Equal Employment Opportunity Commission (EEOC)

EEOC Public Portal User's Guide

Vol 4 – Post-Charge Tasks

September 18, 2020

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Introduction to the EEOC Public Portal

The EEOC Public Portal is a secure, web-based application developed for individuals to interact with the EEOC regarding a complaint of employment discrimination. Using the EEOC Public Portal, you may file a complaint against an employer in the Private Sector (i.e. Business or non-profit) or a State or Local Government Agency. If you work or worked for the U.S. Federal Government as an employee or a contractor, or applied to work for the Federal Government, you may request a hearing with or appeal a decision to the EEOC regarding your formal EEO complaint. The EEOC Public Portal is the primary point of communication between you and the EEOC.

About the User's Guide

The EEOC Public Portal User's Guide ("User's Guide") provides comprehensive guidance for using the EEOC Public Portal's features and functions. The User's Guide is published as individual documents, each of which covers a particular feature or related features of the EEOC Public Portal.

The following EEOC Public Portal User's Guide documents are available; the highlighted Document Name is the one you're reading right now:

- Vol 1 – Getting Started (learn about logging into the EEOC Public Portal, the Portal structure, and other basic information)
- Vol 2 – Submit an Online Inquiry to the EEOC
- Vol 3 – Post-Inquiry Tasks (learn about scheduling an interview with the EEOC, entering Supplemental Information, filing a Charge of Discrimination)
- Vol 4 – Post-Charge Tasks (learn how to check the status of your case, respond to an Invitation to Mediate, request/respond to a Respondent's Position Statement)
- Vol 5 – Charge Closure (learn what happens when your charge has been closed)
- Vol 6 – Hearings with the EEOC
- Vol 7 – Appeals to the EEOC
- Vol 8 – Manage Case/Charge Information (learn how to display information about your case, enter/update your personal information, add representatives, and submit/receive documents associated with your case)

Chapter 1 What Happens After Filing a Charge

After you have filed a formal charge with the EEOC, you may follow the progress of your case and submit documents to the EEOC via the EEOC Public Portal. The EEOC will send you an email when an action is required and you can respond using the EEOC Public Portal.

Prior to starting an investigation, the EEOC may invite you and the respondent to participate in the EEOC's Mediation Program. Mediation is an opportunity for both parties to work with a neutral mediator to discuss and resolve the charge. There are several reasons to mediate:

1. Mediation is a no-cost, voluntary, and confidential. If the matter is resolved through mediation, no EEOC investigation will occur.
2. Most mediations are completed in one session. Legal representation is not required because mediation is an informal process.
3. A mediated solution also allows you to control the outcome while avoiding the cost, length, and uncertainty of an investigation and litigation.

If mediation does not occur or is not successful, the EEOC will investigate the charge and request a position statement from the Respondent. Once the Respondent uploads their Position Statement, you will be notified by the EEOC and may request a copy. You may also submit a response to the Position Statement.

The following tasks may be performed after filing a charge, most by using the EEOC Public Portal, and are described in this document:

1. Check the Status of Your Case (Chapter 2)
2. Amend a Charge (Chapter 3)
3. Respond to an Invitation to Mediate Your Charge (Chapter 4)
4. Request and Receive a Copy of the Respondent's Position Statement (Chapter 5)
5. Submit a Response to the Respondent's Position Statement (Chapter 6)

Each of these tasks is described in the chapters that follow.

You should also keep your contact information and legal representative information (if you are being represented) up-to-date. Also, be sure to upload any documents relevant to your charge. (*For details on these tasks, see EEOC Public Portal User's Guide Vol 8 – Manage Case Information.*)

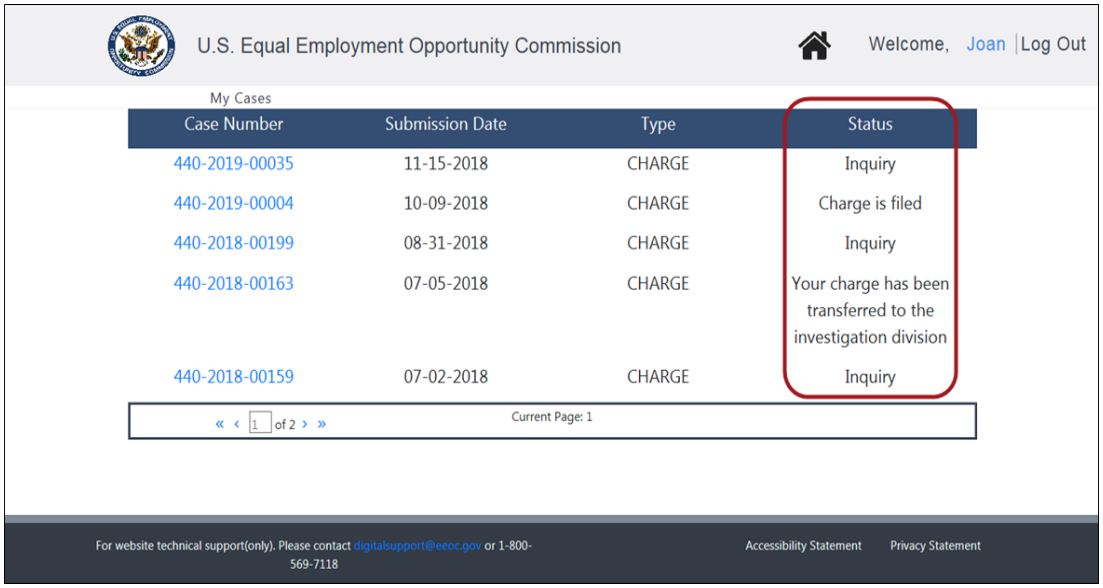
The EEOC will notify you when your charge is closed, either because of successful mediation or at the conclusion of its investigation. You may view/download the closure document(s) using the EEOC Public Portal. *For more on information on what happens when a charge is closed, see EEOC Public Portal User's Guide Vol 5 – Charge Closure.*

Chapter 2 Check the Status of Your Charge

You can quickly see the status of your charge on the **My Cases** page in the EEOC Public Portal. To check the status of your charge, from the EEOC Public Portal perform the following steps:

Step 1. Click on the **My Cases** link on the Home page.

Step 2. The **My Cases** page displays:



The **Status** column displays the current status for each charge/inquiry you have filed with the EEOC. You may then click on the Case Number to display the My Case page and view additional information about the status of your case.

