

OREGON FEDERAL EXECUTIVE BOARD'S

Shared Neutrals

AN ALTERNATIVE DISPUTE RESOLUTION EXCHANGE

ADR Program Guide

Updated July 29, 2003

For More Information Please Contact:

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Chapter 1 – Introduction

updated 1/16/02

A description and history of the Shared Neutrals Program

The Shared Neutrals Program (Program) is a cooperative arrangement between diverse federal and state agencies and local governments (agencies) in the Pacific Northwest region. Each member agency makes a reciprocal agreement to submit requests for alternative dispute resolution services and to share resources cooperatively.

Mission

The Shared Neutrals Program is designed to serve three objectives. The first objective is to provide agencies with low cost and flexible access to sophisticated dispute resolution services. The second objective is to provide disputing individuals with accessible, timely, and confidential neutral services. The third objective is to support a diverse cadre of trained and experienced neutrals (mediators) who mentor less experienced neutrals from other agencies on a collateral duty basis.

Flexibility is a core value for this Program. Individual agencies have a great deal of choice on how they access and use this Program. The benefits an agency derives from the program are intended to roughly approximate its contributions.

A Brief History

The Oregon Federal Executive Board (OFEB) sponsors the Shared Neutrals Program to facilitate the use of alternative dispute resolution (ADR) among local, state, and federal governing agencies. Participating agencies may use the Program's cadre of neutrals free of charge and with minimal documentation requirements.

The OFEB adopted the Shared Neutrals Program as a pilot in November 1996, following the model of similar programs. The Program was formally adopted in November 1997. It enjoys a reciprocal agreement with the Intergovernmental ADR Consortium sponsored by the Seattle FEB. Agencies with offices in both regions may use either Program, depending on the availability of neutrals.



Frequently Asked Questions

What is ADR? Alternative Dispute Resolution includes such processes as facilitation and mediation. These methods generally help participants to negotiate collaboratively to resolve conflict. They are an alternative to traditional adjudicatory or adversarial methods.

What is a neutral? A neutral is a third party to the participants caught in conflict. With no stake in the outcome, a neutral remains impartial to both sides. Neutrals in this Program are specially trained to facilitate communication and expedite negotiations under a variety of circumstances.

Who are the neutrals? The neutrals who serve this Program are employees of the participating agencies. They are specially trained and experienced neutrals with diverse professional and cultural backgrounds.

Why share resources? Each participating agency contributes a little and gains access to a lot. Agencies typically contribute the services of a few neutrals, along with items such as meeting rooms and printing. In exchange, agencies gain access to highly trained and experienced neutrals, at no additional cost. Perhaps more importantly, neutrals from outside agencies provide both high levels of neutrality and an enhanced appearance of neutrality.

What is facilitation? Facilitation is the use of a third party neutral to help groups to work effectively on complex projects by providing process leadership. This process is helpful for interdisciplinary work teams, policy planning efforts, and team negotiations. A facilitator tracks communication patterns and group dynamics, encourages equitable and productive participation, and helps manage time effectively.

What is mediation? Mediation is a confidential, informal conflict resolution process in which trained, impartial third parties facilitate the search for a mutually acceptable, self-determined agreement between disputants.

Mediation encourages a collaborative, non-adversarial approach to solving problems. The process is voluntary and provides a safe environment for people to talk through their issues, interests, and feelings.

When should mediation be used? Mediation is most effective when used before a conflict has escalated to a high level of volatility. It is a highly effective tool when parties are unable to work together effectively or when parties have an interpersonal conflict and when circumstances or personal styles result in poor communication.

What types of disputes can be resolved through Shared Neutrals?

Participating agencies select the types of disputes they wish to refer to the Program. They typically involve disputes between co-workers or between a supervisor and an employee.

Shared Neutrals CAN provide mediation or facilitation for these types of disputes:

- **Employment/Workplace**

- communication*
- interpersonal*
- cross-cultural*
- staff/management*
- multi-party*

- **EEO**

- harassment*
- discrimination*

Shared Neutrals MAY provide mediation or facilitation for these types of disputes:

- Environmental/Public Policy
- Agency (contract, etc.)
- Agency/Client-Customer

What types of disputes cannot be resolved through Shared Neutrals?

The Shared Neutrals Program excludes certain types of disputes that have been deemed inappropriate for this Program as a matter of policy. **Shared Neutrals DOES NOT provide mediation or facilitation for these types of disputes:**

- Cases involving serious or criminal misconduct
- Disputed union contracts
- Cases expected to require more than 35 hours (4-6 hours is typical)
- Cases in which parties do not participate voluntarily
- Cases that an individual agency elects to exclude

How long does it take to schedule?

Scheduling varies, depending on each agency's intake process and the complexity of the case. Shared Neutrals mediators attempt to reach each participant within 48 hours of being assigned the case.

How long do session last?

Most mediation sessions take between 4 to 6 hours. Complex, multiparty disputes may require more than a day. The Program only accepts cases that are anticipated to take fewer than 35 hours.

What does it cost? There is no charge to the parties in dispute. Neutrals are paid for their time by their own employer or volunteer their own time.

Any travel costs incurred are paid by the agency making the request. Voluntary agency contributions cover administrative costs such as conference rooms, printing, clerical help, and training.

What happens in mediation? Participation is voluntary and private. Participants determine the outcome. Generally, a written or verbal agreement is reached. A successful outcome does not always require a formalized agreement. The opportunity to be heard and to hear another perspective can help to clarify issues, provide insight into interpersonal dynamics, and generate new awareness of options.

What happens if it doesn't work? Sometimes agreements are not reached in mediation or parties do not adhere to agreements they have reached. The Shared Neutrals Program does not insist on or enforce mediation agreements. If parties fail to reach or adhere to agreements, parties are still free to explore other options. Participation in a mediation session does not preclude use of any other options for dispute resolution.

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Chapter 2 – Agency Participation

updated 8/8/2003

Participating agencies share resources to benefit from low cost, high quality, timely alternative dispute resolution

Agency Agreements

A formal letter of commitment qualifies an agency to participate in the Shared Neutrals Program. This letter *must* include five key elements.

1. **Cases:** Specify 1) the types of cases the agency *will* submit for requests for services, and 2) any types of cases which the agency will *exclude* from the Program.
2. **Agency Liaison:** Identify an Agency Liaison to the Program, including a brief description of his/her background, particularly as it relates to ADR.
3. **Access to the Process:** Identify which agency personnel are authorized to make requests. Indicate whether all requests must go through the Agency Liaison or whether agency employees may request services directly.
4. **Documentation:** Identify any particular forms that should be used to document ADR processes and who receives copies.
5. **Non-retaliation Statement:** State that the agency will not retaliate against anyone who chooses to participate in, or not participate in, mediation. There will be no retaliation for a party withdrawing from mediation.

