

## Why Mediate?

### Free

Available at no cost to the parties.

### Fair and neutral

Parties have an equal say in the process and they, not the mediator, decide the terms of the settlement. There is no determination of guilt or innocence in the process.

### Saves time and money

Mediation usually occurs early in the charge process, and many mediations are completed in one meeting.

### Confidential

All parties sign a confidentiality agreement. Information disclosed during mediation will not be revealed to anyone, including investigative or legal staff.

### Avoids litigation

Costs less than a lawsuit and avoids the uncertainty of a judicial outcome.

### Design your own solution

A neutral third party assists the parties in reaching a voluntary and mutually beneficial resolution.



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**Mediation:  
Free, Fair & Confidential**



## What is mediation?

- ◆ Mediation is an alternative to the traditional investigative and litigation processes.
- ◆ It is an informal process in which a trained mediator assists the parties to reach a negotiated resolution of a charge of discrimination.



## How does it work?

- ◆ All parties with open cases with the Marion Civil Rights Commission may request mediation.
- ◆ If both parties agree, the mediation is scheduled.
- ◆ If the complaint is resolved during mediation, a settlement agreement is created and signed by both parties. The case will then be closed within our agency.
- ◆ If the complaint is not resolved during mediation, the case will return to the investigation process.
- ◆ You can hire an attorney to help you through this process, but it is not required.

## How soon can mediation occur?

- ◆ Mediation can be scheduled after the initial position statement has been provided by the respondent.

## Who should attend the mediation?

- ◆ All parties to the charge should attend.
- ◆ To insure success of the mediation it is imperative that all parties and decision-makers be present and participate in the process.
- ◆ Representatives should have FULL authority to settle.

## How to prepare for mediation

- ◆ Determine ideas for settlement.
- ◆ Be prepared to discuss the issues with the mind-frame of moving towards a resolution.
- ◆ Keep an open mind.

## Who is the mediator?

- ◆ Only mediators who are experienced and trained in mediation and the law are assigned to mediate.
- ◆ The MCRC has access to trained mediators.
- ◆ All mediators are neutral, unbiased professionals with no stake in the outcome of the mediation process.
- ◆ The mediator does not decide who is right or wrong and has no authority to impose a settlement on the parties.
- ◆ The mediator helps the parties to jointly explore and reconcile their differences.

## What is the role of the complainant and respondent?

- ◆ Approach mediation in good faith and with an open mind with realistic expectations regarding the possible outcome of your case.
- ◆ Be respectful and willing to listen to all sides of the story.
- ◆ Participate and actively attempt to settle the dispute with the assistance of the mediator.



## The day of the mediation

Each mediator will conduct a mediation slightly differently, but mediations usually follow this structure:

- ◆ The mediation begins with an introduction with a joint session attended by all participants.
- ◆ The procedure is clarified.
- ◆ The Confidentiality Agreement is signed.
- ◆ You should be prepared to summarize your position during that session.
- ◆ Please remember, the goal is not to prove your case, but to clarify your views and educate the mediator and other parties.
- ◆ Statements should be non-antagonistic and designed to share important information that could lead to compromise.
- ◆ These opening summaries should only last 5-7 minutes.

## How long does the process take?

- ◆ Mediations usually last for approximately 3-4 hours.
- ◆ This may vary depending on the facts of the case.