You can obtain details on the status of your charge by using the EEOC's Online Charge Status System. The system can be accessed through the EEOC Public Portal, as described below, and also at http://www.eeoc.gov/employees/charge_status.cfm

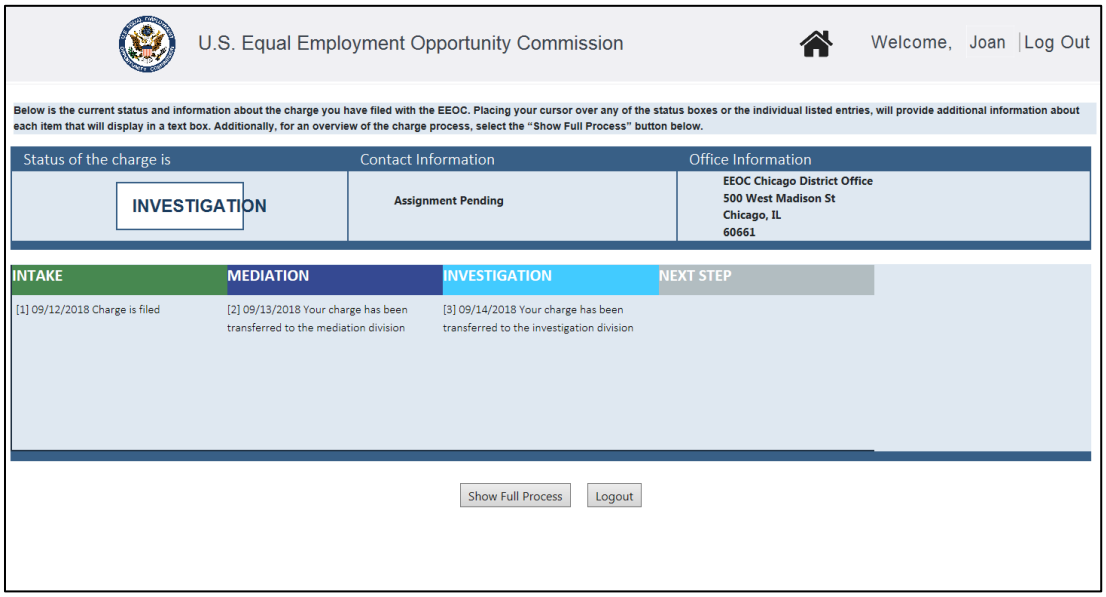
To check the status of your charge, from the EEOC webpage perform the following steps:

Step 3. Click on the **What you should DO after filing a charge** link at the bottom of the page.

Step 4. Click on the **CHECK THE STATUS OF YOUR CHARGE ONLINE** link.

Step 5. Click on the **Check your charge status** link.

Step 6. The status screen displays.



- ***Tip!*** *Hovering the mouse over a Status will display additional information about that activity.*

- ***Tip!*** *Hovering the mouse over "Next Steps" will display a narrative of the possible next steps in your case.*

In this example above, the status of the charge is Investigation. The **My Charge Status** page will show all the stages for the charge up to the current status, plus what the next step(s) might be.

The statuses are defined in Table 1 below:

Table 1 – Online Charge Status System Status Descriptions

Status Category	Category Narrative
Intake	The Charging Party files a charge of discrimination against their employer; based on the information the CP provides the EEOC sends a notice and a copy of the charge to the employer.
Mediation	The EEOC works with you and your employer to try to resolve your charge by a voluntary settlement through an informal and confidential manner with the help of a neutral mediator. If your charge is not sent to mediation or if mediation does not resolve the problem, the charge will be given to an investigator.
Investigation	The EEOC gathers information to find out if a law has been violated. After the investigation is finished, the EEOC will let you and the employer know the outcome.
Conciliation	If the EEOC determines a law has been violated, it tries to remedy the harm caused by discrimination through attempting to reach a voluntary settlement with the employer. If a settlement cannot be reached, your case will be referred to our legal staff to decide whether or not the agency will file a lawsuit on your behalf.
Closed	*Will describe the reason the case was closed. Category narrative will depend on the Closure Activity that was applied to your case.*

Chapter 3 Amend Your Charge

If new events take place after you file your charge that you believe are discriminatory, the EEOC can add these new events to your charge and investigate them. This is called "amending" a charge.

You may amend a charge in the EEOC Public Portal by digitally signing the amended charge of discrimination that the EEOC prepares for you. Using the EEOC Public Portal you and/or your representative (if you have one) can review the document and recommend changes to it, but your representative cannot sign an amended charge of discrimination on your behalf.

3.1 Reviewing an Amended Charge

3.1.1 Review by Charging Party (CP)

To review an amended charge of discrimination and recommend changes to the EEOC, perform the following steps:

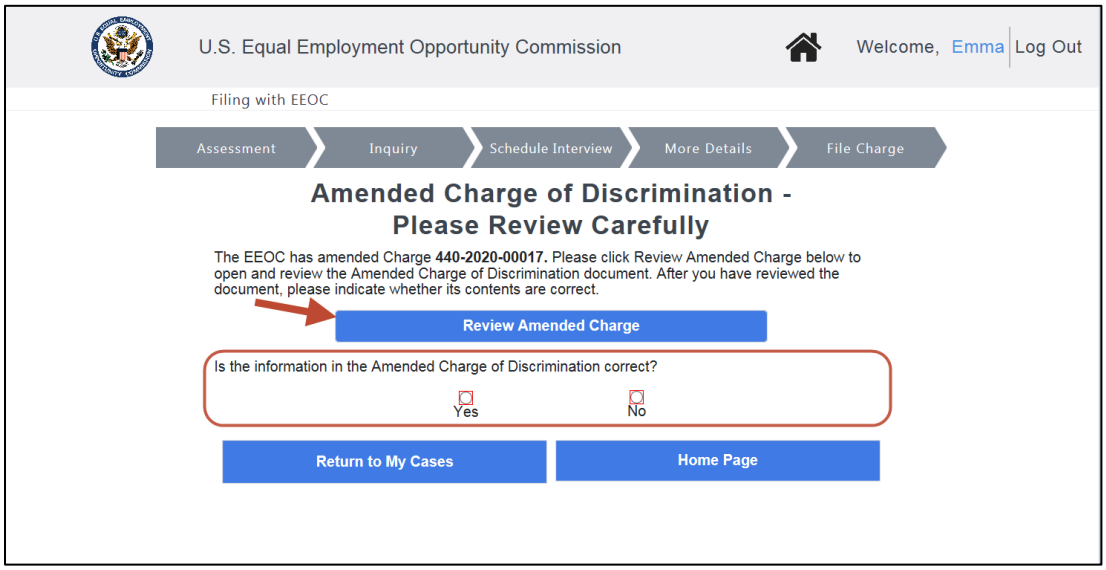
Step 1. The EEOC sends the amended Charge of Discrimination to the EEOC Public Portal. You will receive an email that the amended Charge of Discrimination is available for review.

Step 2. Open the EEOC Public Portal and click on **My Cases**.

Step 3. The sign in page displays. Enter your user ID and password to login.

Step 4. If you have more than one case submitted with the EEOC, the **My Cases listing** displays first; click on the Charge Number to access the **My Charge** page.

