

Draft - Rules of the Equal Opportunities Commission

X. Mediation

X.1 Policy

- X.11 it is the policy of the Department of Civil Rights Equal Opportunities Commission to afford parties every opportunity to resolve a complaint of discrimination prior to going through the hearing process and the rendering of a decision by the Hearing Examiner.
- X.12 The assistance of an EOD Mediator will be made available to the parties, throughout the process, upon request.
- X.13 Parties to a complaint of discrimination may be represented by legal counsel or an advocate at mediation, however, representation is not required.
- X.14 If a party, or advocate or attorney of a party, is located outside of the Madison area, they may be allowed to participate in the mediation by phone, but must notify the Mediator in advance of the scheduled mediation.
- X.15 In cases where, upon acceptance of the Complaint, the Equal Opportunities Division intake person and Equal Opportunities Division Manager determine a matter to be appropriate for injunctive relief, the case will be assigned immediately to an Investigator. The assistance of an EOD Mediator will still be available to the parties while the investigation proceeds.

X.2 Early Mediation

- X.21 Upon the EOD's acceptance of a Complaint, a Notice of Early Mediation, giving the date, time, location and name and contact information for the Mediator, shall be mailed to the Complainant and Respondent along with service of the Complaint.
- X.22 Early Mediation shall be concluded no later than 30 days following the EOD's acceptance of the Complaint except as identified in X.221.
 - X.221 Should circumstances require that the mediation be rescheduled for a date later than 30 days following the EOD's acceptance of the Complaint, an Investigator will be assigned to the Complaint, and the investigation shall proceed while the mediation is still pending.
- X.23 Early Mediation will be a voluntary process. Should either party choose to waive participation in mediation, they shall notify the Mediator assigned to their case prior to the scheduled mediation.
 - X.231 If either party waives participation in mediation, the case shall be assigned to an Investigator to determine whether or not

probable cause exists to believe that the Ordinance may have been violated.

X.232 Complaints may be resolved in ways that could include, but are not limited to, private settlements, public settlements that the Commission may be a party to, and public or private partial settlements, in which claims of some, but not all, of the allegations are resolved.

X.233 If the mediation is unsuccessful, the case shall be assigned to an Investigator to determine whether or not probable cause exists to believe that the Ordinance may have been violated.

X.234 If the mediation is successful, the Complainant shall sign an EOD Withdrawal Form, withdrawing their Complaint, and the EOD will take no further action.

X.3 Mediation Services

X.31 The services of the EOD's paralegal/mediator will be made available to either party to a Complaint at any time after such Complaint is accepted by the EOD, and may be requested by either party at any time throughout the process.