

Shared Neutrals Program Guide

Chapter 6 – Appendices

updated 1/13/2005

Contents:

- Description of the documents used for outreach, case management, and program evaluation
- Contact information for Participating Agencies, Subcommittee and other Program Contacts
- Administrative Policies & Procedures:
 - Personnel
 - Subcommittee
 - Administrative
 - Training

The forms and document templates described in this section may be obtained via email from the Program Coordinator. They may also be available on-line at <http://www.oregon.feb.gov/SharedNeutrals.htm>

Case numbers should be filled out on all forms where indicated.

FORMS NEEDED FOR MEDIATION SESSION

Consent to Mediate – This agreement to mediate must be signed by each party and each mediator prior to beginning any mediation (can also be used as a basic *opening statement*).

Checklist for Primary Mediator – A primary mediator completes and returns to the Program Coordinator a checklist for each case to facilitate Program evaluation.

Mediated Agreement – Mediators use this form to help parties memorialize any agreements reached during a mediation. The form is to be filled out by mediators and signed by each party and mediator when agreement is reached. One copy is distributed to each party. Mediators do not retain a copy. This

agreement might include listing specific others who are to receive a copy of the agreement (i.e., EEO Counselor, etc.).

Evaluation – This form is distributed to each mediation participant, along with a pre-addressed, postage-paid envelope (Send to Program Coordinator.)

Mediator Debriefing – Upon conclusion of each mediation session, mediator will jointly complete the Mediator Debriefing form. Be honest. Be consistent. What you tell each other should be consistent with what you put on paper.

New, 10/04: Only 1 form needs to be completed for each mediation session. The form should be completed from the perspective of reviewing the **mediation team**.

Opening Statement Checklist (optional) – developed by Kim Howell and Maria Iwasyk, 2002.

AGENCY/LIAISON FORMS

Agency Letter of Commitment – This formal letter of commitment qualifies an agency to participate in the Shared Neutrals Program. Chapter two describes the elements of the letter.

Liaison Checklist – modified version of Intake Checklist to aid Agency Liaisons in case intake.

ADMINISTRATIVE FORMS

Case Log – The Program Coordinator uses this form to track cases.

Intake Form – The Program Coordinator uses this form to coordinate service delivery and to facilitate Program evaluation.

Intake Checklist – This checklist is a resource for those doing case intake.

Neutral Profile – This is the form used by neutrals to apply to participate in the Program.

Party Letter – This letter is sent to each party during intake. It provides information about how to most effectively prepare for the mediation, clarifies roles and expectations, and confirms the voluntary nature of the process. Generally a brochure and a copy of the Consent to Mediate form accompany the letter.

Mentor/Trainee Roles – This form describes the Mentor/Trainee relationships and suggests ways to set learning objectives.

Mentor Profile – This is the form developed by the Training Standing Committee in 2002. Neutrals who are interested in mentoring other neutrals should complete this form at return it to the convener of the Training Committee (Diane Williams, USFS, at this writing, 5/19/03)

MEMOS OF UNDERSTANDING

Neutral Contract – To serve the Program, each neutral signs a contract outlining standards of practice. These are described in chapter four.

Training & Activity Log (new 2003) – Each neutral use this form to provide information about their mediating, training and continuing education/experience to the Training and Personnel standing committees on an annual basis. This form serves as a level of quality assurance to the Program. It also provides a way for neutrals to decide if they can meet the requirements of participation in the Program each year.

Agency Letter of Commitment – This sample letter of commitment qualifies an agency to participate in the Shared Neutrals Program. Chapter two describes the elements of the letter.

LISTS OF CONTACT INFORMATION

Agency Roster – Contact information for participating agencies and their designated Agency Liaison. Outlines any agency-specific case procedures.

Mediator Roster – Contact information for primary and co-mediators (available to neutrals).

Current Policies & Procedures
updated 10/04/2004

Personnel Standing Committee:

Procedure 4.00 - Addressing concerns with mediators. (accepted 5/11/00)

Procedure 4.01 - Criteria and Selection of new mediators (6/00)

Procedure 4.02 – Co-Mediators to Primary Roster

Procedure 4.03 – Applying directly to the Primary Roster

Procedure 4.04 - Mediation by Program Coordinator (2/7/01)

Procedure 4.06 - Mediator Debriefing (5/00, updated 10/04/04)

Policy 4.07 – Mentored Co-Mediators (updated 12/29/04)

Subcommittee

Procedure 5.00 – Subcommittee Meetings

Procedure 5.01 – Subcommittee Attendance

Procedure 5.02 – Subcommittee Dismissal

Procedure 5.03 - Standing Committees - Description & Responsibilities

Administrative:

Procedure 6.01 Where to store Consent to Mediate Forms, and who has access to them (3/7/01)

Procedure 6.05 - Observers in Mediations

Training Standing Committee:

Policy 7.00– Establishing a Mentoring Relationship (updated 12/17/04)

Procedure 7.00 – Administrative Protocol for matching Mentors & Mentees (updated 12/17/04)

Procedure 7.01 – Protocol for All Mentored Co-Mediators (updated 12/17/04)

POLICIES & PROCEDURES -- PERSONNEL

Procedure 4.00 - Addressing concerns with mediators.