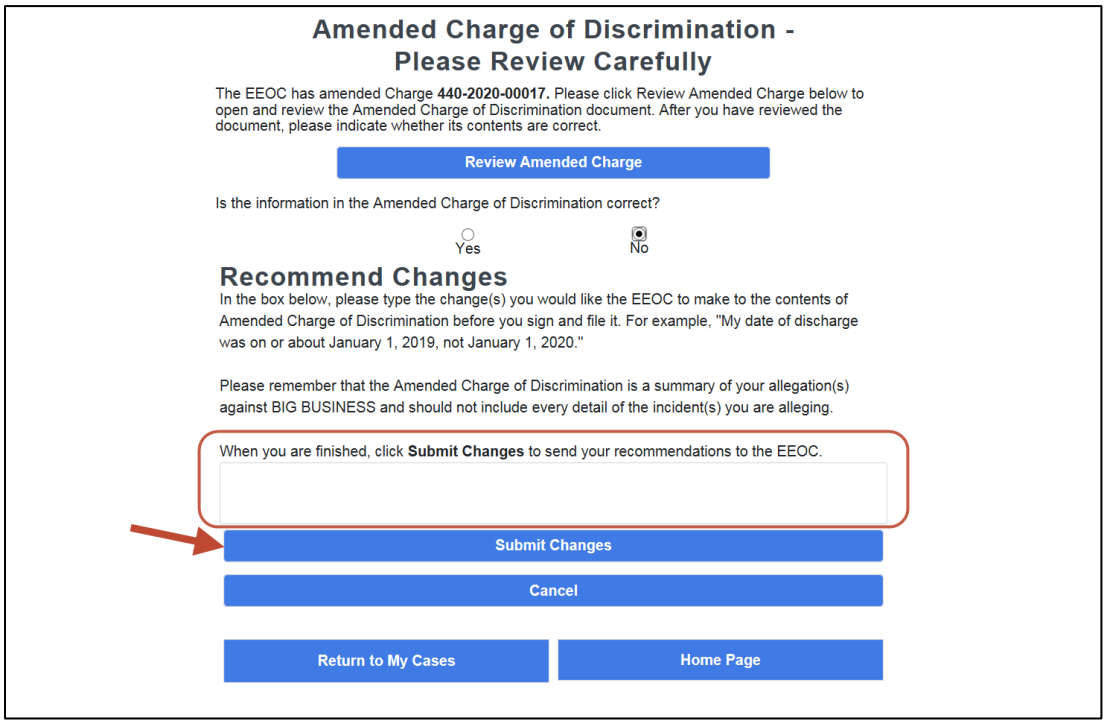
Step 5. The **My Charge** page displays with the information relating to the Amended Charge of Discrimination that the EEOC has prepared.



Step 6. Click on the **Review Amended Charge** button to view the Amended Charge of Discrimination, then use the **Yes/No** buttons to reply to the question "Is the information in the Amended Charge of Discrimination correct?".

Step 7. If you want to make changes or corrections to the Amended Charge of Discrimination, click on the **No** button. A space to enter changes and a **Submit Changes** button are displayed.

Enter your recommendations in the space provided and click on the **Submit Changes** button. Your changes are automatically sent to the EEOC.



The EEOC addresses the recommended changes and sends the modified document back to you for review (Note: this step can be repeated if necessary).

Step 8. You can then sign and file the Amended Charge of Discrimination (see Section 3.2 below).

3.1.2 Review by CP's Representative

To review an amended charge of discrimination and recommend changes to the EEOC, perform the following steps:

Step 1. Follow steps 1-5 above, to sign in and display your charge. Click on the **Review Amended Charge** button to view the Amended Charge of Discrimination, then use the **Yes/No** buttons to reply to the question "Is the information in the Amended Charge of Discrimination correct?".

Step 2. If you want to make changes or corrections to the Amended Charge of Discrimination, click on the **No** button. A space to enter changes and a **Submit Changes** button are displayed (see illustration in Step 7 above).

Enter your recommendations in the space provided and click on the **Submit Changes** button. Your changes are automatically sent to the EEOC.

The EEOC addresses the recommended changes and sends the modified document back to you for review (Note: this step can be repeated if necessary).

Step 3. If the Amended Charge of Discrimination is correct, click on the **Yes** button. The CP can then sign and file the Amended Charge of Discrimination. You will see the following message:

> *Our records indicate that you are not the charging party named in the Amended Charge of Discrimination but are representing the charging party. Only the charging party may sign & file the Amended Charge through the EEOC Public Portal.*

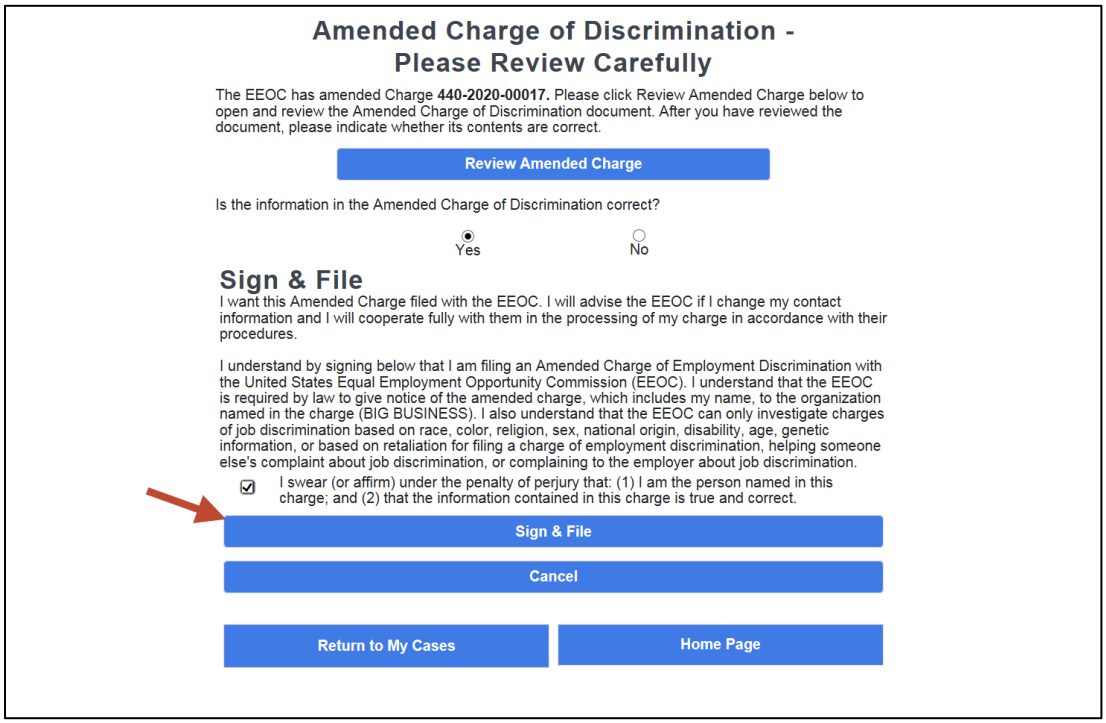
3.2 Signing & Filing an Amended Charge (CPs)

To digitally sign an amended charge of discrimination, perform the following steps:

Step 1. Follow steps 1-5 above, to sign in and display your charge. Click on the **Review Amended Charge** button to view the Amended Charge of Discrimination, then use the **Yes/No** buttons to reply to the question "Is the information in the Amended Charge of Discrimination correct?".

