

To: All National Endowment for the Arts Employees

From: Dr. Maria Rosario Jackson, Chair



Date: October 20, 2022

Re: Alternative Dispute Resolution (ADR) Policy Statement

In accordance with the Equal Employment Opportunity Commission (EEOC) regulations at 29 C.F.R. § 1614.102(b)(2) and the National Endowment for the Arts' ADR Plan

It is the policy of the National Endowment for the Arts (NEA) to use Alternative Dispute Resolution (ADR) whenever appropriate and feasible. ADR is offered throughout the EEO process - from the pre-complaint through the formal complaint process. When a complainant requests ADR, management is required to participate in mediation. The manager has a duty to participate in good faith.

ADR is a voluntary process. The parties involved must willingly enter into an ADR proceeding. They are able to end the ADR process at any time. Employees or applicants must also be made aware that they retain the right to proceed with the administrative EEO process if they decide that they prefer to do so, or if a resolution is not reached.

Confidentiality of ADR proceedings must be maintained by everyone involved in the ADR proceeding. This means that information concerning the underlying facts of an ADR proceeding and records generated as part of that proceeding (except the settlement agreement) may not be made part of the EEO complaint record.

Mediation must be impartial and independent of any control by either party. Mediators are impartial and shall have no official, financial, or personal conflict of interest with respect to the issues in dispute, unless such interest is fully disclosed in writing to all parties and all parties agree that the mediator may serve.

If the parties resolve the dispute, they will draft a settlement agreement. The settlement is a legally binding contract that can be enforced by either party. Agreements resolving claims of employment discrimination are enforceable.

The point of contact regarding ADR is the Office of Civil Rights and Equal Employment Opportunity (OCREEO) in Suite 2040, by phone at (202) 682-5454, or by email at eeo@arts.gov.