

ADR PROGRAM



What is Alternate Dispute Resolution (ADR)?

ADR is a term used to describe a variety of approaches to resolving conflict rather than traditional adjudicatory or adversarial methods. Examples of traditional methods include litigation, hearings, administrative processes and appeals.

Core Principles

The ADR program is built on fairness, which requires voluntary participation, neutrality, confidentiality, and enforceability. All employees of the Department of the Navy have the right to choose between ADR or EEO counseling, where the agency agrees to offer ADR in a particular case, and information about each procedure.

Fairness: Providing as much information about the ADR proceeding to the parties as soon as possible; providing the right to be represented throughout the ADR proceedings; and providing an opportunity to obtain legal or technical assistance during the proceeding to any party who is not represented. Fairness also requires the following elements:

- **Voluntary Participation:** Parties must knowingly and voluntarily enter into an ADR proceeding. You do not give up any of your rights to pursue the matter formally. You can end the Mediation or Conciliation process at any time.
- **Neutrality:** ADR proceedings are impartial. A neutral third party will be utilized. A “neutral” party is defined as an individual “who with

respect to an issue in controversy, functions specifically to aid the parties in resolving the controversy.” This neutral third party may be an employee of the Agency who can remain neutral regarding the outcome of the proceeding or an employee of a different Agency.

- **Confidentiality** is essential to the success of all ADR proceedings. When parties agree to participate in the ADR process a “Consent to Participate in the ADR Process” form will be used to initiate the ADR Process.
- **Evaluation:** An evaluation component is essential to any ADR program and all parties are encouraged to fill out the “ADR Evaluation” form. Your participation will assist in determining whether the ADR program has achieved its core principles and will provide feedback on how the program might be made more efficient and achieve better results.

ADR Techniques Used:

Mediation is the intervention into a dispute or negotiation of an acceptable, impartial, and neutral third party who has no decision-making authority. The objective of this intervention is to assist the parties in voluntarily reaching an acceptable resolution of the issues in dispute.

Conciliation is similar to mediation with the following exceptions: during Conciliation, the Conciliator collects/reviews evidence and documentation,

provides counselling, develops factual information, and recommends options to the parties for resolution. When requested by the parties, the Conciliator will prepare an oral statement of the process including the strengths and weakness of the dispute. The goal of conciliation is to reach a mutually agreeable and appropriate resolution. The Conciliator is trained and skilled in matters related to employment discrimination, including civilian personnel matters, and will assist the parties in formulating a written agreement to resolve matters in the dispute.

Facilitation involves the use of techniques to improve the flow of information in a meeting between parties to a dispute. The facilitator focuses more on the process involved in resolving a matter. The facilitator meets with the parties as a group and provides procedural direction as to how the group can move efficiently through the problem-solving steps of the meeting and arrive at the jointly agreed upon goal. Facilitators remain impartial to the topics or issues under discussion.

Peer Review (Not at all commands) is a problem solving process where an employee takes a dispute to a group or panel of fellow employees and managers for a decision. The decision may or may not be binding on the employee and/or the employer, depending on the conditions of the particular process.