Step 2. Once you have verified that the document is correct, to sign and file the Amended Charge of discrimination, click on the **Yes** button. The confirmation page appears.

Step 3. Check the box to confirm that the information in the charge is true and correct, then click on the **Sign & File** button.



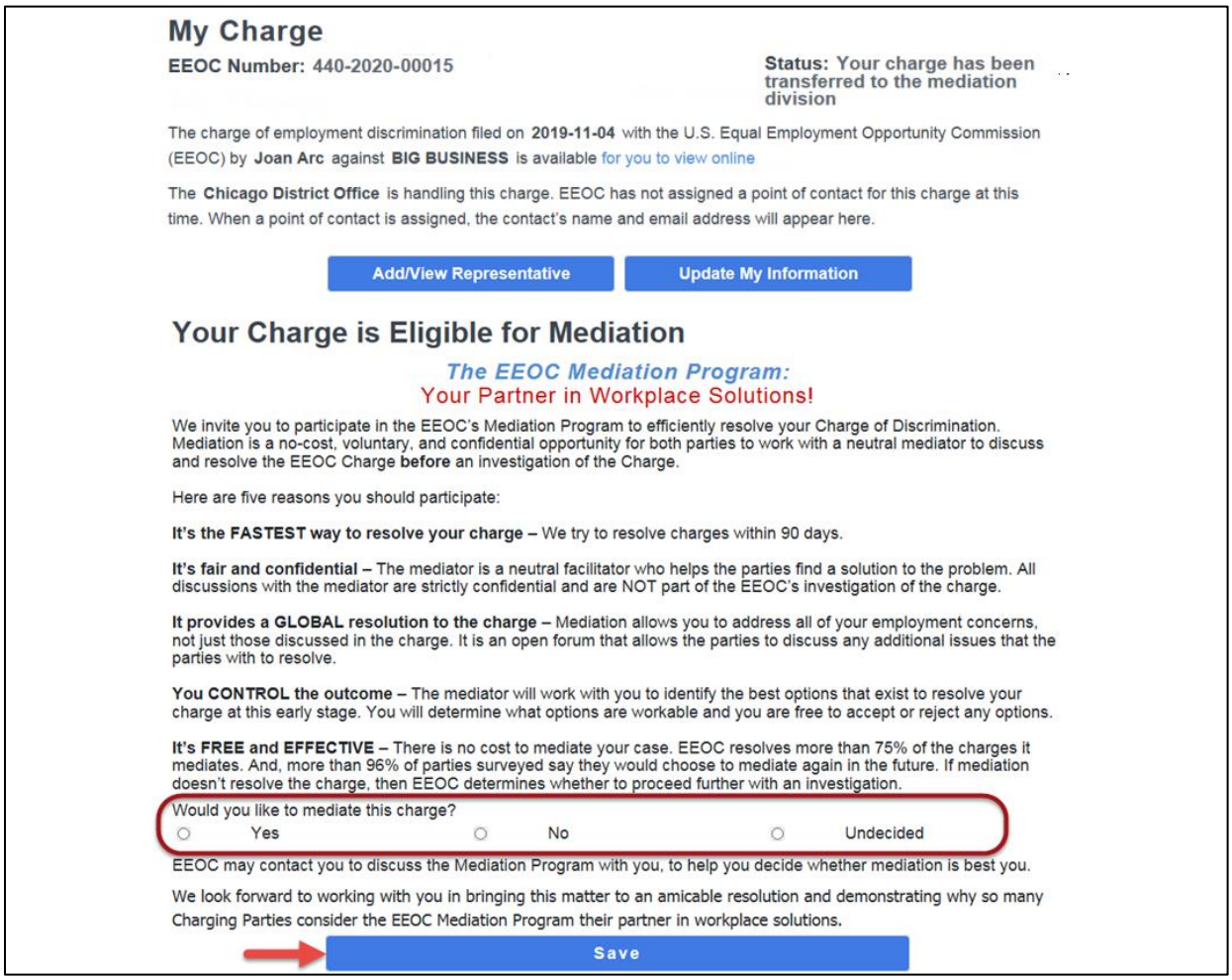
Step 4. The Amended Charge of Discrimination is automatically regenerated to add your electronic signature and uploaded. A signed copy of the Amended Charge of Discrimination will be emailed to you.

Click on either the **Return to My Cases** or **Home Page** button to continue.

Chapter 4 Respond to an Invitation to Mediate

If your case is eligible for mediation, the EEOC will send you an invitation to mediate. You can view the invitation and respond via the EEOC Public Portal. When you login, you will see the invitation on the **My Charge** page below the **My Charge** section as shown Figure 1 below (the full text of the invitation to mediate can be found in 7077999.7602293.7274601.4784238).

Figure 1 – Invitation to Mediate



My Charge

EEOC Number: 440-2020-00015

Status: Your charge has been transferred to the mediation division

The charge of employment discrimination filed on **2019-11-04** with the U.S. Equal Employment Opportunity Commission (EEOC) by **Joan Arc** against **BIG BUSINESS** is available for you to view online

The **Chicago District Office** is handling this charge. EEOC has not assigned a point of contact for this charge at this time. When a point of contact is assigned, the contact's name and email address will appear here.

Add/View Representative | Update My Information

Your Charge is Eligible for Mediation

The EEOC Mediation Program:
Your Partner in Workplace Solutions!

We invite you to participate in the EEOC's Mediation Program to efficiently resolve your Charge of Discrimination. Mediation is a no-cost, voluntary, and confidential opportunity for both parties to work with a neutral mediator to discuss and resolve the EEOC Charge **before** an investigation of the Charge.

Here are five reasons you should participate:

It's the FASTEST way to resolve your charge – We try to resolve charges within 90 days.

It's fair and confidential – The mediator is a neutral facilitator who helps the parties find a solution to the problem. All discussions with the mediator are strictly confidential and are NOT part of the EEOC's investigation of the charge.

It provides a GLOBAL resolution to the charge – Mediation allows you to address all of your employment concerns, not just those discussed in the charge. It is an open forum that allows the parties to discuss any additional issues that the parties with to resolve.

You CONTROL the outcome – The mediator will work with you to identify the best options that exist to resolve your charge at this early stage. You will determine what options are workable and you are free to accept or reject any options.

It's FREE and EFFECTIVE – There is no cost to mediate your case. EEOC resolves more than 75% of the charges it mediates. And, more than 96% of parties surveyed say they would choose to mediate again in the future. If mediation doesn't resolve the charge, then EEOC determines whether to proceed further with an investigation.