This letter *should* also include three other elements:

6. **Contributions:** How the agency plans to contribute to the Program through neutrals, access to conference rooms, funding, etc.
7. **Outreach:** An outline of how the Shared Neutrals Program will be made known and available to interested agency personnel.
8. **Reimbursement of Mediator Expenses:** How the agency will reimburse neutrals. Include what expenses will and will not be covered (travel, long-distance calls, parking, per diem/meals, etc.).

It is the responsibility of the Agency Liaison to provide written notification of any changes to the agreements above. Agency Liaisons may contact the Program Coordinator for help on how to provide this information.

For more information on the role and responsibilities of the Agency Liaison, please see the next chapter. (Also, please see Sample **Letter of Commitment** (ch. 6).

Benefits

Sharing resources through participation in the Shared Neutrals Program offers agencies numerous benefits. Participating in this intergovernmental exchange provides low cost access to cutting edge ADR methods.

Lower costs and reduced risks

- No charges minimizes administrative costs
- Minimizes lost productivity
- Reduces the risks and costs of litigation
- Protects privacy
- Preserves other options for dispute resolution
- Maximizes potential for agreement and compliance

Access to credible ADR

- Enhances perception of neutrality and confidentiality in sensitive disputes
- Provides ADR to agencies without trained neutrals on staff
- Offers greater access to pool of competent, diverse neutrals
- Accesses specialized ADR technical expertise
- Allows mentoring opportunities to benefit experienced and less-experienced neutrals
- Assists in developing ADR programs and processes

Collaborative, creative problem solving

- Enhances work life
- Speeds dispute resolution
- Boosts morale
- Preserves and enhances relationships

Contributions

The strength of the Shared Neutrals Program lies in its member agencies and the contributions they make. In addition to neutrals, agencies contribute such things as meeting space, administrative support, printing, and funds for training and program coordination.

The Shared Neutrals Program reserves the option to require contributions commensurate with benefits.

Outreach

Accessibility is key to the success of the Shared Neutrals Program. Here are some ideas for making the program as accessible as possible to your agency's employees.

Ideas for Outreach:

- Publish information on the Program in a newsletter or online.
- Print and post Program flyers on bulletin boards.
- Print brochures and make them available throughout the agency.
- Invite Program members to give presentations at staff meetings.
- Send personnel to OFEB-sponsored training on the Program.

Participating Agencies as of August 2003

Federal

Albany Research Center, Dept. of Energy
Army Corps of Engineers, Portland District
Bonneville Power Administration
Bureau of Indian Affairs, NW Region

Bureau of Land Management, Oregon State Office
Chemawa Indian School, Bureau of Indian Affairs
Department of Veterans Affairs – Medical Center (Portland)
Environmental Protection Agency
Equal Employment Opportunity Commission (Seattle, WA)
Indian Health Service, Portland Area
Internal Revenue Service, Pacific Northwest District
Small Business Administration
US Attorney, District of Oregon
USDA – National Agriculture Statistics Services OR SSO
US Forest Service, Region 6 (Oregon & Washington) & Pacific Northwest
Research Station

State

Dept. of Corrections, Human Resources, SW Region South (Vancouver, WA)
Dept. of Social Health Services/, Division of Child Support (Vancouver, WA)
Oregon Military Department

Local

Centennial School District, Portland
City of Beaverton (Oregon)
City of Gresham (Oregon)
City of Milwaukie
City of Portland (Oregon)
City of Vancouver (Washington)
City of Wilsonville (Oregon)
Clark County (Washington)

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Chapter 3 – Administration

How the Process Works

Agencies tailor their use of the Program to suit their needs.

Agencies have a great deal of latitude in how they use the Shared Neutrals Program. This section outlines a generic description of the Program's elements and procedures. How each of these is used may vary according to the individual preferences of individual agencies, as well as the needs of specific cases.

ADR Processes

The Shared Neutrals Program supports a variety of ADR methods and styles. All neutrals, regardless of their theoretical framework and style, meet qualifications for training and experience and agree to adhere to Oregon Mediation Association's *Core Standards of Mediation Practice*, September 9, 2000.

Co-mediation model

Mediation is the most popular ADR option. The mediation model most commonly used in the Shared Neutrals Program is the eight-step facilitative co-mediation model. In co-mediation, the two neutrals begin with an opening statement outlining the mediation process, roles, and rules of conduct. Each party follows with an individual opening statement to describe her/his experience. Each party has a chance to respond in turn with questions and comments. The neutrals next assist in developing an agenda of items for discussion between the parties and then help to guide the negotiation process. The neutrals may meet with each party individually. Finally, neutrals assist in formalizing any agreements that participants reach.

Facilitation Consultation

In addition to mediation, neutrals may be available to facilitate group work and to serve as consultants in designing conflict management strategies.

Shared Neutrals Message Line

Callers may dial **(503) 230-3536** to reach the Shared Neutrals message line anytime.

Callers outside the Portland area may dial **1 (800) 232-3713** Monday through Friday between 6:30 am and 5 pm, and then ask for **extension 3536**.

All messages are strictly confidential.

Request for service

Employees of participating agencies may request services by contacting their Agency Liaison or by contacting the Program directly through the message line. Typically, **parties will contact their Agency Liaison** to inquire about or request Program services.

Steps for getting a case to mediation and beyond:

1. Agency Liaison notifies Program Coordinator that s/he has two or more persons (“parties”) who would like to mediate. Liaison forwards party names, addresses, phone numbers, issues, special requests, time-frame, etc. Program Coordinator assigns case number.
Upon occasion, a party may contact the Program directly through the message line or email. When a party calls to request a neutral, the Program Coordinator will first confirm that the caller is an employee of a participating agency. S/he will then determine whether the Agency Liaison has been - or should be - contacted, depending on the Agency’s protocol.
2. Program Coordinator broadcasts generic case information *without party names* to all mediators who are not in the parties’ agency(ies), and mails “party letters” to parties with mediation brochure and a copy of the Agreement to Mediate.
3. Mediators who are available and interested respond to Program Coordinator.
Because time is of such a high priority in these cases, the Program Coordinator will assign the cases to the first qualified primary mediator to respond. Party special requests and special circumstances will still be honored.
4. Parties have the option of declining the service of any particular neutral, or of the Program
5. Program Coordinator assigns the case to a Primary, and provides full party information. Often, Liaisons want to talk with Primary too, and can help with room arrangements & other logistics.
6. Primary contacts each of the parties to complete case development, selects an appropriate co-mediator, and schedules a mediation session (if appropriate).

7. Primary informs Program Coordinator and Agency Liaison of scheduled sessions.
8. Mediation session(s) occur. Mediators emphasize value of evaluations and distribute them with self-addressed stamped envelopes or offer to collect evaluations at the time.
9. Mediators debrief verbally with each other and send *Consent to Mediate*, *Primary Mediator Checklist*, *Mediator Critiques (& Party Evaluations)* to Program Coordinator.
10. Primary mediator notifies Agency Liaison of case completion, and submits travel documentation (when appropriate) to Agency Liaison for processing.
11. Program Coordinator informs Agency Liaison of closure and, if required, forwards her/him a copy of the signed Consent to Mediate form.

