

TOWN OF JACKSON HOUSING OMBUDSMAN PROGRAM

Mediation is an informal way to resolve a complaint (in this case to a Housing Ombudsman) pertaining to housing. It is a process in which an impartial third party assists the parties to resolve their dispute.

What does a mediator typically do?

- Invites the parties to the dispute to discuss the problem;
- Empowers the parties by facilitating problem solving, brainstorming, and mutual understanding;
- Facilitates the development of mutually acceptable agreements;
- Works to reduce hostilities and improve communication; and
- Encourages cooperation and respect in an informal, creative atmosphere.

What are the advantages of mediation?

Mediation provides advantages to other forms of alternative dispute resolution methods. Mediation:

- Allows the parties to get different views and perspectives of the dispute;
- Clarifies the issues causing the disagreement;
- Stimulates mutual problem-solving efforts;
- Provides the parties an uninterrupted opportunity to present their point of view;
- Helps individuals focus on what they have in common rather than on the issues dividing them;
- Fosters the rebuilding of a damaged relationship;
- Enables parties to retain decision making authority, keeping it out of the hands of third parties;
- Helps resolve conflicts in an informal, expeditious and cost-effective manner; and
- Allows parties to tailor a creative solution to their dispute.

What is the role of the parties?

Mediation is voluntary; however, both parties must agree to mediate. Unless both parties agree to use the mediation process as a way to help resolve their disagreement, mediation cannot occur. Parties should:

- Approach mediation in good faith and with an open mind;
- Be willing to listen and to consider all aspects of the issues;
- Be active participants in mediation;
- Develop the terms of the settlement agreement with the assistance of the mediator.
- You should have the authority to settle, be ready to settle, and be prepared to commit any resources agreed upon.

Who are the mediators?

The mediator may be a staff from the Housing Ombudsman Office, the investigation arm of the Town of Jackson Police Department. The mediator may also be an individual who has successfully

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completed specialized training in mediation, is a lawyer, a former Judge or a trained mediator. As a neutral third party, the mediator acts as a facilitator to communication and to conflict resolution. The mediator is NOT a decision-maker.

Do I need a lawyer?

You may retain a lawyer or representative, but one is not required. You are free to consult one at any time.

What if mediation fails?

If you are unable to reach a satisfactory solution, your complaint will be assigned to investigation for further processing. Transfer to the investigative process does not preclude the possibility of mediation happening at a later time. An invitation or request for further mediation can be initiated by either party or the Office of the Housing Ombudsman at any time during the process.

What is the difference between mediation and investigation?

Mediation resolves the dispute immediately without deciding the merits of the case. Its purpose is to settle the complaint.

Investigation is a longer process and results in a decision on the merits of the complaint. Its purpose is to determine if there is enough evidence to prove discrimination. While mediation and investigation serve very different purposes, a case filed with the Housing Ombudsman may move from one process to the other as a result of a request from one or both parties or at the suggestion of a staff member. A decision not to mediate does not impact the case as it goes through the investigative process.

How can I learn more?

The Office of the Housing Ombudsman can answer your questions and provide more information upon request.