Would you like to mediate this charge?
○ Yes ○ No ○ Undecided

EEOC may contact you to discuss the Mediation Program with you, to help you decide whether mediation is best you.

We look forward to working with you in bringing this matter to an amicable resolution and demonstrating why so many Charging Parties consider the EEOC Mediation Program their partner in workplace solutions.

Save

4.1 Accepting or Rejecting an Invitation to Mediate

To respond to an invitation to mediate, perform the following steps:

Step 1. On the **My Charge** page, scroll down to where "Would you like to mediate this charge?" is displayed (see Figure 1 above).

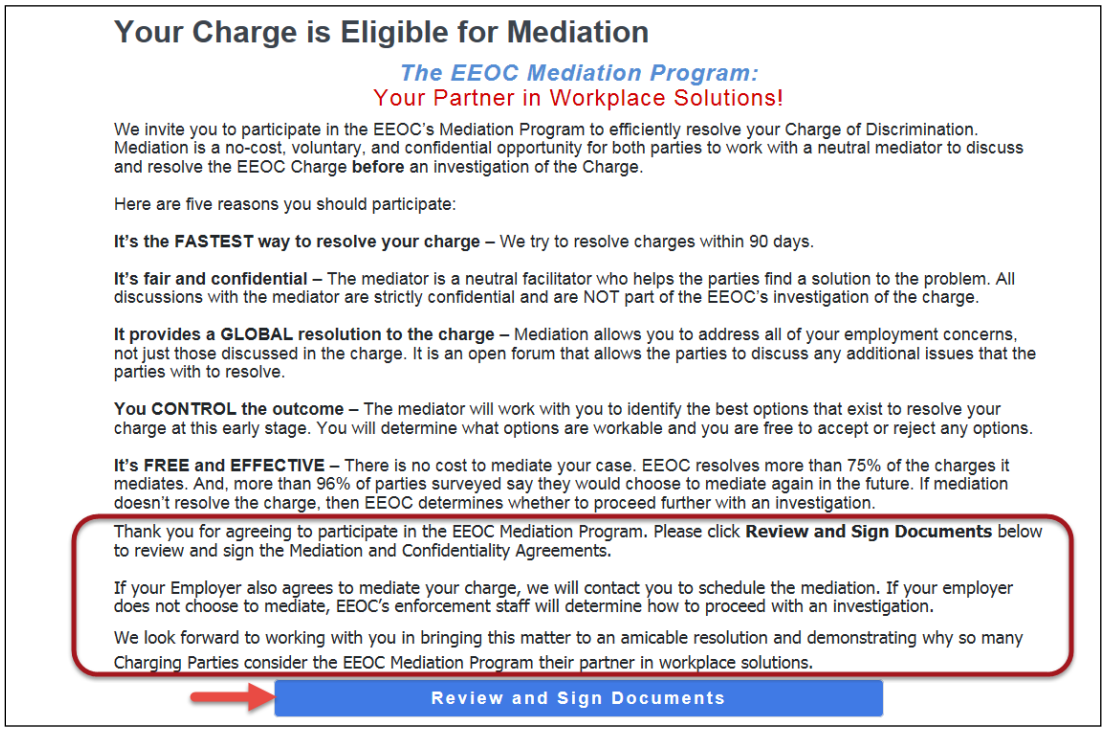
Step 2. Select a response, either '**Yes**', '**No**', or '**Undecided**' and click on the **Save** button.

NOTE: Once you have chosen '**Yes**' or '**No**' in the EEOC Public Portal, the selection cannot be undone. If you want to change your response, either because it was chosen in error, or because you have changed your mind about mediation, contact the EEOC and they will work with you to determine the appropriate next steps in the process.

Step 3. If you selected '**Yes**', you will see this message in the EEOC Public Portal:

> *Thank you for agreeing to participate in the EEOC Mediation Program. Please click **Review and Sign Documents** below to review and sign the Mediation and Confidentiality Agreements.*
>
> *If your Employer also agrees to mediate your charge, we will contact you to schedule the mediation. If your employer does not choose to mediate, EEOC's enforcement staff will determine how to proceed with an investigation.*
>
> *We look forward to working with you in bringing this matter to amicable resolution and demonstrating why so many Charging Parties consider the EEOC Mediation Program their partner in workplace solutions.*

Then you must review and sign the Mediation and Confidentiality agreements (the full text of the agreements an be found in 7077999.7602293.7274601.4784238). Click on the **Review & Sign Documents** button.



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It provides a GLOBAL resolution to the charge – Mediation allows you to address all of your employment concerns, not just those discussed in the charge. It is an open forum that allows the parties to discuss any additional issues that the parties with to resolve.

You CONTROL the outcome – The mediator will work with you to identify the best options that exist to resolve your charge at this early stage. You will determine what options are workable and you are free to accept or reject any options.

It's FREE and EFFECTIVE – There is no cost to mediate your case. EEOC resolves more than 75% of the charges it mediates. And, more than 96% of parties surveyed say they would choose to mediate again in the future. If mediation doesn't resolve the charge, then EEOC determines whether to proceed further with an investigation.

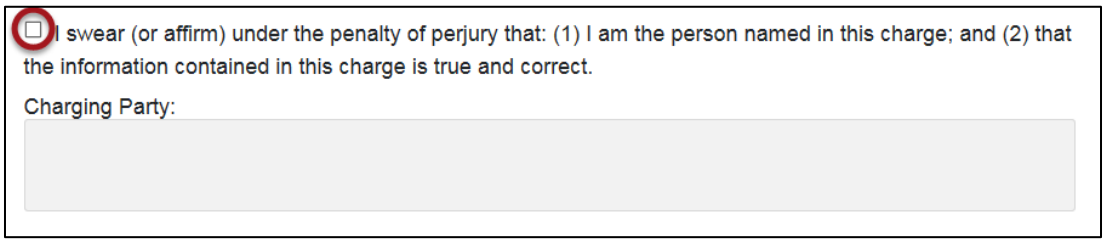
Thank you for agreeing to participate in the EEOC Mediation Program. Please click **Review and Sign Documents** below to review and sign the Mediation and Confidentiality Agreements.

If your Employer also agrees to mediate your charge, we will contact you to schedule the mediation. If your employer does not choose to mediate, EEOC's enforcement staff will determine how to proceed with an investigation.

We look forward to working with you in bringing this matter to an amicable resolution and demonstrating why so many Charging Parties consider the EEOC Mediation Program their partner in workplace solutions.

