

Mediation Fact Sheet

Mediation is an informal and flexible process in which a neutral third party assists the opposing parties in reaching a voluntary, negotiated resolution of the complaint. Mediation is different from other forms of dispute resolution in that the parties participate voluntarily. The mediator has no decision-making authority, as the decision-making power rests in the hands of the parties. The role of the mediator is to interpret concerns, relay information between the parties, frame issues, and define the problems. Generally, mediation will not involve admission of guilt.

Typically, mediation will follow these steps:

1. The mediator will introduce him or herself and make some opening comments about the rules and goals of mediation.
2. Each side is given the opportunity to describe the dispute from their perspective without interruption from the other side.
3. Depending on the mediator and the parties, the mediator may then start a mutual discussion with both of the parties present or may engage each party privately, going back and forth, working out each issue.
4. After discussing the issues with the parties, a mediator may bring both parties together to jointly negotiate a solution.
5. If the parties reach a resolution during the discussion, then the mediator will assist the parties in drafting the agreement in writing.
6. If the parties do not reach a resolution during the discussion, then the mediator will refer the case back to the DHS OIG Whistleblower Protection Unit for further review.

Facilitated settlement negotiations: An indirect conversation and form of mediation when the parties are not in the same space. The mediators communicate the needs and opinions of the parties in attempt to reach resolution.