

GAO

Civil Rights Office

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**Civil Rights Office
Mediation
Program**

Civil Rights Office (CRO)

Mediation Program

What Is the Goal of Mediation?

In mediation a neutral person, the mediator, helps two or more individuals explore ways to resolve their differences and reach an agreement that best addresses their interests. Mediation is a problem-solving process that

- reduces obstacles to communication,
- allows the individuals to create and examine options for resolving their dispute,
- helps the individuals develop realistic and mutually satisfactory solutions, and
- provides a model for future problem solving.

Mediation, unlike court litigation and other adversary processes, does not focus on who is right and who is wrong. The mediator is not a judge or an arbitrator and has no power to make a decision. A mediator helps the parties to the mediation become the decisionmakers by understanding and listening to each other and by working together to create options and solutions to their concerns.

What Happens in a Typical Mediation?

Not every mediation follows the same steps, but the mediation process generally includes

- creating trust and structure,
- identifying facts and issues,
- focusing on underlying concerns,
- developing options,
- negotiating and making decisions, and

- clarifying and writing a plan or agreement.

Depending upon the circumstances, a mediator decides when it is appropriate to have a session with both parties or a separate session with only one of the parties.

**Are the
Mediation
Sessions
Confidential?**

Yes. The mediation sessions and all materials disclosed during the mediation are confidential. Both parties must agree to confidentiality. Mediators will not testify concerning the mediation or submit any report or record of the mediation discussions. In addition, mediators do not disclose anything that one of the parties asks them, in a separate session, not to disclose to the other.

**How Is
Mediation Used
in the
Discrimination
Complaint
Process?**

When a GAO employee contacts the CRO or a civil rights counselor about a discrimination complaint, the counselor informs the employee of the mediation program as an option for resolving his or her complaint. If the employee decides to mediate the issue, and the manager involved agrees, CRO assigns a mediator. Each party must consent to the assigned mediator, and the mediator must also be willing to mediate for the parties involved. The CRO also provides a co-mediator if appropriate. The mediator(s) contacts the parties to schedule the first mediation session. The party who represents GAO in the mediation either has the

authority to make decisions about the issues raised by the employee or receives the authority after discussion with the appropriate officials.

Will an Employee's Rights to Pursue a Discrimination Complaint Be Affected If He or She Decides to Mediate the Issue?

No. The discrimination complaint process is suspended during mediation for 45 days from the date of the initial mediation session. If unresolved issues remain at the end of the mediation, the mediator(s) and the employee will state these issues in writing during the final mediation session, and the employee may continue processing them through the formal complaints process.

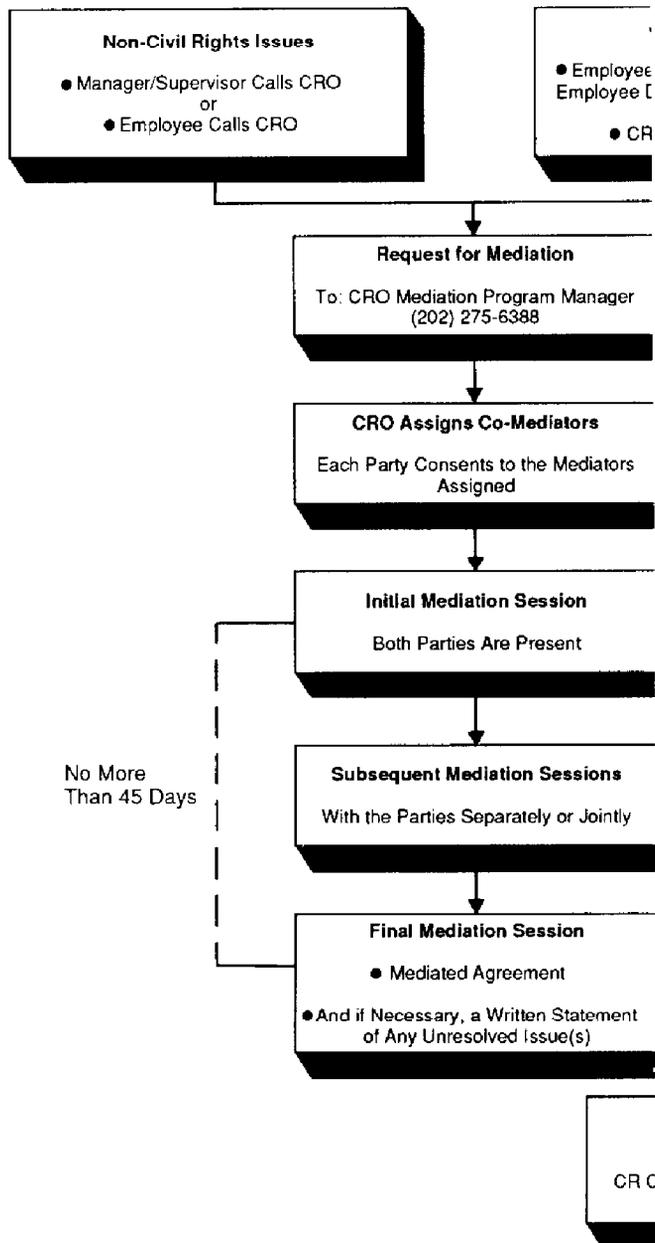
Can Mediation Be Used for Issues Other Than Discrimination?