Case Intake

Intake begins when a request for service is made. Intake involves the sharing and gathering of information about the dispute and the Program, so that parties can make an informed decision about whether to mediate through the Program or to pursue other options. The Parties, Agency Liaison, Program Coordinator or Primary Mediator may all take part in determining if the case is appropriate for the Program. All cases are screened to determine if they meet Program guidelines and agency protocol.

Intake Checklist

The purpose of intake is for the Agency Liaison to gather and to provide general information. The Primary Mediator will explore the details of the case with each of the parties.

Liaison should consider:

- Is the referral appropriate for Shared Neutrals?
- Is this an EEO case? At what point in the process?
- Is this a Union grievance?
- Do the parties have settlement authority?
(are these all the right parties? Who else needs to be included?)
- How soon are the parties expecting a call from a mediator?
- Do you have any specific agency requirements you should pass on to the Program Coordinator?

Questions for the Party(ies):

- Are they employees of a participating agency?
- Have they received program materials?
- What do they think mediation might do for them?
- Is there any feeling of being coerced to mediate?

- Are there concerns about/do they understand about confidentiality in a mediation?
- Note:
 - Mediators do not make decisions or judgments.
 - You may/may not achieve resolution.
 - Our program uses a 2-mediator model
 - Mediators will not be from your agency, and will be unknown to all parties
 - Mediations usually take 4-6 hours, and sometimes have more than 1 session
- Is there any information you need to decide whether mediation might work for you?
- Are there any specific requests you have about the mediators (race, gender, style)?
- Do you have any other special needs (interpreter, wheelchair access, length of sessions, etc.)?
- How soon do you want to begin?
- When are good times, generally, for you to 1) be contacted? 2) to mediate?
- Are you planning any vacations or do you have any other *general* scheduling needs?
- Is it okay for me to contact the other party? What information should I keep confidential?
- Who else should be involved in the mediation? Who can make decisions?
- Assuming that all parties are willing, the next call will likely be from the mediator assigned to this mediation, who will ask you specifics about your situation. Is that Okay? How would you like them to reach you? (day/evening/work/home/e-mail?)

Agency Liaison role & responsibilities

Agency Liaisons who perform intake are responsible for following Program guidelines and agency protocol. When an Agency Liaison first receives a call requesting service, s/he will screen the case to determine if it is appropriate for mediation. S/he then notifies the Program Coordinator about the case. Liaison should provide party names, addresses, phone numbers & e-mail addresses (and preferred method of contact), describe the general nature of the conflict, the degree of urgency, and available dates (if possible) to Program Coordinator.

Specific responsibilities of Agency Liaison

- Provide Program Coordinator with a letter of commitment (when agency joins)
- Coordinate logistics
 - Secure and schedule rooms for mediation sessions
 - Arrange reimbursements to neutrals for travel expenses
 - Troubleshoot collaboration with Program
- Coordinate outreach efforts for the Shared Neutrals Program
- When performing intake
 - Inform Program Coordinator of all contacts
 - Ensure that Program and agency guidelines are met
 - Distribute Program materials

Program Coordinator

The Program Coordinator is hired by and reports to the Shared Neutrals Subcommittee. When a funded position is not available, members appoint a Program Coordinator on a rotational basis from among the neutrals serving the Program. The Program Coordinator shares responsibility for performing intake with Agency Liaisons. S/he performs intake when Agency Liaisons cannot because of a conflict of interest and when agencies have not delegated the task to the Agency Liaison.

It is the primary responsibility of the Program Coordinator to oversee the process of gathering and providing information about ADR options, and specifically the Shared Neutrals Program, to foster informed choices and appropriate use of resources. In some cases, s/he may refer callers to other sources for information and assistance regarding dispute resolution.

The Program Coordinator serves as a primary Program Liaison, in collaboration with the Chair of the Subcommittee. In addition to tracking case-related calls, the Program Coordinator provides information about the Program and may refer callers to subcommittee members or other Agency Liaisons.

Once the case profile from the intake process has been logged, the Program Coordinator requests and assigns neutrals.

Specific responsibilities of Program Coordinator

- Monitor the message line voicemail system
 - Respond to calls promptly
 - Provide Program information
 - Make referrals to appropriate resources
 - Record contact and case information
- Coordinate and oversee the intake process
 - Work in collaboration with the Agency Liaisons
 - Ensure timely and consistent response to requests
- Make neutral assignments
- Prepare and distribute Subcommittee agendas and minutes
- Maintain working files
 - Instructions for message line voicemail system
 - Intake instructions
 - Case logs
 - Intake forms with case profiles
 - List of participating Agency Liaisons
 - Letter of commitment from each agency
 - List of Program neutrals
 - Profile/biography and contract for each neutral
 - Neutral assignment tracking form
- Assist with Program evaluation
 - Return case log information to evaluation committee
 - Forward evaluation comments to Subcommittee Chair

Primary Mediator role and responsibilities

Case development is the detailed work involved in preparing for and conducting the mediation. This usually involves a series of contacts. The Program Coordinator (via the Agency Liaison) will generally provide a brief outline of the conflict, the scheduling parameters, and special concerns of the involved parties. Upon accepting the assignment, the Primary mediator will receive the case profile, which includes the case number, an outline of the conflict, and a list of all involved parties and their contact information. This list may include others who have a peripheral interest in the conflict and its resolution, such as managers and Agency Liaisons.

The Primary mediator contacts each of the parties involved in the dispute to explore her/his needs and concerns. This work allows the primary to obtain as much information as s/he deems necessary to design an appropriate process and to select a Co-mediator. The Primary will contact parties within 48 hours of receiving the case assignment, and should attempt to hold the mediation session within two weeks of receiving the assignment.

Case development & documentation

The process of case development and procedures for case documentation are detailed in Chapter Three (Logistics). Primary neutrals are responsible for contacting all parties in the case development phase to design an appropriate process and for selecting a co-mediator.

Neutrals use five documents to prepare for and conduct mediations (see chapter 6- Program Forms). These are:

1. **Primary Mediator Checklist** – this form is completed by the primary mediator for each case. It is returned to the Program Coordinator upon completion of each case, and helps facilitate Program evaluation.
2. **Consent to Mediate** - Neutrals insure that each party signs a form prior to any mediation session.
3. **Mediated Agreement** - Neutrals assist parties to formalize resolutions using this form. Copies stay with parties, and do not get kept in the Program files.
4. **Evaluation** – Neutrals also encourage each party to complete an evaluation form, which is to be mailed back to the Program Coordinator in a pre-addressed, postage-paid envelope that is provided to encourage feedback. This feedback is crucial for Program evaluation and improvement. Neutrals are encouraged to explain the importance of this feedback to the parties.
5. **Debriefing Critique** – to be completed and shared between mediators after each session. This critique is then sent to the Program Coordinator with the rest of the case paperwork. See **Policy 4.06** for protocol on mediator debriefing in Appendix.

