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**Office of Equal Opportunity Programs  
Early Intervention Program  
(EIP)**



**Office of Equal Opportunity Programs**

**National Science Foundation  
Office of Equal Opportunity Programs  
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**“Building Working Relationships through  
Early Intervention”**

Used by OEOP as a means of informally addressing work place disputes and “building working relationships through early intervention” by using two forms of Alternative Dispute Resolution (ADR) methods, i.e., conciliation and mediation.

### **What is ADR?**

Authorized by the Administrative Dispute Resolution Act (ADRA), E.O. 12778 & 12821, and the National Performance Review, ADR is an informal, collaborative, problem-solving process where the goal is to improve or restore productive working relationships with fellow employees. ADR employs various methods of resolving conflict, e.g., settlement negotiation, conciliation, facilitation, fact-finding, mini-trials, arbitration, and mediation. To deal with matters involving alleged discrimination, NSF’s preferred methods of ADR are conciliation and mediation.

### **What is Conciliation?**

Conciliation allows the Director, OEOP or designee a 3-day window to attempt resolution of the issue(s) prior to referring to mediation or traditional counseling. The Director or designee meets with the appropriate management official to discuss the issue(s) and discuss alternatives that may resolve the dispute. If conciliation does not result in a mutually satisfactory resolution, the complainant may elect to continue with mediation or traditional counseling.

### **What is Mediation?**

Mediation is the most popular form of ADR used in employment-related conflicts. It is also offered at the informal and formal stages as an alternative to traditional EEO complaint process; not as a replacement. Mediation is an informal process that allows participants to reach a voluntary, mutually agreeable resolution, and it is offered at the informal and formal stage of the complaint process. During mediation, the parties have an opportunity to discuss the issues, clear up misunderstandings, determine the root causes of the conflict, explore areas of agreement, and ultimately, to incorporate those areas of agreement into resolutions. Mediation can provide a more expeditious, less expensive and less contentious, and more productive results in dealing with alleged issues of discrimination.

### **Who mediates and what do they do?**

The mediator is a neutral and impartial third-party who is skilled in conflict resolution techniques and who facilitates the mediation process. The mediator does not impose a decision on the parties, but rather helps the parties determine their own mutually acceptable resolution. The mediator encourages the participants to speak candidly of their concerns and to consider various ways to resolve the conflict. A mediator’s role is to guide the parties through a process, not to act as a legal advocate, counselor, therapist, or advisor to any party connected to the dispute.

The mediator, no matter what technique is used, is trained to be neutral in the process. The NSF uses contract mediators from a variety of sources that are well trained and qualified to provide the needed services.

### **Is Mediation Confidential?**

Confidentiality is an integral part of mediation. It allows the parties to candidly discuss their interests in order to reach the best possible resolution, without fear that statements made during mediation will later be used against them. There are confidentiality protections with respect to any disclosures by the mediator to individuals outside the mediation session. Also, mediators will not disclose information shared in confidence by any party involved in a dispute.

Information, including resolution options, discussed during or specifically prepared for mediation sessions may not be introduced as evidence in subsequent hearings or other legal proceedings, except as permitted under the ADR Act, which severely limits their use. However, to ensure the integrity of the process, specific actions agreed to will be reduced to writing and signed by both parties.

## Who Can Use ADR?

Any employee, former employee, applicant or anyone with an employment relationship may request assistance under the EIP. Participants may also request that other employees involved in the conflict participate in any resolution attempt. Mediation can be appropriate for interpersonal disputes, disciplinary or performance related actions, concerns about violations of regulations, and/or EEO issues. It may not be appropriate for all situations, particularly those involving violence or serious misconduct. ADR is available to any covered individual who is experiencing conflict with a coworker or with their supervisor.

## Is Mediation voluntary?

For conflicts arising between coworkers, ADR is voluntary, i.e., both employees must choose to engage in ADR for it to happen. If the conflict is between an employee and their supervisor, there is an expectation that the supervisor will participate, barring a compelling reason not to do so.

## Is a resolution or settlement in Mediation expected?

Not all workplace conflicts are resolved in ADR. The expectation whether the conflict is between coworkers or between an employee and a supervisor is that all parties will make a good faith effort to listen, attempt to understand the other party's position, and explore options for resolution.

## How do I request a mediator?

You should contact OEOP. The contact information is reflected on the last page of this document.

# GOALS

- To maintain a harmonious work environment by resolving issues before they become a part of the EEO process.
- To assist employees experiencing workplace conflict in restoring working relationships and fostering better communication, not to fix blame.
- To assist employees in finding the root of a problem and to inform the person of alternative dispute resolution options.

## Quick Facts

- ADR sessions are quickly arranged.
- ADR is a voluntary process upon all parties.
- ADR may open line of communication.
- ADR is a constructive means of addressing conflict.
- All information is confidential, except that related to fraud, waste, abuse, or illegal acts.

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*FOR MORE INFORMATION*

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