Review and Sign Documents

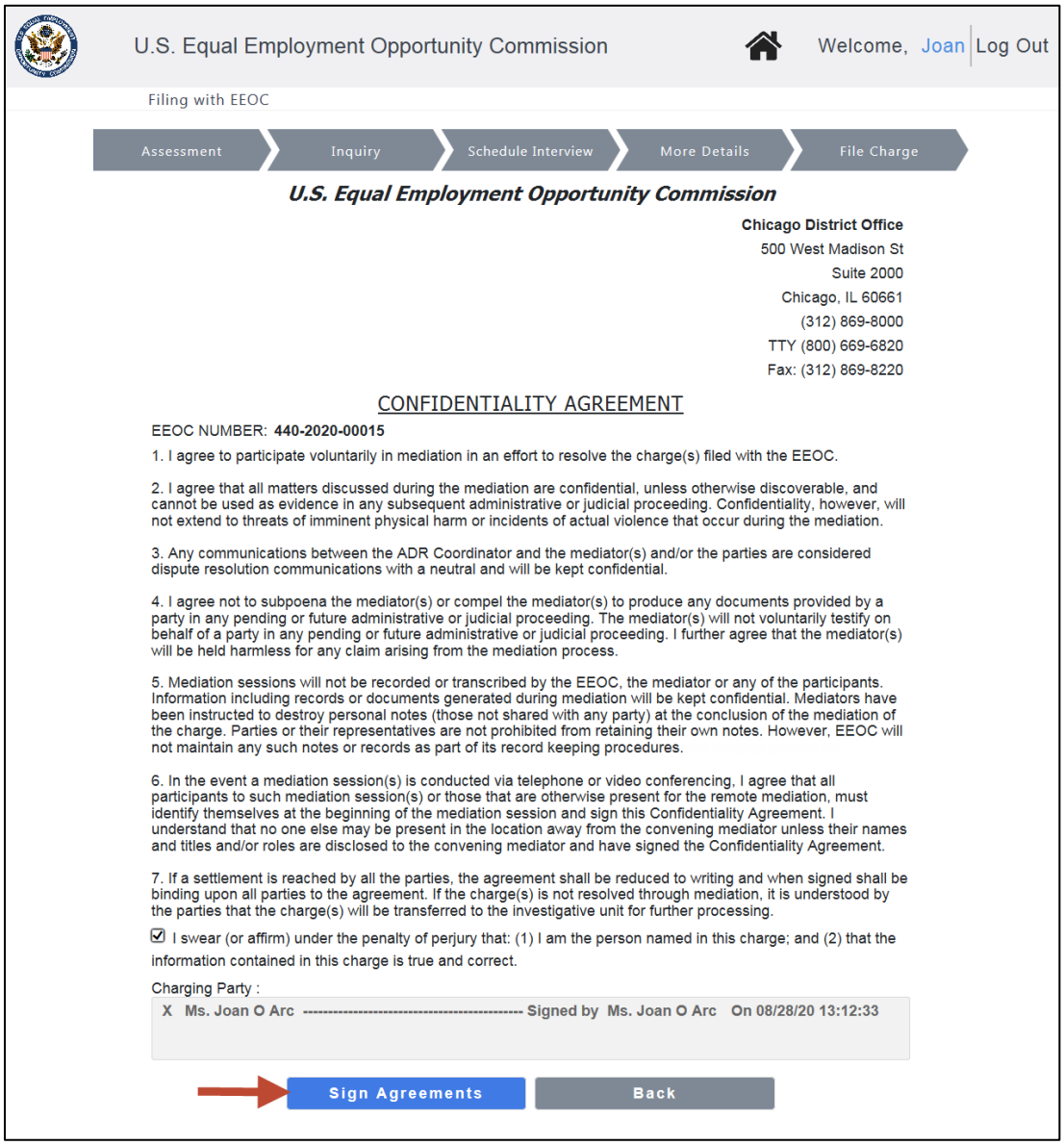
First the Agreement to Mediate displays. Click on the box to "check" it and digitally sign the agreement (the signature will be automatically populated), then click on the **Next** button.



☐ I swear (or affirm) under the penalty of perjury that: (1) I am the person named in this charge; and (2) that the information contained in this charge is true and correct.

Charging Party:

Then the ADR Confidentiality Agreement displays. Click on the box to "check" it and digitally sign the agreeement (the signature will be automatically populated), then click on the **Sign Agreements** button. If you want to go back to the Mediation Agreement, click on the **Back** button.



U.S. Equal Employment Opportunity Commission

Welcome, Joan | Log Out

Filing with EEOC

Assessment | Inquiry | Schedule Interview | More Details | File Charge

U.S. Equal Employment Opportunity Commission

Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661
(312) 869-8000
TTY (800) 669-6820
Fax: (312) 869-8220

CONFIDENTIALITY AGREEMENT

EEOC NUMBER: **440-2020-00015**

1. I agree to participate voluntarily in mediation in an effort to resolve the charge(s) filed with the EEOC.

2. I agree that all matters discussed during the mediation are confidential, unless otherwise discoverable, and cannot be used as evidence in any subsequent administrative or judicial proceeding. Confidentiality, however, will not extend to threats of imminent physical harm or incidents of actual violence that occur during the mediation.

3. Any communications between the ADR Coordinator and the mediator(s) and/or the parties are considered dispute resolution communications with a neutral and will be kept confidential.

4. I agree not to subpoena the mediator(s) or compel the mediator(s) to produce any documents provided by a party in any pending or future administrative or judicial proceeding. The mediator(s) will not voluntarily testify on behalf of a party in any pending or future administrative or judicial proceeding. I further agree that the mediator(s) will be held harmless for any claim arising from the mediation process.

5. Mediation sessions will not be recorded or transcribed by the EEOC, the mediator or any of the participants. Information including records or documents generated during mediation will be kept confidential. Mediators have been instructed to destroy personal notes (those not shared with any party) at the conclusion of the mediation of the charge. Parties or their representatives are not prohibited from retaining their own notes. However, EEOC will not maintain any such notes or records as part of its record keeping procedures.

6. In the event a mediation session(s) is conducted via telephone or video conferencing, I agree that all participants to such mediation session(s) or those that are otherwise present for the remote mediation, must identify themselves at the beginning of the mediation session and sign this Confidentiality Agreement. I understand that no one else may be present in the location away from the convening mediator unless their names and titles and/or roles are disclosed to the convening mediator and have signed the Confidentiality Agreement.

7. If a settlement is reached by all the parties, the agreement shall be reduced to writing and when signed shall be binding upon all parties to the agreement. If the charge(s) is not resolved through mediation, it is understood by the parties that the charge(s) will be transferred to the investigative unit for further processing.

☑ I swear (or affirm) under the penalty of perjury that: (1) I am the person named in this charge; and (2) that the information contained in this charge is true and correct.

Charging Party :

X Ms. Joan O Arc ---------- Signed by Ms. Joan O Arc On 08/28/20 13:12:33

Sign Agreements | Back

You will now be returned to the **My Charge** page. The signed agreements will be automatically uploaded and appear in the **My Documents** list. If the Respondent also agrees to mediate, then the EEOC will contact you to schedule the mediation.

Step 4. If you selected '**No**', you will see this message in the EEOC Public Portal:

Thank you for your response. EEOC's staff will determine how to proceed with an investigation.