Form Updates

Whenever the forms are updated, the Program Coordinator will distribute copies to neutrals by email, fax, or mail. Current forms are available for downloading from the web site hosted by the OFEB, <http://www.oregon.feb.gov/SharedNeutrals.htm> , or from Program Coordinator by request. Neutrals are responsible for making sufficient copies for their own use, and bringing correct forms to mediation session.

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Chapter 4 – Neutrals

updated 7/29/2003

Neutrals bring different ADR styles and techniques to the Program

The neutrals shared through this Program are employees and volunteers from participating agencies. They bring diverse professional and cultural backgrounds to the Program. Collectively, they possess a broad range of technical expertise and different ADR styles. This wealth of training and experience is one of the greatest assets of the Program.

This exchange supports the professional development of agency neutrals through mentoring. The Program’s use of the co-mediation model is designed in part to provide opportunities for more experienced neutrals to work with less-experienced neutrals for their mutual benefit.

Neutral Roles

Primary Mediator	<ul style="list-style-type: none">• Meets minimum requirements and has extensive mediation experience and is highly recommended by their references• Assumes primary responsibility for cases• Selects co-mediator based on needs of case (may occasionally work solo when needed)• Assures thorough case development and communication with Agency Liaison• Assures coordination of arrangements for mediation sessions (<i>per protocol & procedures, chapter 6</i>)• Assures prompt return of case documentation to the Program Coordinator (including party evaluations, mediator critiques and mediator checklist).• May serve as mentor to other mediators through the Mentor Program
Co-Mediator	<ul style="list-style-type: none">• Meets minimum requirements• Is responsible for handing in documentation of their own hours, mediator critiques and travel reimbursements.• May request moving to Primary Status (<i>see Administrative Procedures, chapter 6</i>).

Trainee	<ul style="list-style-type: none"> • Meets all minimum requirements <u>except</u> does not have sufficient mediation experience • MUST work with designated mentor* to get experience and exposure (i.e., observations, practice sessions, etc.) • Must notify Personnel Standing Committee when s/he and their mentor feel s/he is ready to become a Co-Mediator.
Inactive	<ul style="list-style-type: none"> • A mediator may take a leave of absence. • To return from inactive status, the mediator must notify their Agency Liaison who, with the Personnel Standing Committee, will determine his/her readiness to return as an active mediator
<p>* A Trainee must have a mentor, but <u>any</u> category of mediator can request a mentor. See: Mentor Program later in this chapter.</p>	

ALL categories of Shared Neutrals mediators are responsible for:

- Critiquing whomever they mediate with, regardless of which category (see *Mediator Critique – Chapter 6*).
- Fulfilling Professional Development expectations and submitting completed *Training & Activity Log (Chapter 6)* to the Personnel Standing Committee after each calendar year.

Selection Process

Applicants from a variety of professional backgrounds who use diverse ADR techniques are encouraged to apply.

To apply, applicants must submit an application (see *Neutral Profile* in chapter 6) detailing their training, experience, preferred style, methods of dispute resolution and three references to the Personnel Standing Committee or Program Coordinator.

Minimum Requirements

Policy 4.01 - Mediator Applicant Minimum Requirements (6/00)

New applicants to the Shared Neutrals roster must meet the following requirements:

- Must be an employee or trained volunteer of a member agency;
- Must have completed 40 hours of basic mediation training;
- Must have some previous experience as a mediator or facilitator;
- Must agree to pursue 15 hours of Professional Development annually;
- Must agree to mediate a minimum of 3 workplace disputes per year (2 of which must be for Shared Neutrals), or to mediate a minimum of 15 hours per year (10 hours of which must be for Shared Neutrals); and
- Must agree to adhere to the Oregon Mediation Association’s Core Standards of Mediation Practice, adopted September 9, 2000.

After being interviewed by the Personnel Standing Committee, references will be checked, and applicants may be asked to perform a mock mediation to assess skills and style. If accepted, they are assigned to the appropriate category (Primary, Co-mediator or Trainee). If assigned directly to the Primary category, they must mediate their first case with another Shared Neutrals Primary Mediator.

Once accepted, mediators sign a contract (*See Mediator Contract in ch. 6-Forms*) outlining the Program's standards of practice, and are oriented by the Program Coordinator (or other Personnel Standing Committee representative).

The Program Coordinator maintains a mediator roster, along with a profile/biography sheet for each mediator, and assigns cases based on case needs. Neutrals are not generally assigned to cases in their own agencies, unless requested by both parties to a dispute. (Note: as of 2003, this subject is under review by the Subcommittee.)

Standards of Practice

Neutrals agree to adhere to the Oregon Mediation Association's Standards of Mediation Practice, adopted September 9, 2000. For further discussion of these standards, see <http://www.omediate.org/Standards>

Mediators' Ethical Standards

I. Self Determination

A mediator shall respect and encourage the self-determination of participants in decisions regarding what process to use and regarding whether, and on what terms, to resolve their dispute or issues.

II. Informed Consent

A. The mediator shall provide mediation services only when the participants have given their informed consent to participate in the specific mediation process offered by the mediator.

B. The mediator shall disclose to the participants all information about the mediator and his/her services necessary to enable the participants to make an informed decision whether to use or continue the services of the mediator and whether to participate in the specific mediation process. The mediator shall explain the mediation process and the roles of the mediator, the participants, and their representatives. The mediator shall also disclose information regarding conflicts of interest, relationships, confidentiality and fees as specified in these Standards.

C. The mediator shall make reasonable efforts throughout the mediation

to assure that the participants are free and able to make choices regarding participation in mediation generally and regarding options for reaching agreement.

III. Impartial Regard

The mediator shall demonstrate and maintain a commitment to impartial regard by serving all participants at all times. The mediator shall not have any personal stake in the outcome of the mediation. Where the mediator's ability to give impartial regard is in question and that question cannot be resolved s/he shall decline to serve or shall withdraw from serving as mediator.

IV. Confidentiality

A mediator shall maintain the reasonable expectations of the participants with regard to confidentiality, except where confidentiality or disclosure is required by law

V. Competence

A. A mediator shall mediate only when s/he has the necessary knowledge, skills, and abilities to satisfy the reasonable expectations of the participants.

B. The mediator shall exercise his/her judgment and discretion as to whether s/he is competent to mediate a particular dispute. When the mediator believes that s/he lacks the knowledge, skills and ability to mediate a particular dispute, s/he shall request appropriate assistance, withdraw or decline to serve.

VI. Encourage Good Faith Participation

The mediator shall encourage participants to participate in good faith. The mediator shall discontinue the mediation if, in his/her reasonable judgment, a participant's bad faith, dishonesty, or nondisclosure is so significant that the fairness and integrity of mediation cannot be maintained.

VII. Fees

A. The mediator shall fully disclose and explain the basis of any compensation, fees, and charges to the participants.

B. A mediator shall not charge contingent fees or base fees on the outcome of a mediation.

C. A mediator shall not accept a fee for referral of a matter to another

mediator or to any other person.

