

CONFLICT

MEDIATOR

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# WHAT IS EARLY MEDIATION?

**Early Mediation is an opportunity for parties to a complaint to meet with a professional mediator in an effort to reach a resolution prior to proceeding with an investigation. Any resolution would be on terms satisfactory to both sides. All discussion at mediation is confidential and does not become a part of the case record.**

## WHAT TO EXPECT

The parties should come to mediation expecting to cooperatively discuss creative solutions to resolve the complaint. **Do not** come to the mediation unless you want to resolve the complaint and are willing to participate in a collaborative process to do so. The mediator will ask the parties to indicate what they see as possible solutions. Expect to negotiate; mediation is rarely about either party getting everything they want.

## RESOLUTION

Resolution takes place in many different forms. It can be anything the parties agree to in return for withdrawing the complaint. While resolution requires both parties agree to the terms, it may not require an admission of wrongdoing. If settlement is reached, then an agreement between the parties will be drafted and the complaint will be withdrawn. No further action will be taken by the City.

## TALKING POINTS FOR RESOLUTION

- Does the Respondent have authority to settle the case at mediation?
- If training or education are possible remedies, the Department of Civil Rights offers several trainings at no cost.
- If you are claiming emotional distress, be prepared to talk about how the alleged incident had an impact on your life, family, work, etc. If an economic loss was suffered as a result of the emotional distress, be prepared to discuss actual economic losses incurred.
- If you suffered any other economic loss (in a form other than emotional distress), bring an itemized list of those losses and be prepared to discuss actual economic losses incurred.
- Did the alleged incident result in a negative reference? If so, could the complaint be resolved by a neutral letter of reference?

## ADVANTAGES OF EARLY COMPLAINT RESOLUTION

- Saves time and expense of navigating the complaint process.
- Preserves a cooperative relationship between parties.
- Resolves conflict before becoming irreconcilable.
- Encourages collaboration between the parties, creating a more open and understanding relationship.
- Provides a learning opportunity for the parties regarding their rights and responsibilities under the ordinance.

