



## **EQUAL EMPLOYMENT OPPORTUNITY ALTERNATIVE DISPUTE POLICY (ADR)**

The Kennedy Center has established a formal mediation program to resolve allegations of workplace discrimination and/or harassment raised through the Equal Employment Opportunity (EEO) process in conjunction with C.F.R. 1614.102(b)(2). Both EEO alternative dispute resolution (ADR) and EEO counseling are essential to the prompt resolution of claims of discrimination. The opportunity for informal resolution is important. EEO ADR is a term used to describe a variety of approaches to resolving conflict that differ from traditional adjudicatory methods or adversarial methods.

The objective of this program is to resolve allegations early and at the lowest possible level. Early resolution benefits everybody by repairing relationships and by creating a more hospitable workplace for all. Other benefits for the agency include reduction of the significant costs associated with processing complaints.

The EEO Counselor must conduct the final interview and issue the Notice of Right to File a Discrimination Complaint within 30 days of the date the aggrieved person brought the dispute to the EEO Counselor's attention. If, however, the aggrieved person consented to a written extension of time, the extension cannot exceed 60 days for counseling. Opting to attempt resolution through mediation does not abridge the aggrieved person's rights in the EEO process. If the aggrieved agreed to participate in EEO ADR, the counseling period may not exceed 90 days. If the dispute is not resolved at the end of the extended time period, the EEO Counselor must advise the aggrieved party in writing of his/her right to file a formal complaint. However, resolution efforts may continue so long as the parties and the neutral agree.

Agreement to enter into mediation will be documented on the Agreement to Mediate. Either the aggrieved individual or the management official may request mediation. The EEO counselor will forward the Agreement to Mediate to the EEO Manager. The Agreement to Mediate will be considered a request until both the aggrieved person and a management official have signed the document. Either of the disputants may decline to participate in mediation.

If mediation does not result in resolution, the aggrieved person will be referred by the EEO Manager to the EEO counselor to receive their Notice of Final Interview and Right to file a formal EEO complaint.

ADR is also available during the formal complaint process. During the Hearing and Appellate Stages, parties may also pursue EEO ADR through the agency's EEO ADR program. To do so, the parties must notify the hearing office prior to utilizing the agency's EEO ADR program.

  
Deborah Rutter, President

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