Professional Development

Expectations of Professional Development

Mediators must maintain minimum levels of participation and professional development to be considered 'active' mediators in the Program. The general expectation is that they will pursue 15 hours of continued professional development annually. They must submit the Training & Activity Log at the end of each calendar year. (*see Training & Activity Log ch. 6*).

This allows the Program to track mediators' development and involvement level, as well as giving mediators the chance to renew their commitment to the Program annually.

Shared Neutrals will provide periodic training opportunities to assist in this development.

Mediator Competence

Neutrals bring different ADR styles and techniques to the Program. Occasionally, this may lead to differences in opinion between mediators. To assist in this, mediators debrief with each other after each mediation (see Debriefing Critique in *Program Forms*). If inter-mediator concerns persist, the Personnel Committee is authorized to address them. (*see Procedure 4.0, ch. 6*.)

Mentor Program

Established in 2002 by the Training Standing Committee, the Mentor Program is a partnership convened for the purpose of enhancing learning, for any category of mediator. A mentor may be requested at any time, by any category of mediator (Primary, Co-Mediator, Trainee, or returning from Inactive status). The role of the mentor mediator is to actively assist the requesting mediator to achieve general or specific learning goals, and to develop his or her own unique potential as a mediator. Information about the Mentor Program is available on our web site, or through the Training Standing Committee.

Mediators interested in becoming a Mentor should fill out a Mentor Profile (*ch. 6*), and return it to a member of the Training Standing Committee.

The Personnel and Training Standing Committees work jointly to identify possible Mentors for Trainees.

Administrative procedures for establishing mentoring relationships can be found in Chapter 6, under *Procedure 7.00-Administrative Protocol for matching Mentors & Mentees*.

Promoting Co-Mediators to Primary Roster

Co-mediators who feel experienced enough to apply to the Primary roster must follow procedures outlined in *Procedure 4.02 (Chapter 6)*.

Mediation by the Program Coordinator

The Program Coordinator is hired by and reports to the Shared Neutrals Subcommittee. If s/he chooses, the Program Manager may apply to the Mediator Roster. Responsibilities and limitations of mediation by the Program Coordinator are outlined in *Policy 4.04 (Chapter 6)*.

Observers in Mediation

All people connected with Shared Neutrals will be permitted to observe when appropriate, including Subcommittee members, liaisons, the program coordinator, mediators and mediator-applicants with an application on file. The primary mediator will determine if observers are appropriate. A maximum of two persons can observe, and observers cannot observe mediations with their own agency. (6/00) (*see full Policy/Procedure 6.05 (Chapter 6)*).

Shared Neutrals Program Guide

Chapter 5 – Subcommittee

updated 6/13/2003

The Subcommittee is the governing body of the Program

Bylaws

The Shared Neutrals Subcommittee (Subcommittee) is the governing body of the Program. The Subcommittee serves at the discretion of the Oregon Federal Executive Board (OFEB). The OFEB ultimately decides the future of the Program.

Amendments

The Subcommittee may amend these bylaws at any meeting, regular or special, at which a quorum is present. The Subcommittee defines the quorum necessary for consensus as *half the standing members*.

Subcommittee Responsibilities

- **Coordination of outreach and marketing efforts to member and prospective member agencies;**
- **Administrative oversight;**
- **Selection and supervision of Program Coordinator, neutrals, and all other Program personnel;**
- **Coordination and cooperation with Agency Liaisons;**
- **Development, refinement, and oversight of case management procedures;**
- **Data collection and analysis;**
- **Program development and evaluation;**
- **Reporting to the Oregon Federal Executive Board.**

Subcommittee Membership

The Subcommittee will have no fewer than seven and no more than twelve members. No member will serve for more than five consecutive years. No agency will have more than one *voting* Subcommittee member.

The Subcommittee shall include:

- At least three federal agency representatives
- At least one local government representative
- One union representative
- One or two independent members at large

Subcommittee members should be experienced in or have an interest in mediation. They should be willing and able to participate fully in the Subcommittee and be willing and able to serve fully on committees.

THE SUBCOMMITTEE WILL ALSO EXECUTE DUE DILIGENCE TO ENSURE THAT THE SUBCOMMITTEE MEMBERSHIP REPRESENTS THE DIVERSITY OF THE PROGRAM AS A WHOLE, REFLECTING THE RANGE OF AGENCY TYPE, GEOGRAPHIC LOCATION, GENDER, ETHNICITY, AND THE LIKE.

Officers

Two elected officers will serve the Subcommittee: Chair and Vice Chair. The Subcommittee will elect each officer by consensus. Each officer will serve for a term of one year, which may be renewed by consensus. Each officer will serve at the pleasure of the Subcommittee and may be removed from office at any meeting if there is a vote for removal supported by a supermajority (75%) of members in attendance.

The Chair and Vice Chair will serve concurrent terms. The Vice Chair will groom for the role of Chair and will assume that role when the Chair steps down.

Chair

The primary role of the Chair is to serve as executive officer, primary correspondent, and legal representative for the Program. The Chair will preside at all meetings. The Chair will plan and coordinate outreach efforts, decision making, political contacts, and presentations.

Vice Chair

The Vice Chair serves to assist and act in the absence of the Chair.

Standing Committees

Any Subcommittee member may volunteer to serve on any committee. As of October 2001, current Standing Committees are:

- **Personnel committee**
- **Training committee**
- **Outreach & Marketing committee** (includes Liaison committee)

Personnel Committee – description & responsibilities

The **Personnel Committee** is responsible for recruiting, selecting, evaluating, and maintaining the cadre of neutrals. It is also responsible for addressing expressed concerns about mediator performance. (More detail in the administrative procedures section of chapter 6.)

Training Committee – description & responsibilities

The **Training Committee** is responsible for planning, implementing and overseeing training needs of the Program.

Specific responsibilities of the Training committee:

- Identify training needs, select topics and arrange for training
- Design and implement a mentoring "program"
- Assist with training needs for individual mediators as requested by personnel committee

Outreach and Marketing Committee – description & responsibilities

The **Outreach and Marketing Committee** is responsible for advertising the Program to agencies and assisting agencies in joining. The **Liaison committee** is a subset of the Outreach & Marketing committee, and responsible for promoting effective working relationships between Agency Liaisons and the Program Coordinator.

Meetings

The Subcommittee will normally meet once a month. To the extent possible, this meeting will be scheduled at a consistent time and place.

Notice for the subsequent meeting will be set at each meeting. The Program Coordinator will send a meeting reminder and request for agenda items to all members at least one week in advance.

Special meetings may be called by the Chair or by request in writing from any four members upon two weeks notice.

The Program Coordinator will document and distribute documentation of Subcommittee activity. This documentation includes meeting agendas, minutes, and revisions to written materials. If the Program Coordinator is unavailable, the Chair will appoint a member to carry out the secretarial duties.