Goal: educate and help improve, while attempting to ensure that quality services are provided to clients

PROCEDURE:

1. The first level of intervention should be made as part of the debriefing process by the mediator who has the concern
2. Lingering concerns should be brought to the attention of the Program Coordinator and/or the Personnel Subcommittee.
3. Program Coordinator will obtain specifics of perceived problem – asking for specifics of behavior
4. Program Coordinator will bring to attention of Personnel subcommittee
5. Two members of the Personnel subcommittee, both of whom shall be mediators, will meet with the mediator under review and determine what standard the mediator is violating, or what behaviors that are at issue. (They will not divulge the source of the “complaints.”)
6. If the mediator agrees that s/he has a problem with that standard/behavior, the Personnel folks will attempt to provide a coaching experience to help the mediator meet the standard. Coaching may include actual verbal coaching, additional training, and/or mock mediations.
7. If the mediator does not agree that there is a problem with his/her behavior, or if a problem persists after having coaching, the Personnel subcommittee will provide a mock mediation designed to determine whether the mediator meets the particular standard in question. The mock will have role players who are mediators from outside the Shared Neutrals Program, and the two Personnel subcommittee members will evaluate the mock.
8. If the mediator passes the mock, s/he will remain on the roster. If /she does not pass, s/he may resign or s/he will be removed from the roster.

Procedure 4.01 for Criteria and Selection of new mediators

- ◆ All applicants who meet minimum qualifications will have an interview.
 - ◆ All applicants passing the interview will have 3 references checked.
 - ◆ Some applicants may be required to pass a mock mediation.
 - ◆ If selected, applicant must sign a Shared Neutrals contract and attend an orientation with the Program Coordinator.
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Procedure 4.02 – Co-Mediators to Primary Roster

Co-mediator desiring promotion to Primary list submits an expression of readiness to the Program Coordinator.

- ◆ Co-mediator requests recommendations from three primary mediators who have worked with co-mediator. Recommendations are forwarded to the Program Coordinator.
- ◆ Program Coordinator reviews critiques and evaluations from recent cases the co-mediator has participated in. Personnel subcommittee reviews all information and promotes co-mediator when appropriate.
- ◆ Co-mediator mediates one more Shared Neutrals case with a primary (“mentor”) mediator, but this time the co-mediator assumes the responsibilities of a primary mediator (listed above).
- ◆ If both the established primary and the co-mediator agree that the co is ready for promotion, the primary and the co-mediator will so notify the Program Coordinator.
- ◆ Program Coordinator makes adjustment to Roster and communicates change to mediators, liaisons, and Board members.

Procedure 4.03 – Applying directly to the Primary Roster:

If the Personnel subcommittee determines that an applicant has sufficient experience to warrant being moved to primary mediator status, the following steps will occur:

- ◆ The Personnel Committee will inform the Program Coordinator that the candidate can be promoted to primary after one session, pending a satisfactory debriefing critique by the primary mediator at that session.
 - ◆ Once the candidate has received a mediation assignment (as co-mediator), the Program Coordinator will notify the primary mediator that the candidate is being considered for expedited primary mediator status, and ask the primary to keep this in mind when filling out the debriefing critique.
 - ◆ After the candidate’s first mediation, the Program Coordinator will review the debriefing critique and any party evaluations, and contact the primary mediator to determine whether the candidate seemed ready to become a primary. If there are any problems, the Program Coordinator will refer them to the Personnel subcommittee. If there are no problems, the Program Coordinator will ask the candidate whether s/he feels comfortable becoming a primary. If the candidate agrees, and all evaluations are positive, the Program Coordinator will add the candidate to the primary mediator roster.
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Policy 4.04 - Mediation by Program Coordinator

It is understood and agreed that mediation is not a responsibility of the Program Coordinator position and not an expectation or a requirement of the job. The subcommittee's intent is to offer the Program Coordinator the same opportunity enjoyed by other Federal employees.

