



Administrative Policy No. 20.04

Subject:	Office of Justice and Civil Rights Alternative Dispute Resolution Program
Information Contact:	Alternate Dispute Resolution/Third Party Investigations Administrator, Office of Justice and Civil Rights (OJCR)
Authorizing Source:	Chapter 7.07 RCW: UNIFORM MEDIATION ACT (wa.gov) Chapter 42.56 RCW: PUBLIC RECORDS ACT (wa.gov)
Effective Date:	September 9, 2024
Revised:	New
Approved By:	<u>Original signed by Pearlette J. Ramos</u> Senior Director, Office of Justice and Civil Rights

Purpose

This policy establishes a voluntary dispute resolution program to promote equity, belonging, and justice and to informally address conflicts including those where alternative solutions may not be available. This policy furthers the Department of Social and Health Services (DSHS) commitment to a respectful and cooperative work environment.

Scope

This policy applies to all DSHS employees, contractors, interns, volunteers, and third parties. For represented employees, the collective bargaining agreements (CBAs) supersede specific provisions of agency policies when in conflict.

Additional Guidance:

[Administrative Policies](#)

- 5.01 Privacy policy – safeguarding confidential information
- 5.04 Records retention
- 8.11 Complaint resolution and response standards
- 18.61 Employee grievance
- 18.66 Discrimination, harassment, and other inappropriate behaviors
- 18.67 Workplace and domestic violence/reasonable safety accommodation
- 18.81 Nondiscrimination in direct client services
- 18.89 Investigations
- 20.01 Internal investigations under the office of justice and civil rights

[Forms Picker - DSHS \(wa.lcl\)](#)

03-513 Workplace Violence and Safety Accommodation (Third Party Conduct)
Form

Definitions

Alternative dispute resolution (ADR) is a general term for methods participants use to resolve conflict cooperatively with the help of a neutral mediator or facilitator. The Office of Justice and Civil Rights (OJCR) uses ADR techniques such as mediation, facilitation, conflict coaching, and training. With mediation, participants often arrive at solutions much quicker than decisions issued through another process, and resolutions are designed by the participants rather than an external party.

Policy Requirements

The information and services provided by OJCR are intended to provide opportunities for the resolution of disputes and are not to be construed as providing legal advice or representation for any participant. This policy does not replace a formal complaint that an employee may initiate with the iraucomplaints@dshs.wa.gov inbox for civil rights violations, or an applicable collective bargaining agreement (CBA), or an employee's right to the grievance process.

This policy supports the agency's overall efforts in conflict management and early intervention to resolve disputes.

- A. Within OJCR, the ADR/third party investigations unit develops and maintains the policies and procedures for resolving conflict early and for addressing civil rights complaints. These include ADR assessments, determining the appropriate process such as mediation, facilitation, conflict coaching or training, as well as the identification of other resources and referrals when appropriate.
- B. The ADR/third party investigations unit develops training in furtherance of this policy and ensures training availability through the learning center in partnership with the human resources division organizational development team.
- C. The ADR/third party investigations unit communicates and coordinates with DSHS's human resources division (HRD), the office of equity, diversity, access, and inclusion (OEDAI), administrations, divisions, offices, facilities, or units as needed to assess referrals, and provide dispute resolution services. Requests for any type of ADR assistance may be sent to the ADRMediation@dshs.wa.gov inbox.
- D. ADR requests will be assessed by the ADR/third party investigations unit for the presence of any safety concerns, pending investigations, including the investigations

unit (IU) or HRD, lawsuits, or any other factor that may interfere with the process and make ADR inappropriate.

- E. When a request for ADR is closed after intake and assessment and an ADR process is not going to be scheduled, OJCR staff will refer the parties if there are other available staff or programs that may be able to assist the parties.
- F. Participation in mediation is voluntary. Participants must be capable of adhering to any outcome agreed to. When mediation or facilitation is successful in assisting the participants to reach resolution, the participants will decide whether to memorialize any agreements in writing. If so, the written agreement is an exception to confidentiality.
- G. If applicable, the ADR/third party investigations unit will identify people who are formally designated to act on behalf of a party involved in mediation; these might include guardians, powers of attorney, or others, and the unit may invite them to participate in the mediation.
- H. If mediation or dispute resolution services does not result in full resolution, the parties may be referred to iraucomplaints@dshs.wa.gov, HRD senior business partner, OEDAI EDAI advisor, or back to the program for assessment and to determine next steps.
- I. The ADR/third party investigations staff must track and report metrics for all dispute resolution services as covered by this policy.
- J. Confidentiality and records retention
 - 1. All mediation participants will sign an agreement to mediate provided by ADR/ third party investigations unit which describes the privilege against disclosure of mediation communications and confidentiality as set forth in [Chapter 7.07 RCW](#).
Communications which are privileged under chapter 7.07 RCW are exempt from production under the Public Records Act as set forth in RCW 42.56.600.
 - 2. If the mediation participants enter into a written agreement, the following will apply:
 - a. The agreement may be handwritten or typed and must be reviewed in its entirety by all participants prior to execution. Acceptable signature methods include wet ink or electronic signatures.
 - b. After execution of the agreement, the program must provide each participant a copy of the agreement for their records.
 - c. The agreement will serve as an exception to confidentiality for that

agreement and may be shared with others. Program staff may also give a copy of the agreement to others provided the participants are given notice.

3. Requests for mediation and dispute resolution services will be kept confidential to the extent possible as outlined in administrative policy 5.01 privacy policy – safeguarding confidential information and the Washington Uniform Mediation Act.
4. Records must be maintained in compliance with administrative policy 5.04 records retention.

DSHS Official