Attendance

The Subcommittee expects members to attend all regular meetings. Members who cannot attend a meeting are encouraged to send an alternate who is familiar with mediation and current issues. Alternates may vote on some matters but cannot block consensus.

The Subcommittee defines the quorum necessary for consensus *as half the standing members*.

Members who miss three consecutive meetings may be subject to review by the Subcommittee. This review may include discussion of dismissal. The Chair will notify members of dismissal.

Decision Making

Subcommittee decisions will generally be made on the basis of consensus, unless voting is deemed necessary.

Consensus is defined as *a collective opinion arrived at by a group working in an environment that permits open communication so that each person participates fairly*. While the group will strive for unanimous, affirmative decisions, consensus will include the possibility of one or more members being willing to accept, if not fully agree with, any given choice.

Once consensus is reached on a given issue, the issue will not be readdressed without consensus to do so. Members will abide by decisions made in their absence, unless there is a consensus to do otherwise.

Members may agree to table an issue in order to permit further discussion and additional time for reflection.

If, after considerable debate, the Subcommittee is at an impasse, the Chair can elect to call a vote at the next regularly scheduled meeting. The minutes and the call for a vote will be sent out to all Subcommittee members in advance.

Election Process

The Subcommittee will interview prospective members. After discussion of the candidate, the Subcommittee will come to consensus on the candidacy. (See decision making below.) A prospective member will not be present during discussion of her/his candidacy. The Subcommittee will notify the candidate within a week of her/his acceptance or rejection by the Subcommittee.

The Subcommittee can achieve consensus for elections when a quorum of half of the standing members (including at least one officer) is present.

Norms

Subcommittee members agree to the following norms:

- Meetings will start on time;
- Members will come to meetings prepared, actively participate in discussion, and will fulfill commitments to the best of their ability;
- Members will prepare alternates prior to meetings;
- Alternates may vote on some matters, but may not block consensus;
- Each member will obtain the authority needed to effectively represent her/his agency's view; and
- All reasonable effort will be made to provide members with materials prior to meetings.

Shared Neutrals Program Guide

Chapter 6 – Appendices

updated 6/13/2003

Contents:

- Description of the documents used for outreach, case management, and program evaluation
- Contact information for Participating Agencies, Subcommittee and other Program Contacts
- Administrative Policies & Procedures:
 - Personnel
 - Subcommittee
 - Administrative
 - Training

The forms and document templates described in this section may be obtained via email from the Program Coordinator. They may also be available on-line at <http://www.oregon.feb.gov/SharedNeutrals.htm>

Case numbers should be filled out on all forms where indicated.

FORMS NEEDED FOR MEDIATION SESSION

Consent to Mediate – This agreement to mediate must be signed by each party and each mediator prior to beginning any mediation (can also be used as a basic *opening statement*).

Checklist for Primary Mediator – A primary mediator completes and returns to the Program Coordinator a checklist for each case to facilitate Program evaluation.

Mediated Agreement – Mediators use this form to help parties memorialize any agreements reached during a mediation. The form is to be filled out by mediators and signed by each party and mediator when agreement is reached. One copy is distributed to each party. Mediators do not retain a copy. This

agreement might include listing specific others who are to receive a copy of the agreement (i.e., EEO Counselor, etc.).

Evaluation – This form is distributed to each mediation participant, along with a pre-addressed, postage-paid envelope (Send to Program Coordinator.)

(Mediator) Critique – Each mediator completes a debriefing critique of the other mediator after each mediation. Note: Mediators are asked to share this critique with each other in their post-case debriefing prior to sending to Program Coordinator.

Opening Statement Checklist (optional) – developed by Kim Howell and Maria Iwasyk, 2002.

AGENCY/LIAISON FORMS

Agency Letter of Commitment – This formal letter of commitment qualifies an agency to participate in the Shared Neutrals Program. Chapter two describes the elements of the letter.

Liaison Checklist – modified version of Intake Checklist to aid Agency Liaisons in case intake.

ADMINISTRATIVE FORMS

Case Log – The Program Coordinator uses this form to track cases.

Intake Form – The Program Coordinator uses this form to coordinate service delivery and to facilitate Program evaluation.

Intake Checklist – This checklist is a resource for those doing case intake.

Neutral Profile – This is the form used by neutrals to apply to participate in the Program.

Party Letter – This letter is sent to each party during intake. It provides information about how to most effectively prepare for the mediation, clarifies roles and expectations, and confirms the voluntary nature of the process. Generally a brochure and a copy of the Consent to Mediate form accompany the letter.

Mentor/Mentee Roles – This form describes the mentor/mentee relationships and suggests ways to set learning objectives.

Mentor Profile – This is the form developed by the Training Standing Committee in 2002. Neutrals who are interested in mentoring other neutrals

should complete this form at return it to the convener of the Training Committee (Diane Williams, USFS, at this writing, 5/19/03)

Training & Activity Log (2003) – Each neutral use this form to provide information about their mediating, training and continuing education/experience to the Training and Personnel standing committees on an annual basis. This form serves as a level of quality assurance to the Program. It also provides a way for neutrals to decide if they can meet the requirements of participation in the Program each year.

MEMOS OF UNDERSTANDING

Neutral Contract – To serve the Program, each neutral signs a contract outlining standards of practice. These are described in chapter four.

Agency Letter of Commitment – This sample letter of commitment qualifies an agency to participate in the Shared Neutrals Program. Chapter two describes the elements of the letter.

LISTS OF CONTACT INFORMATION

Agency Roster – Contact information for participating agencies and their designated Agency Liaison. Outlines any agency-specific case procedures.

Mediator Roster – Contact information for primary and co-mediators (confidential-available to neutrals).

Current Policies & Procedures updated 8/8/2003

Personnel Standing Committee:

Procedure 4.00 - Addressing concerns with mediators. (accepted 5/11/00)

Procedure 4.01 - Criteria and Selection of new mediators (6/00)

Procedure 4.02 – Co-Mediators to Primary Roster

Procedure 4.03 – Applying directly to the Primary Roster

Procedure 4.04 - Mediation by Program Coordinator (2/7/01)

Procedure 4.06 - Mediator Debriefing (5/00, updated 2/12/02)

Policy 4.07 – Establishment of Trainee Roster (2/6/02)

Procedure 4.08 – Roles & Responsibilities of Primary Mediator

Subcommittee

Procedure 5.00 – Subcommittee Meetings

Procedure 5.01 – Subcommittee Attendance

Procedure 5.02 – Subcommittee Dismissal

Procedure 5.03 - Standing Committees - Description & Responsibilities

Administrative:

Procedure 6.01 Where to store Consent to Mediate Forms, and who has access to them (3/7/01)

Procedure 6.05 - Observers in Mediations

Training Standing Committee:

Policy 7.00 – Establishing the Mentor/Mentee Relationship (2002)

Procedure 7.00 – Administrative Protocol for matching Mentors & Mentees (5/19/03)

POLICIES & PROCEDURES -- PERSONNEL

Procedure 4.00 - Addressing concerns with mediators.

