

MDCR Responsibilities

- Offer the claimant the opportunity to participate in mediation
- Explain the mediation option to all parties
- Refer interested parties to mediation
- Ensure complaints are mediated in a timely way
- Answer technical questions asked by the parties and the mediator

Claimant Responsibilities

- Learn about and think about the advantages of mediation
- Be ready to discuss the complaint with the respondent
- Be prepared to present and consider reasonable resolutions
- Keep an open mind

Respondent Responsibilities

- Learn about and consider the advantages of mediation
- Be ready to discuss the complaint with the claimant
- Be prepared to present and consider reasonable resolution options
- Keep an open mind
- The representative attending the mediation should have the authority to make resolution decisions

For more information about MDCR and the programs offered, visit our webpage at www.michigan.gov/mdcr

Call 1/800.482.3604
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Mediation

Options



What is mediation?

Mediation is an informal process where opposing parties can voluntarily negotiate resolution of their dispute with the help of a neutral person (mediator). It is a form of alternative dispute resolution offered by MDCR as an option in the complaint resolution process.

Mediation allows the parties to:

- Discuss the issues raised in the complaint in a neutral environment
- Clear up misunderstandings
- Discuss underlying interests or concerns
- Find areas of agreement
- Incorporate areas of agreement into resolutions

A mediator helps the parties have a discussion to try and resolve the complaint in a way that is mutually agreed upon. The mediation process is strictly confidential. Information revealed during mediation is not shared by the mediator.

Advantages of mediation

- Mediation is efficient. It saves time and money. In contrast, going to court can be both time-consuming and expensive.
- This may be the only time you can face the other party and share your point of view. It is a chance to speak uninterrupted and voice your concerns, or explain a misunderstood situation and clarify your intent.
- Mediators don't make outcome decisions and they are less formal than judges.
- You can be creative and use this opportunity to offer suggestions, rather than accepting someone else's decision.
- When a written agreement is reached in mediation, you do NOT admit fault or violation of the law.
- Mediation is confidential. The sessions are not recorded and all notes taken by the mediator are destroyed.

How does MDCR's mediation option work?

The civil rights representative offers the claimant and the respondent the chance to resolve their issue through mediation. If both parties agree, the mediation is scheduled.

The parties may choose to have additional representation, such as a private attorney, present at mediation. This is not required, though, since mediators are trained to be fair and balanced.

If the complaint is resolved, an agreement describing the terms is signed by both parties. A request for withdrawal of the complaint is signed by the claimant so the civil rights complaint(s) can be closed.

If the complaint is not resolved during mediation, it is returned to the investigative process.

Following the mediation attempt, the parties may continue to make suggestions to resolve the complaint throughout the resolution process.