Limitations on Mediation by Program Coordinator

- ◆ must meet the Shared Neutrals' requirements for a mediator
- ◆ must ensure that mediation will not jeopardize the case assignment process and other Program Coordinator responsibilities, such as preparing minutes of subcommittee meetings and preparing for the annual meeting
- ◆ must select a case from those offered to all mediators
- ◆ must select a case in which the mediation site is within the Portland metropolitan area
- ◆ must obtain approval from his/her supervisor to mediate the case selected
- ◆ Mediation must occur within regular tour of duty and may not incur overtime. (under law and regulations, the Program Coordinator is not able to volunteer time as a mediator in the program)
- ◆ may mediate a maximum of one case per month

Benefits to the program:

- ◆ enhancement of Program Coordinator job
- ◆ meet a need to staff cases for which there are no volunteers
- ◆ professional development opportunity for Program Coordinator
- ◆ knowledge of process gained by Program Coordinator will benefit SN program

Policy 4.06 - Mediator Debriefing (updated 10/4/04)

At the conclusion of each mediation session, mediators should be willing to give honest, timely feedback to their co-mediators. Shared Neutrals strives to cultivate a culture that not only welcomes, but also requires honest feedback. Feedback should be reciprocal – from primary to co, co to primary, and any other mediator combination. **NEW, 10/04:** Only 1 form needs to be completed for each mediation session. The form should be completed from the perspective of reviewing the mediation *team*.

PROCESS - Guidelines for Mediators Debriefing

1. Upon conclusion of each mediation *session*, mediators will jointly complete the *Mediator Debriefing* form.
 2. The completed form should then be sent, along with the other case paperwork, to the Program Coordinator at the conclusion of the mediation.
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3. Be honest. Be consistent. What you tell each other should be consistent with what you put on paper.
4. If you have lingering or strong concerns after talking to the other mediator, notify the Program Coordinator, who will alert the Personnel subcommittee.
5. Remember identify specific behaviors (*The OMA standards of practice may be helpful to use for debriefing*).

Policy 4.07 – Mentored Co-Mediators

Applicants who have met all of the minimum requirements except sufficient mediator experience to be added to the Co-mediator Roster, may be invited to join the Shared Neutrals Roster as a “Mentored Co-Mediator”. As well as meeting the requirements of agency membership, training and commitment to continuing education, they must also agree to the following:

1. Work with a designated mentor from the Primary Roster to obtain additional exposure and experience in the mediation process in order to meet the minimum requirements to be admitted to the Co-mediator roster.
2. Continue to pursue additional training and experience outside of the Shared Neutrals Program.

POLICIES & PROCEDURES – SUBCOMMITTEE

Procedure 5.00 – Subcommittee Meetings

The Subcommittee will normally meet once a month. To the extent possible, this meeting will be scheduled at a consistent time and place.

Notice for the subsequent meeting will be set at each meeting. The Program Coordinator will send a meeting reminder and request for agenda items to all members at least one week in advance.

Special meetings may be called by the Chair or by request in writing from any four members upon two weeks notice.

The Program Coordinator will document and distribute documentation of Subcommittee activity. This documentation includes meeting agendas, minutes, and revisions to written materials. If the Program Coordinator is unavailable, the Chair will appoint a member to carry out the secretarial duties.

Procedure 5.01 – Subcommittee Attendance

The Subcommittee expects members to attend all regular meetings. Members who cannot attend a meeting are encouraged to send an alternate who is familiar with mediation and current issues. Alternates may vote on some matters but cannot block consensus.

The Subcommittee defines the quorum necessary for consensus *as half the standing members*.

Procedure 5.02 – Subcommittee Dismissal

Members who miss three consecutive meetings may be subject to review by the Subcommittee. This review may include discussion of dismissal. The Chair will notify members of dismissal.

Procedure 5.03 - Standing Committee Description & Responsibilities

The **Personnel Committee** is responsible for recruiting, selecting, evaluating, and maintaining the cadre of neutrals. It is also responsible for addressing expressed concerns about mediator performance. (More detail in the administrative procedures section of chapter 6.)

The **Training Committee** is responsible for planning, implementing and overseeing training needs of the Program. Specific responsibilities of the Training committee are:

- ◆ Identify training needs, select topics and arrange for training
- ◆ Design and implement a mentoring "program"
- ◆ Assist with training needs for individual mediators as requested by personnel committee

The **Outreach and Marketing Committee** is responsible for advertising the Program to agencies and assisting agencies in joining. The **Liaison committee** is a subset of the Outreach & Marketing committee, and responsible for promoting effective working relationships between Agency Liaisons and the Program Coordinator.