Goal: educate and help improve, while attempting to ensure that quality services are provided to clients

1. The first level of intervention should be made as part of the debriefing process by the mediator who has the concern
2. Lingering concerns should be brought to the attention of the Program Coordinator and/or the Personnel Subcommittee.
3. Program Coordinator will obtain specifics of perceived problem – asking for specifics of behavior
4. Program Coordinator will bring to attention of Personnel subcommittee
5. Two members of the Personnel subcommittee, both of whom shall be mediators, will meet with the mediator under review and determine what standard the mediator is violating, or what behaviors that are at issue. (They will not divulge the source of the “complaints.”)
6. If the mediator agrees that s/he has a problem with that standard/behavior, the Personnel folks will attempt to provide a coaching experience to help the mediator meet the standard. Coaching may include actual verbal coaching, additional training, and/or mock mediations.
7. If the mediator does not agree that there is a problem with his/her behavior, or if a problem persists after having coaching, the Personnel subcommittee will provide a mock mediation designed to determine whether the mediator meets the particular standard in question. The mock will have role players who are mediators from outside the Shared Neutrals Program, and the two Personnel subcommittee members will evaluate the mock.
8. If the mediator passes the mock, s/he will remain on the roster. If /she does not pass, s/he may resign or s/he will be removed from the roster.

Procedure 4.01 for Criteria and Selection of new mediators

- All applicants who meet minimum qualifications will have an interview.
- All applicants passing the interview will have 3 references checked.
- Some applicants may be required to pass a mock mediation.
- If selected, applicant must sign a Shared Neutrals contract and attend an orientation with the Program Coordinator.

Procedure 4.02 – Co-Mediators to Primary Roster

Co-mediator desiring promotion to Primary list submits an expression of readiness to the Program Coordinator.

- Co-mediator requests recommendations from three primary mediators who have worked with co-mediator. Recommendations are forwarded to the Program Coordinator.
- Program Coordinator reviews critiques and evaluations from recent cases the co-mediator has participated in. Personnel subcommittee reviews all information and promotes co-mediator when appropriate.
- Co-mediator mediates one more Shared Neutrals case with a primary (“mentor”) mediator, but this time the co-mediator assumes the responsibilities of a primary mediator (listed above).
- If both the established primary and the co-mediator agree that the co is ready for promotion, the primary and the co-mediator will so notify the Program Coordinator.
- Program Coordinator makes adjustment to Roster and communicates change to mediators, liaisons, and Board members.

Procedure 4.03 – Applying directly to the Primary Roster:

If the Personnel subcommittee determines that an applicant has sufficient experience to warrant being moved to primary mediator status, the following steps will occur:

- The Personnel Committee will inform the Program Coordinator that the candidate can be promoted to primary after one session, pending a satisfactory debriefing critique by the primary mediator at that session.
- Once the candidate has received a mediation assignment (as co-mediator), the Program Coordinator will notify the primary mediator that the candidate is being considered for expedited primary mediator status, and ask the primary to keep this in mind when filling out the debriefing critique.
- After the candidate’s first mediation, the Program Coordinator will review the debriefing critique and any party evaluations, and contact the primary mediator to determine whether the candidate seemed ready to become a primary. If there are any problems, the Program Coordinator will refer them to the Personnel subcommittee. If there are no problems, the Program Coordinator will ask the candidate whether s/he feels comfortable becoming a primary. If the candidate agrees, and all evaluations are positive, the Program Coordinator will add the candidate to the primary mediator roster.

Policy 4.04 - Mediation by Program Coordinator

It is understood and agreed that mediation is not a responsibility of the Program Coordinator position and not an expectation or a requirement of the job. The subcommittee’s intent is to offer the Program Coordinator the same opportunity enjoyed by other Federal employees.

Limitations on Mediation by Program Coordinator

- must meet the Shared Neutrals' requirements for a mediator
- must ensure that mediation will not jeopardize the case assignment process and other Program Coordinator responsibilities, such as preparing minutes of subcommittee meetings and preparing for the annual meeting
- must select a case from those offered to all mediators
- must select a case in which the mediation site is within the Portland metropolitan area
- must obtain approval from his/her supervisor to mediate the case selected
- Mediation must occur within regular tour of duty and may not incur overtime. (under law and regulations, the Program Coordinator is not able to volunteer time as a mediator in the program)
- may mediate a maximum of one case per month

Benefits to the program:

- enhancement of Program Coordinator job
- meet a need to staff cases for which there are no volunteers
- professional development opportunity for Program Coordinator
- knowledge of process gained by Program Coordinator will benefit SN program

Policy 4.06 - Mediator Debriefing

Mediators should be willing to give honest, timely feedback to their co-mediators. Shared Neutrals should cultivate a culture that not only welcomes, but also requires honest feedback. Feedback should be reciprocal – from primary to co, co to primary, and any other mediator combination.

PROCESS - Guidelines for Mediators Debriefing (8/01, updated 2/12/02)

1. Upon conclusion of each case, all mediators will complete mediator critique and provide a copy to each other before sending to the Program Coordinator with the rest of the case paperwork.
2. Be timely: Debrief with other mediator, and send completed critique to Program Coordinator.
3. Be honest.
4. Be consistent: what you tell the person should be consistent with what you put on paper.
5. If you have lingering or strong concerns after talking to the other mediator, notify the Program Coordinator, who will alert Personnel subcommittee.
6. Remember identify specific behaviors (*The OMA standards of practice may be helpful to use for critiques*)

Policy 4.07 – Establishment of Trainee Roster

Applicants who have met all of the minimum requirements except sufficient mediator experience to be added to the Co-mediator Roster, may be invited to join the Shared Neutrals Trainee Roster. As well as meeting the requirements of agency membership, training and commitment to continuing education, they must also agree to the following:

1. Work with a designated mentor from the Primary Roster to obtain additional exposure and experience in the mediation process in order to meet the minimum requirements to be admitted to the Co-mediator roster.
2. Continue to pursue additional training and experience outside of the Shared Neutrals Program.
3. After a six to eight month period of time, be re-evaluated by the Personnel Standing Committee for admittance to the Co-mediator Roster.

Procedure 4.08 – Roles & Responsibilities of Primary Mediator

The mediator who accepts the primary role for a case assumes the primary responsibility for assuring the quality of the mediation services for that case. This will include doing or providing oversight for the following:

- Contact parties to complete intake process and schedule session
- Select co-mediator (consider the needs of the case first, then the needs of the Program)
- Facilitate communication among parties, co-mediator, Program Coordinator, and Agency Liaison to assure common understanding about when and where mediation sessions will occur and who will attend
- Complete paperwork to close the case, and send all appropriate paperwork to Program Coordinator

Case development is the detailed work involved in preparing for and conducting the mediation. This usually involves a series of contacts. The Program Coordinator will generally provide a brief outline of the conflict, the scheduling parameters, and special concerns of the involved parties. Upon accepting the assignment, the primary mediator will receive the case profile, which includes the case number, a brief outline of the conflict, and a list of all involved parties and their contact information. This list may include others who have a peripheral interest in the conflict and its resolution, such as managers and Agency Liaisons.