Yes. A manager, supervisor, or other GAO employee can request mediation through the CRO Mediation Program to help resolve any issues or concerns between a manager and a staff member, between two managers, or between two staff members. If both parties are willing, CRO will assign mediators.

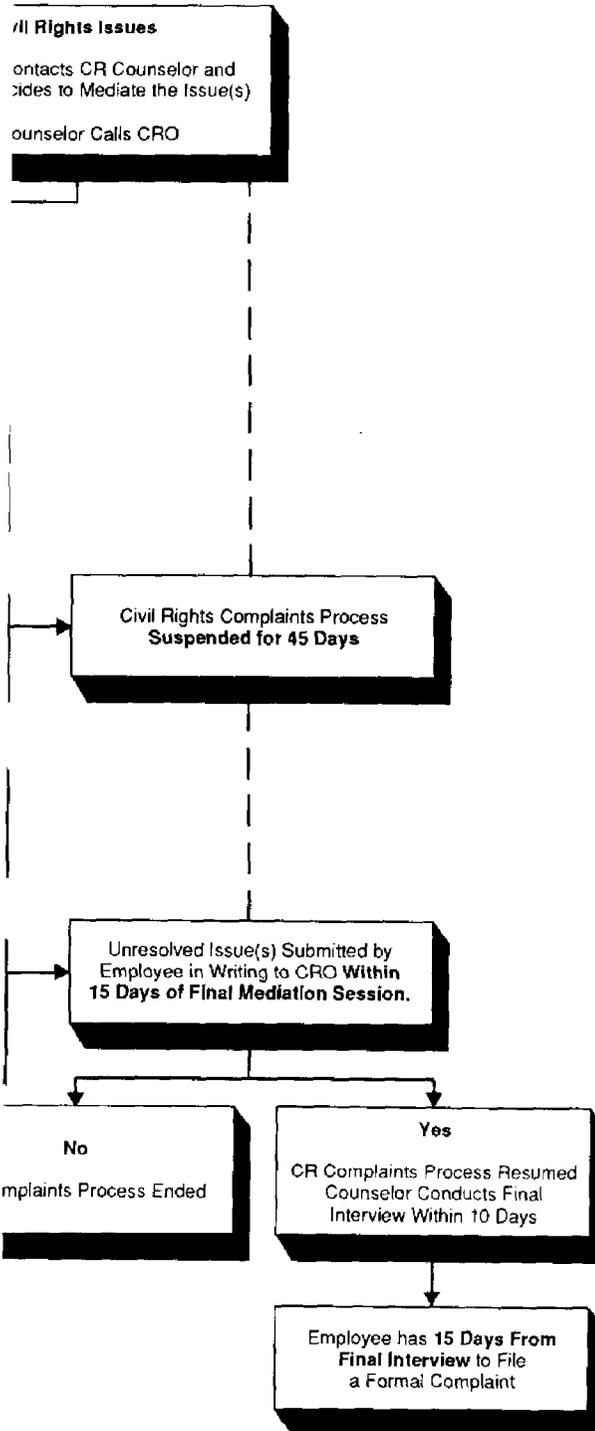
How Does GAO Select, Train, and Certify Mediators?

GAO unit managers, in consultation with employee advisory groups, select mediators from Band II and Band III or GS-13/15 staff members. Individuals selected attend a 3-day training session in basic mediation skills. Newly trained mediators then must conduct several co-mediations with experienced mediators and attend two

CRO Mediation



Program



8-hour follow-up sessions before CRO certifies them as GAO mediators.

**Will
Individuals
Conduct
Mediations
Outside the
CRO Mediation
Program?**

The skills learned in mediation may facilitate the resolution of any matter the parties deem appropriate. To maintain the credibility of the Mediation Program, however, disputes involving any degree of seriousness or complexity should be mediated under the program's auspices. Mediators must exercise their own judgment in this regard and may wish to consult with the CRO before deciding to mediate outside the program.

**How Can
Someone
Obtain Further
Information
About the
Mediation
Program?**

For more information, contact the CRO Mediation Program Manager at (202) 275-6388.
