adhere to strict standards of confidentiality and neutrality. Typically, they are hired under contract mediators or other agency officials.

- **Who attends mediation?**

Generally, the aggrieved person/complainant, alleged discriminating official and mediator. Higher-level management/resolving official and the local TSA attorney are notified, but generally do not attend. With advance notice, personal representatives may attend, but participants are encouraged to speak for themselves.

- **So, it's just each party plus the mediator attending - no one else?**

That's right. Mediations are not hearings, so there are no witnesses, formal testimony or recordings allowed. In addition, proceedings are confidential, allowing parties to speak freely and frankly. However, if you choose to bring an attorney, a TSA attorney will also attend.

- **Can I bring documents?**

Yes. If you believe certain documents may clarify concerns or issues, it may be helpful to bring them.

- **When are mediations scheduled?**

The earliest time both sides are available. Our goal is within 14 days of contacting the EEO specialist.

- **What are the possible outcomes of mediation?**

Mediations have 3 possible outcomes: (1) a settlement agreement, (2) no agreement, or (3) withdrawal of the EEO complaint. While settlement agreements are highly desirable, the parties are no worse off if they cannot agree to one. In fact, they may at any time resume negotiations, even during a formal complaint.

- **What are other benefits of mediation?**

Parties work out their own Solutions. ADR/mediation has a higher resolution rate than traditional Counseling. Mediation saves time and resources. Mediation improves morale. Mediation promotes dialogue between management and employees. Mediation rebuilds relationships, morale, and improves communication.

- **What happens if we reach a settlement agreement?**

The mediator will help the parties memorialize the agreement in writing. It then undergoes review by higher-level

officials and TSA attorneys. Once approved, the agreement is implemented. You must contact OCRL if you believe the other party is not complying within the agreement within the specified time frames.