

## ADR Council Meeting – 4/8/04

### CSRB Mediation Pilot Discussion Questions

#### Notice of Mediation

- Who should receive notice that a mediation has been requested, or will be occurring?

#### *Confidentiality Issues:*

- Is existence of mediation confidential?
- What information about existence of mediation should be provided and to whom?
- Who should receive a copy of the mediation agreement?

*Confidentiality Issue:* What information about the mediation agreement (or lack of agreement) should be provided and to whom?

#### Decision-Making Authority

- How do we ensure that the options considered in settlement are viable, and can be supported by management not present in the mediation?

*Confidentiality Issue:* Does getting approval from people not in the mediation room breach confidentiality?

- How do we ensure that the non-complainant participant in the mediation has authority to commit to specific settlement proposals?

#### Participation by Management in Mediations

- Does a department have the option to categorically “opt out” of the mediation process?
- Should there be a statewide policy regarding “good faith” participation in mediations by management?