POLICIES & PROCEDURES - ADMINISTRATIVE

6.01 Where to store Consent to Mediate Forms, and who has access to them

- ◆ The original Consent to Mediate form stays with the SN Program Coordinator (with case file). Next: a copy can go to the Agency Liaison, if requested. Program Coordinator will not release a copy to anyone besides the liaison (or whoever originally brought the case to Shared Neutrals, if not the liaison).
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- ◆ If the mediator’s agency needs info on the cases they do (such as CMS), the mediator may provide case# and dates of mediation ONLY (“sanitized”), for cross-referencing purposes. The Mediator, not Shared Neutrals, is responsible for providing this information.
- ◆ In an EEO complaint – the liaison may provide a copy of the Consent to Mediate to certain persons, which can be used in an EEO report or (in rare instances) other agency use to protect the participant (i.e. to protect confidential information when subpoenaed, etc.).

Procedure 6.05 - Observers in Mediations

- ◆ The parties will be notified in the party letters that observers may be present (in standard party letter.)
- ◆ The primary mediator will mention to the parties as a matter of protocol that observers may be present
- ◆ If any party objects, there will be no observers, but if there are no objections, the primary will notify the Program Coordinator of the date of mediation and that observation is OK
- ◆ The Program Coordinator will then routinely broadcast observation opportunities via e-mail
- ◆ Eligible interested persons will respond to the Program Coordinator who will assign observers on a first-come basis
- ◆ The Program Coordinator will let the primary know who has been assigned to observe
- ◆ The primary will then notify the observer (via e-mail or phone) about the specific location and time of the mediation session
- ◆ Observers may not observe cases from their own agencies
- ◆ No more than two observers per session.

Persons eligible to observe mediation sessions include:

- ◆ All mediators currently on the roster
- ◆ Agency liaisons
- ◆ Subcommittee members
- ◆ The Program Coordinator
- ◆ “Mediator Mentees” (Mediator applicants who are linked up with a Shared Neutrals Mentor Mediator.
- ◆ The following language is included in party letters:

*“Sometimes an observer is given the opportunity to observe a mediation session for training purposes. The observer may be a mediator of other person connected with Shared Neutrals, but will **not** be someone from your agency. The observer is bound by the same rules of confidentiality as the mediator and signs the same confidentiality agreement as participants. Having the observer in the room is strictly voluntary and you can at any time ask that the observer not be present during the mediation.”*

POLICIES & PROCEDURES – TRAINING & MENTORING

Policy 7.00– Establishing a Mentoring Relationship

A Mentoring relationship is a partnership convened for the purpose of enhancing learning. The role of Mentor Mediator is to actively assist the mentee to achieve specific learning goals, and to develop his or her own unique potential as a mediator. A mentee might be an existing mediator looking for growth in a particular area, or a Mentored Co-mediator who are required to work with a Mentor until approved as a Co-mediator.

Administrative procedures for establishing mentor-mentee relationships are outlined below.

Procedure 7.00 – Administrative Protocol for matching Mentors & Mentees (updated 12/17/04)

1. The Training Standing Committee creates a list of mentors (using **Mentor Profile form**) and gives the list to the Program Coordinator.

For Existing Mediators:

- a) An existing mediator (already on the roster) may choose to establish a mentoring relationship at any time in order to enhance their skills.
- b) It is up to the mediator to contact the Program Coordinator to find out who is available as a mentor and then to speak to available mentors to establish the mentoring relationship.

For NEW applicants:

- a) The Personnel Standing Committee interviews mediator applicants, as usual, and may choose to accept that person into the Program as a Mentored Co-Mediator;
- b) The Program Coordinator provides New Mediator Orientation (for program consistency), and has the Mentored Co-Mediator sign the *Mediator Contract*;
- c) The Program Coordinator then sends the applicant a list of available mentors, and also sends out an e-mail to mentors with a “heads up” message that the person might be contacting them.
- d) The Mentored Co-Mediator is then responsible for speaking to available Mentors and choosing one to establish a formal mentor-trainee relationship with. The Mentee reports the name of the mentor to the Program Coordinator, who logs it onto the Mediator Roster.

Procedure 7.01 – Protocol for All Mentored Co-Mediators (updated 12/17/04)

- a) The Mentored Co-mediator (Mentee) should observe at least one case with any Shared Neutrals mediation team;
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- b) The Mentor debriefs with the Trainee about their observation experiences and sets individual learning goals;
 - c) The Mentee should mediate at least one case (as co-mediator) with their Mentor. They might mediate with a different Primary Mediator, with the approval of the both the Mentor and the Primary in question;
 - d) It is up to the mentor- mentee team to ascertain when the Mentee is ready to move to 'Co-mediator' on the Mediator Roster, and when they can mediate without their Mentor's approval;
 - e) The Mentor must inform the Program Coordinator, via e-mail or letter, that the Mentee's status should be changed to 'Co-Mediator' on the roster.
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