Civil Rights Directorate

Alternative Dispute Resolution: Frequently Asked Questions

Q: What is Alternative Dispute Resolution?

A: Alternative Dispute Resolution (ADR) is a process in which a facilitator/third party neutral assists parties in reaching a resolution through the use of various techniques.

Q: What is the purpose of ADR?

A: ADR provides an opportunity for the individuals in a dispute to discuss their issues with the assistance of a facilitator/third party neutral, and to explore mutually satisfactory ways to resolve the issues.

Q: What types of ADR processes are available at Coast Guard?

A: The following ADR processes may be used either individually, or in combination:

- *Facilitated Conversation* allows the parties to meet together and to have uninterrupted time to speak about the issues. Ideally, the parties will clarify misunderstandings and work out problems in the work relationship.

- *Shuttle Diplomacy* allows each party to propose an idea for settling the dispute to a third party and to hear the other party's proposal without meeting together.

- *Mediation* - In mediation, the parties meet in-person, by telephone or video conference with a third party who gives each party uninterrupted time to speak during a joint session and then has private meetings with each party concerning their ideas for resolution. If the parties come to an agreement, a Resolution Agreement is prepared for the parties to sign later.

Q: What is the most common ADR method used by Coast Guard?

A: Mediation is the most common ADR method used by Coast Guard. Mediation involves a neutral third party who has no decision making authority.

Q: What are the benefits of ADR?

A: Some benefits of ADR are:

- Enhances communication between parties
- Allows for resolution to be reached with terms both parties can agree upon
- Changes the attitudes of the parties involved
- Improves the trust of the parties involved
- Saves time versus traditional litigation of disputes, which can often take two or more years

- Saves taxpayers dollars versus traditional litigation of disputes, which may involve attorney fees

Q: What does the ADR process entail?

A: The ADR process includes the following:

1. A request for ADR by the aggrieved party.

2. An ADR suitability determination by the Civil Rights Directorate Staff.

3. A representative from the Command with decision-making authority.

4. An ADR facilitator/third party neutral.

5. A setting conducive for ADR discussions.

6. The possibility of resolution and a settlement agreement.

7. The timely coordination and execution of settlement terms by the responsible parties.

8. Conclusion of the proceedings.

9. Monitoring compliance.

Q: What is an ADR facilitator/third party neutral?

A: An ADR facilitator/third party neutral is a neutral party, who neither advocates for a party nor renders any decisions. They facilitate communication between parties, help each side gain a clearer perspective of the situation, and assist the parties in developing mutually satisfactory options for resolving the issues. In mediation, the facilitator/third party neutral would be the mediator.

Q: Who are ADR facilitators?

A: Civil Rights Service Providers serve as facilitators. Additionally, trained agency personnel outside of Civil Rights Directorate or individuals from external sources may also serve as facilitators.

Q: Is ADR confidential?

A: Yes. There are no written records or notes maintained except for a resolution agreement if a resolution is achieved.

Q: When is ADR available?

A: ADR can be requested at any stage of the complaint process.

Q: Is the Command/Unit required to participate in ADR?

A: Pre-complaint, the Command/Unit must participate in ADR if the Aggrieved Person elects it except in the limited circumstances in which ADR is inappropriate. In the formal complaint stage, decisions to allow the Command/Unit to reject ADR participation are made on a case by case basis.

Q: Am I entitled to representation in an ADR session?

A: Yes, you may have an attorney or other representative in the ADR session. The representative participates in the session as your advisor. You are responsible for any expenses associated with the participation of your representative.

Q: Do I need to bring witnesses to the ADR session?

A: Witnesses do not participate in ADR sessions.

Q: Are the parties required to reach settlement in ADR?

A: Settlement is not a requirement for participation in ADR. Neither party can be coerced to accept a settlement.

Q: As the Aggrieved Person, how much time do I have to make a decision whether to accept a settlement?

A: In cases that do not allege age discrimination, the parties should come to the ADR session prepared to make a decision. In cases involving age discrimination, the Aggrieved Person has up to 21 calendar days to consider the agreement before signing it and seven calendar days to revoke the agreement after signing.

Q: Who to contact to find out more about ADR?

A: Contact your servicing Civil Rights Service Provider (CRSP) for more information about ADR. For a list of CRSPs in your geographical location, please visit www.uscg.mil/hq/cg00/cg00h or contact 1-888-992-7387 or TTY 202-372-4523.