



Department of Environmental Protection

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The Mediation Process at MassDEP

Alternative Dispute Resolution is recognized as an efficient, cost effective, and satisfying approach to resolving conflicts. The term "Alternative Dispute Resolution" (ADR) encompasses a variety of creative processes accepted as "alternatives" to traditional, formal litigation. Common ADR processes used at MassDEP are:

- Mediation
- Negotiation
- Facilitation
- Factfinding

Participation in these ADR processes is voluntary.

Through the Office of Appeals & Dispute Resolution MassDEP offers an in-house Mediation Service utilizing a panel of trained mediators. The MassDEP mediators are qualified under Mass. General Laws Chapter 233, section 23C ensuring confidentiality throughout the mediation process. Once the parties are referred to OADR's Alternative Dispute Resolution Program ("ADR Program"), Intake Sessions are scheduled by the ADR Program Administrator for all parties. The Intake Session is a pre-mediation meeting that allows all parties the opportunity to meet individually with the Department's ADR Program Administrator who will provide information about Alternative Dispute Resolution ("ADR"), MassDEP's mediators and explain the confidential and voluntary nature of participation in mediation. The parties are free to ask questions about the OADR mediation process and what to expect during that process. If the parties agree to participate in the mediation using an OADR mediator the mediation is then scheduled. Intake Sessions are confidential and information may not be shared with other parties unless permission is granted by the party to the mediator. The ADR Program Administrator can assist the parties in obtaining mediation services from outside the agency as well.

The MassDEP Mediation Service usually entails one mediation session lasting up to 4 hours. The mediation session begins with a joint meeting of the parties and the mediator. At this time, the mediator explains the mediation process, and the parties sign the Agreement to Mediate Form. After meeting jointly with the parties, the mediator may meet individually with each party.