Step 5. If you selected '**Undecided**', you will see this message in the EEOC Public Portal:

Thank you for considering the EEOC Mediation Program. If you would like to discuss this matter with a member of our mediation staff, please contact {ADR Contact Full Name} at (ADR Contact Phone Number) or {ADR Contact Email Address} on or before {Mediation Response Date}.

4.2 Other Mediation Outcomes

After accepting the offer to mediate, you may see this message in the EEOC Public Portal if the respondent also accepts:

> *Both parties have agreed to mediate this charge, and EEOC is scheduling mediation. No further action is required from you at this time*

If your case is not eligible for mediation, you will see this message in the EEOC Public Portal:

> *Upon further review this charge is deemed ineligible for mediation at this time and will be transferred to EEOC's Enforcement Unit.*

If the attempt to mediate is unsuccessful, you will see this message in the EEOC Public Portal:

> *EEOC's efforts to mediate this charge were unsuccessful, so EEOC will request the Respondent to provide a position statement and notify you when we receive it.*

Chapter 5 Request and Receive a Position Statement

The EEOC may request the respondent to provide a written answer to your charge (called a "Position Statement"). You will receive an email when the EEOC has a Position Statement from the respondent that is ready for you to review. You can request a copy of the Position Statement via the EEOC Public Portal. You may also upload a response to the Position Statement via the EEOC Public Portal (see Chapter 6).

To request and receive a copy of the Respondent's Position Statement, perform the following steps:

Step 1. A respondent (or the EEOC) uploads a Position Statement.

Step 2. After the Position Statement is uploaded to a charge, you and your Representative (if one has been identified) will receive an email from the EEOC that a Position Statement has been requested from the Respondent.

Step 3. When you login to the EEOC Public Portal, you will see this message:

> *We asked {Respondent Organization} to submit a Position Statement on your charge.*
>
> *You may request the Position Statement if you would like to see it. Please be aware that by requesting these documents, you agree that you will only share them with persons in a privileged relationship, such as a spouse, clergy, or medical, financial, or legal advisor.*
>
> *Would you like to receive a copy of the Respondent's Position Statement once we've received it and reviewed it?*

Step 4. You may click on **Yes** to request the Position Statement. If you click on **Yes**, you will then see this message in the EEOC Public Portal:

> *The EEOC has received your request for the respondent's Position Statement. EEOC will notify you by email when the Position Statement is available for you to review.*
>
> *Before we provide the Position Statement and attachments to you, the EEOC investigator reviews the documents to ensure they do not contain confidential information. We ask you to be patient as we receive many requests for Position Statements and it may take several weeks to review and release the Position Statement and attachments related to your charge.*

Step 5. Typically, the EEOC will release the document to the EEOC Public Portal. The EEOC may determine that the document needs to be redacted first and, if so, will make the necessary changes before releasing it.

Step 6. Once the document has been released to the EEOC Public Portal, you and your representative (if one has been identified) will receive an email that the document is available.

Step 7. When you login into the EEOC Public Portal, you will see this message,

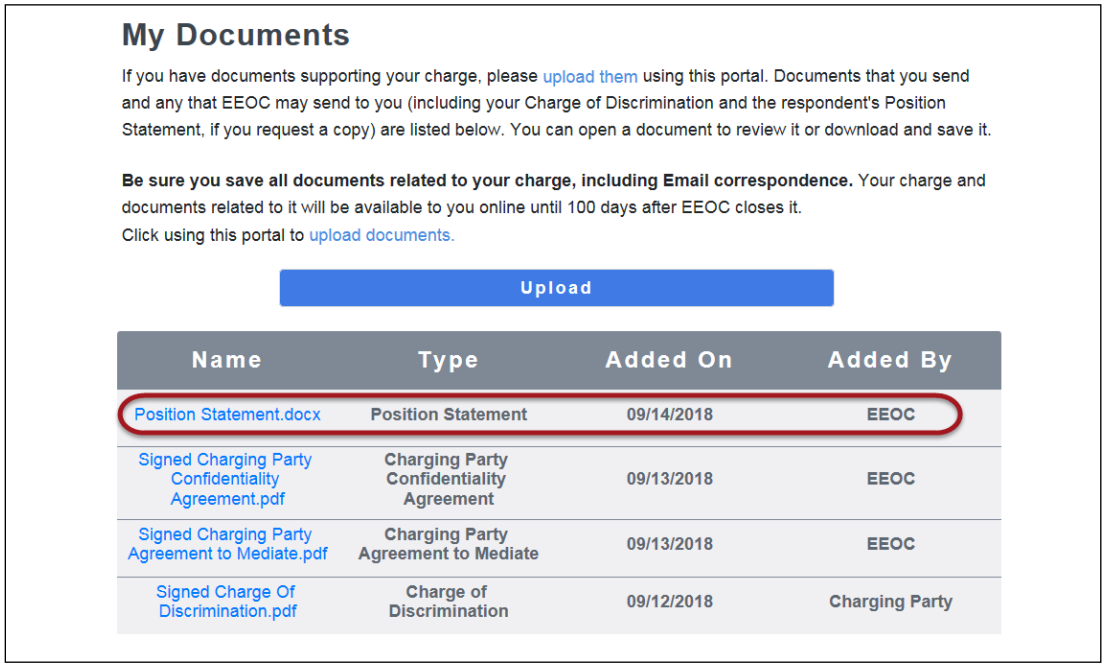
> *EEOC has provided the respondent's Position Statement, relevant attachments, and any supplemental position statements on this page, under Document Management. It will be helpful to EEOC's investigation if you provide a response to the Respondent's position statement by {date of Position Statement issuance + 20 days}.*

Any information you provide will be taken into consideration when the EEOC reviews your case. Please upload your response through the Public Portal. Be sure to identify any further witnesses, their contact information, and a brief synopsis of what they will say.

There is no specific format for your response; however, be sure to point out discrepancies in the employer's information and explain what you believe to have happened. This is your opportunity to provide any additional information you feel is relevant to support your case.

Please be aware that by receiving these documents before you have filed a lawsuit based upon your charge, you agree that you will only show them with persons in a privileged relationship, such as a spouse, clergy, or medical, financial, or legal advisor.

Step 8. To view/download a Position Statement, scroll down to **My Documents** and click on the **Name**.



My Documents

If you have documents supporting your charge, please upload them using this portal. Documents that you send and any that EEOC may send to you (including your Charge of Discrimination and the respondent's Position Statement, if you request a copy) are listed below. You can open a document to review it or download and save it.

Be sure you save all documents related to your charge, including Email correspondence. Your charge and documents related to it will be available to you online until 100 days after EEOC closes it.
Click using this portal to upload documents.

Upload

Name	Type	Added On	Added By
Position Statement.docx	Position Statement	09/14/2018	EEOC
Signed Charging Party Confidentiality Agreement.pdf	Charging Party Confidentiality Agreement	09/13/2018	EEOC
Signed Charging Party Agreement to Mediate.pdf	Charging Party Agreement to Mediate	09/13/2018	EEOC
Signed Charge Of Discrimination.pdf	Charge of Discrimination	09/12/2018	Charging Party

Step 9. Click on **Open** to open the document or **Save** to save the document on your computer. (You may also rename the document, if you choose to save it.) You may also upload your response in the EEOC Public Portal (see Section Chapter 6).