The primary mediator contacts each of the parties involved in the dispute to explore her/his needs and concerns. This work allows the primary to obtain as much information as s/he deems necessary to design an appropriate process and to select a co-mediator. The primary will contact parties within 48 hours of receiving the case assignment, and should attempt to hold the mediation session within two weeks of receiving the assignment.

Co-Mediator selection - The primary mediator is generally responsible for selecting a suitable co-mediator. Resources available to assist the primary neutral in their selection include the Program Coordinator and the list of neutrals s/he maintains, personnel committee members, and other primary mediators. The Program Coordinator will forward information concerning the availability of co-mediators to the primary.

Documentaion and Delegation – Although the Primary mediator may delegate some of the case work to a Co-mediator (under the oversight of the Primary), it is the Primary’s responsibility to see that all necessary case paperwork is returned to the Program Coordinator.

POLICIES & PROCEDURES – SUBCOMMITTEE

Procedure 5.00 – Subcommittee Meetings

The Subcommittee will normally meet once a month. To the extent possible, this meeting will be scheduled at a consistent time and place.

Notice for the subsequent meeting will be set at each meeting. The Program Coordinator will send a meeting reminder and request for agenda items to all members at least one week in advance.

Special meetings may be called by the Chair or by request in writing from any four members upon two weeks notice.

The Program Coordinator will document and distribute documentation of Subcommittee activity. This documentation includes meeting agendas, minutes, and revisions to written materials. If the Program Coordinator is unavailable, the Chair will appoint a member to carry out the secretarial duties.

Procedure 5.01 – Subcommittee Attendance

The Subcommittee expects members to attend all regular meetings. Members who cannot attend a meeting are encouraged to send an alternate who is familiar with mediation and current issues. Alternates may vote on some matters but cannot block consensus.

The Subcommittee defines the quorum necessary for consensus *as half the standing members*.

Procedure 5.02 – Subcommittee Dismissal

Members who miss three consecutive meetings may be subject to review by the Subcommittee. This review may include discussion of dismissal. The Chair will notify members of dismissal.

Procedure 5.03 - Standing Committee Description & Responsibilities

The **Personnel Committee** is responsible for recruiting, selecting, evaluating, and maintaining the cadre of neutrals. It is also responsible for addressing expressed

concerns about mediator performance. (More detail in the administrative procedures section of chapter 6.)

The **Training Committee** is responsible for planning, implementing and overseeing training needs of the Program. Specific responsibilities of the Training committee are:

- Identify training needs, select topics and arrange for training
- Design and implement a mentoring "program"
- Assist with training needs for individual mediators as requested by personnel committee

The **Outreach and Marketing Committee** is responsible for advertising the Program to agencies and assisting agencies in joining. The **Liaison committee** is a subset of the Outreach & Marketing committee, and responsible for promoting effective working relationships between Agency Liaisons and the Program Coordinator.

POLICIES & PROCEDURES - ADMINISTRATIVE

6.01 Where to store Consent to Mediate Forms, and who has access to them

- The original Consent to Mediate form stays with the SN Program Coordinator (with case file). Next: a copy can go to the Agency Liaison, if requested. Program Coordinator will not release a copy to anyone besides the liaison (or whoever originally brought the case to Shared Neutrals, if not the liaison).
- If the mediator's agency needs info on the cases they do (such as CMS), the mediator may provide case# and dates of mediation ONLY ("sanitized"), for cross-referencing purposes. The Mediator, not Shared Neutrals, is responsible for providing this information.
- In an EEO complaint – the liaison may provide a copy of the Consent to Mediate to certain persons, which can be used in an EEO report or (in rare instances) other agency use to protect the participant (i.e. to protect confidential information when subpoenaed, etc.).

Procedure 6.05 - Observers in Mediations

- The parties will be notified in the party letters that observers may be present (in standard party letter.)
- The primary mediator will mention to the parties as a matter of protocol that observers may be present
- If any party objects, there will be no observers, but if there are no objections, the primary will notify the Program Coordinator of the date of mediation and that observation is OK

- The Program Coordinator will then routinely broadcast observation opportunities via e-mail
- Eligible interested persons will respond to the Program Coordinator who will assign observers on a first-come basis
- The Program Coordinator will let the primary know who has been assigned to observe
- The primary will then notify the observer (via e-mail or phone) about the specific location and time of the mediation session
- Observers may not observe cases from their own agencies
- No more than two observers per session.

Persons eligible to observe mediation sessions include:

- All mediators currently on the roster
- Agency liaisons
- Subcommittee members
- The Program Coordinator
- “Mediator Mentees” (Mediator applicants who are linked up with a Shared Neutrals Mentor Mediator.
- The following language is included in party letters:

*“Sometimes an observer is given the opportunity to observe a mediation session for training purposes. The observer may be a mediator of other person connected with Shared Neutrals, but will **not** be someone from your agency. The observer is bound by the same rules of confidentiality as the mediator and signs the same confidentiality agreement as participants. Having the observer in the room is strictly voluntary and you can at any time ask that the observer not be present during the mediation.”*

POLICIES & PROCEDURES -- TRAINING

Policy 7.00- Establishing the Mentor/Mentee Relationship

A mentor-mentee relationship is a partnership convened for the purpose of enhancing learning. The role of mentor mediator is to actively assist the mentee mediator to achieve specific learning goals, and to develop his or her own unique potential as a mediator.

Mentor profiles are processed by the Training Standing Committee convener.

Administrative procedures for establishing mentor-mentee relationships are outlined below, under *Procedure 7.00 – Administrative Protocol for matching Mentors & Mentees*

Procedure 7.00 – Administrative Protocol for matching Mentors & Mentees

The Training Standing Committee creates a list of mentors (using ***Mentor Profile form***) and gives the list to the Program Coordinator.

For NEW Applicants & Trainees:

1. The Personnel Standing Committee interviews mediator applicants, as usual, and if they are accepted;

2. Program Coordinator sends the applicant a list of mentors, and also sends out an e-mail to mentors with a “heads up” message that the person might be contacting them.
3. The Mentee, at that point, is responsible for getting a Mentor, and reporting that information to the Program Coordinator, who logs it onto the Mediator Roster.
4. The Program Coordinator still does the New Mediator Orientation, for program consistency and to get the contract signed.
5. It is up to the Mentor/Mentee team to ascertain when they are ready to move to ‘co-mediator’ status on the Mediator Roster. They must let the Program Coordinator know.

For Current Mediators seeking Mentors:

1. May contact Training Standing Committee for available mentors; or
2. May choose to have an informal mentorship, which does not need to be reported to the Training, but should be noted on the mediator’s Training & Activity Log