

## Who is Involved in ADR?

• **ADR Team Members:** EEO Officer, Labor Counselor, Civilian Personnel Advisory Center representative and management representative, who review the claim(s) raised and provide advisory assistance to the Deciding Official and Mediator. They are not part of the mediation process itself.

• **Aggrieved Persons\*:** Employees, current and former employees, who initiate a pre-complaint on matters arising during their employment may choose to participate in ADR, if offered. Participation is voluntary.

• **Representative:** Participants to the dispute will have the right to representation (who may be an attorney or non-attorney) if they so choose throughout the complaint process, including ADR.

• **Deciding Official:** Commander or his/her designee who is authorized to engage in mediation and have the authority to execute settlement agreements.

• **Management Official:** Usually a management official who took, or proposed to take, the employment action of which the aggrieved person complained.

• **Mediator:** A mediator serves as the presiding official during the mediation and assists in clarifying issues, identifying underlying causes, and arriving at appropriate remedies to resolve the dispute.

• **Union:** The union has the right to be present during mediation, but does not actively participate in the process.

**\*NOTE:** ADR may also be offered at the formal complaint stage after an investigation has been requested and by an EEOC Judge if it goes to hearing.

*“Mediation enables us to **control the outcome** of our disputes. In litigation, the outcome is determined by a judge or a jury. In mediation, **we ourselves control our own outcome**. We ourselves, determine the terms of our agreement. In essence, **we ourselves become the judge and the jury.**”*

*—Michael Rooni*



*Mediation is **voluntary**.  
Mediation is **inexpensive**.  
**The parties** decide the outcome.  
It's a **cordial & win-win** situation.*

**For additional information  
regarding the ADR process,  
Please Contact Fort Campbell EEO:**

**EEO Officer—** Debbie Sutton (270) 798-5113

**EEO Specialist—** Tonya Elliott (270) 798-2581

**EEO Specialist** Silvia Lewis (270) 956-2621



## Alternative Dispute Resolution (ADR) Program



*A **voluntary and effective** resolution option for EEO complaints*



**USAG Fort Campbell  
Equal Employment Opportunity**

## ***What is ADR?***

**ADR** is a term used to describe the method for resolving conflict in a collaborative framework with a neutral third party. There are a variety of approaches to early intervention and dispute resolution. Some of which are negotiation, arbitration, litigation, facilitation, mediation, etc. But, the preferred method by Department of Army in the ADR process is mediation.

**ADR** is a confidential process which offer disputing parties an opportunity to openly express their positions and interests in resolving disputes in a mutually satisfactory fashion.



## ***Advantages of ADR***

- ◆ Encourages disputing parties to **openly communicate** in a safe environment
- ◆ Utilizes an **impartial third party** neutral to assist disputing parties in reaching a resolution
- ◆ **Avoids** lengthy, formal complaint processing
- ◆ **Results** in improved work relationships



## ***What is mediation?***

**Mediation** is a form of ADR used to resolve conflict at the lowest level possible. It is the intervention of a neutral and impartial third party into the dispute who guides participants through a process and assists in exploring relevant facts and issues that caused the conflict or complaint.

Mediation is a voluntary option that an aggrieved individual may use in the informal process of an EEO Pre-Complaint. Mediation can promote many positive outcomes, such as communication and understanding.



## ***It's a win-win for all parties!***

**Remember**—conflict directly affects the quality of your life and the success of your organization.

## ***How does Mediation Work?***

When the aggrieved individual expresses an interest in mediation, the EEO Official will coordinate with the ADR team to determine if mediation will be offered. If the team determines that it is appropriate, then the EEO Official will offer the aggrieved, in writing, the opportunity to participate in mediation. If the aggrieved elects to participate in mediation, then the pre-complaint processing period will be extended to **90 calendar days** from the date the pre-complaint was initiated.

If the dispute is resolved, through the use of the ADR process, the resolution will be documented in the form of a negotiated settlement agreement (NSA). If mediation is unsuccessful during the pre-complaint process, the EEO official will annotate the Counselor's Report to reflect that mediation was unsuccessful, and conduct a final interview with the aggrieved, no later than 90 calendar days from the date the aggrieved initiated the pre-complaint process.

