

MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS MEDIATION CONFERENCE FACT SHEET

DEFINITION AND EXPLANATION

The Miami-Dade County Commission on Human Rights (MDCCHR) schedules mediation conferences for new complaints of discrimination pursuant to Chapter 11A of the Miami-Dade County Code. Mediation is a process in which an impartial person, the mediator, helps the parties to resolve their dispute. The mediator may suggest ways of resolving the dispute but does not make any judgment.

The purpose of the mediation conference is to provide for the exchange of concerns from both parties to work towards a possible resolution of the dispute. This informal conference is an opportunity for the complaining party and the employer (respondent) to resolve their dispute prior to the investigation.

The Miami-Dade County Commission on Human Rights provides an impartial representative to 1.) Conduct the mediation process, 2.) Conduct on-site mediation of complaints in accordance with appropriate documents in accordance with all statutory and procedural requirements. All communications at the conference are confidential.

POSSIBLE OUTCOMES

1. The parties may enter into a Settlement Agreement prior to or during the conference. If the parties reach a settlement and execute a written agreement disposing of the dispute, the agreement is binding and enforceable in the same manner as any other written contract.
2. The mediator may declare that further efforts at mediation are no longer worthwhile. If the parties fail to resolve voluntarily the dispute, the case will be assigned to an investigator for a thorough investigation of the merits of the complaint. A finding will then be made based on an

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examination of the evidence.

3. The parties may complete the full mediation session, at which time a written declaration of either party will be made to the effect that the mediation proceedings are terminated.

PREPARING FOR A SUCCESSFUL CONFERENCE

COMPLAINANT

It is suggested that you bring any information that you wish to present at the conference concerning the reason(s) you believe discrimination occurred. Limit your statements to the issues raised in your complaint. Be prepared to state what you are requesting from the respondent. An itemized statement of losses would be helpful. Be prepared to consider various ways to resolve the complaint.

RESPONDENT

It is suggested that you bring any information that would support your position. Respondent's representatives must have the authority to settle and all persons necessary to the decision to settle should be present. They should have direct knowledge of the events and circumstances cited in the complaint. The names and addresses of such persons shall be communicated in writing to the Miami-Dade County Commission on Human Rights.

OTHER IMPORTANT POINTS

Mediation sessions are private and confidential. The parties and their representatives may attend mediation sessions. Other persons may attend

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only with the permission of the parties and with the consent of the mediator.

There shall be no stenographic record of the mediation process and no person shall tape record any portion of the mediation session.

If mediation efforts are not successful within thirty (30) days of the complaint being referred to the Mediation Specialist, the case will be forwarded to appropriate Miami-Dade County Commission on Human Rights personnel for investigation.

Pursuant to Chapter 11A of the Miami-Dade County Code, it is an unlawful employment practice to retaliate or discriminate against a person who has opposed a discriminatory practice or who has made or filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Chapter.