Chapter 6 Provide a Response to a Position Statement

The EEOC requests that you provide a response to a Position Statement within 20 days from the date you receive it. You can provide your response by uploading the document via the EEOC Public Portal.

To upload a document containing a response to a Position Statement,

Step 1. On the **My Charge** page, scroll down to **My Documents**.

Step 2. Click on the **Upload** button.

Step 3. Select 'Response to Position Statement' for the **Type of Document**.

Step 4. Attach the document and click on the **Upload** button.

Step 5. The document you uploaded displays at the top of the **My Documents** list (documents are listed by **Added On** date, in reverse chronological order, with the most recently uploaded documents listed first).

For details on uploading a document, see EEOC Public Portal Vol 8 – Manage Charge Information.

Mediation Documents

Invitation to Mediate for CP

The EEOC Mediation Program:

Your Partner in Workplace Solutions!

We invite you to participate in the EEOC's Mediation Program to efficiently resolve your Charge of Discrimination. Mediation is a no-cost, voluntary, and confidential opportunity for both parties to work with a neutral mediator to discuss and resolve the EEOC Charge ***before*** *an investigation of the Charge.*

Here are five reasons you should participate:

It's the FASTEST way to resolve your charge – *We try to resolve charges within 90 days.*

It's fair and confidential – *The mediator is a neutral facilitator who helps the parties find a solution to the problem. All discussions with the mediator are strictly confidential and are NOT part of the EEOC's investigation of the charge.*

It provides a GLOBAL resolution to the charge – *Mediation allows you to address all of your employment concerns, not just those discussed in the charge. It is an open forum that allows the parties to discuss any additional issues that the parties with to resolve.*

You CONTROL the outcome – *The mediator will work with you to identify the best options that exist to resolve your charge at this early stage. You will determine what options are workable and you are free to accept or reject any options.*

It's FREE and EFFECTIVE – *There is no cost to mediate your case. EEOC resolves more than 75% of the charges it mediates. And, more than 96% of parties surveyed say they would choose to mediate again in the future. If mediation doesn't resolve the charge, then EEOC determines whether to proceed further with an investigation.*

Would you like to mediate this charge?

❍ *Yes* ❍ *No* ❍ *Undecided*

We look forward to working with you in bringing this matter to an amicable resolution and demonstrating why so many Charging Parties consider the EEOC Mediation Program their partner in workplace solutions.

Agreement to Mediate Form for CP

U.S. Equal Employment Opportunity Commission
{Accountable EEOC Office}

{Office Address Line 1}
{Office Address Line 2}
{Office City, State Zip Code}
{Office Main Phone}
TTY {Office TTY}
Fax: {Office Main Fax}

AGREEMENT TO MEDIATE

CHARGE NUMBER: {Truncated EEOC Number}
FEPA NUMBER: {FEPA Number}

Charging Party: {CP Full Name}
Respondent: {Respondent Organization Name}

This is an agreement by the above parties to participate in mediation in the above referenced charge. The parties understand that mediation is a voluntary process, which may be terminated at any time. The parties and, if they desire, their representatives and/or attorneys, are invited to attend a mediation session. No one else may attend without the permission of the parties and the consent of the mediator(s).

The mediator(s) will not function as the representative of either party. However, the mediator(s) may assist the parties in crafting a settlement agreement. Each party acknowledges being advised to seek independent legal review prior to signing any settlement agreement. The parties acknowledge that they have received a copy of the Mediation Fact Sheet. The parties acknowledge that the mediator(s) possesses the discretion to terminate the mediation at any time if an impasse occurs or either party or the mediator deems the case inappropriate for mediation.

The parties acknowledge that participation in the scheduled mediation does not constitute an admission by either party of any wrongdoing or of a violation of the laws enforced by EEOC. Furthermore, the Charging Party acknowledges that participation in the scheduled mediation by the Respondent does not commit the Respondent to providing a monetary resolution of the matter.

The parties recognize that mediation is a confidential process and agree to abide by the terms of the attached Confidentiality Agreement. The parties acknowledge that if a settlement is reached as a result of the mediation, the assigned mediator(s) is required to report to EEOC any benefits received. This information is reported only for purposes of providing aggregate data to the EEOC for mediation program evaluation purposes, and the individual terms of the agreement will not be disclosed to the public.

_____

Charging Party *Date*
{CP Full Name}
Phone: {CP Home Phone} / Cell Phone:{CP Cell Phone}

Confidentiality Agreement Form for CP

U.S. Equal Employment Opportunity Commission
{Accountable EEOC Office}

{Office Address Line 1}
{Office Address Line 2}
{Office City, State Zip Code}
{Office Main Phone}
TTY (800) 669-6820
Fax: {Office Main Fax}

CONFIDENTIALITY AGREEMENT

EEOC NUMBER: {Truncated EEOC Number}

1. I agree to participate voluntarily in mediation in an effort to resolve the charge(s) filed with the EEOC.

2. I agree that all matters discussed during the mediation are confidential, unless otherwise discoverable, and cannot be used as evidence in any subsequent administrative or judicial proceeding. Confidentiality, however, will not extend to threats of imminent physical harm or incidents of actual violence that occur during the mediation.

3. Any communications between the ADR Coordinator and the mediator(s) and/or the parties are considered dispute resolution communications with a neutral and will be kept confidential.

4. I agree not to subpoena the mediator(s) or compel the mediator(s) to produce any documents provided by a party in any pending or future administrative or judicial proceeding. The mediator(s) will not voluntarily testify on behalf of a party in any pending or future administrative or judicial proceeding. I further agree that the mediator(s) will be held harmless for any claim arising from the mediation process.

5. Mediation sessions will not be recorded or transcribed by the EEOC, the mediator or any of the participants. Information including records, or documents generated during mediation shall be kept confidential. Mediators have been instructed to destroy personal notes (those not shared with any party) at the conclusion of mediation of the charge. Parties or their representatives are not prohibited from retaining their own notes. However, the EEOC will not maintain any such notes or records as part of its record keeping procedures.

6. In the event a mediation session(s) is conducted via telephone or video conferencing. I agree that all participants to such mediation session(s) or those that are otherwise present for the remote mediation, must identify themselves at the beginning of the mediation session and sign this Confidentiality Agreement. I understand that no one else may be present in the location away from the convening mediator unless their names and titles and/or roles are disclosed to the convening mediator and have signed the Confidentiality agreement.

7. If a settlement is reached by all the parties, the agreement shall be reduced to writing and when signed shall be binding upon all parties to the agreement. If the charge(s) is not resolved through mediation, it is understood by the parties that the charge(s) will be transferred to the investigative unit for further processing.

_____

Charging Party *Date*

OK