

# ACCES-VR MEDIATION

New York State Education Department

Office of Adult Career and Continuing Education Services—Vocational Rehabilitation

*"Mediation kept everyone calm so we were really able to hear each other and work together."*



Managed by the New York State Dispute Resolution Association, Inc.

## WHAT IS MEDIATION?

A confidential process that brings the consumer and ACCES-VR representative together to share concerns and points of disagreement. An impartial, trained mediator facilitates the discussion. Each person has equal opportunity to express their viewpoints. Possible resolutions, within federal and state regulations, are explored. In many cases, the mediator helps develop a solution acceptable to both parties in a way that:

- Allows all concerns to be addressed
- Builds trust and improves communication
- Explores creative solutions
- Gives everyone a chance to have an equal say in all decisions

## WHEN TO CONSIDER MEDIATION?

When a dispute arises pertaining to issues such as applicant eligibility, quality of services, cost of services, IPE concerns, termination of services or other matters.

## HOW DO I REQUEST MEDIATION?

Fill out a VR-711 form found on the ACCES-VR website or call for assistance.

## HOW DOES IT WORK?

**MEET:** A trained, neutral mediator meets with the consumer and the ACCES-VR representative.

**TALK:** Each person talks about issues from his/her point of view. Everyone suggests ways that might resolve the problems.

**AGREE:** Any agreement reached is written, signed, and binding.

## HOW IS IT DIFFERENT FROM AN IMPARTIAL HEARING?

An impartial hearing is a proceeding in which an impartial hearing officer makes a decision based on evidence and testimony. Mediation is a process where a mediator assists parties to communicate around the issues and to voluntarily agree on a resolution. The mediator does not make decisions, but rather helps participants reach their own agreeable solutions.

## WHY SHOULD I USE IT?

### FREE SERVICE

Mediation services are provided at no cost to the consumer.

### VOLUNTARY PROCESS

Mediation can be requested by either party but will only take place if both parties agree to the process.

### DUE PROCESS RIGHTS ARE PROTECTED

Mediation and an impartial hearing can be requested at the same time, or mediation can be requested independently. If all concerns are resolved during mediation, the impartial hearing request can be withdrawn.

### QUALIFIED MEDIATORS

ACCES-VR mediators are certified by the NYS Unified Court System, Office of Alternative Dispute Resolution (ADR) and the NYS Education Department (NYSED). They are professionals from various occupations and have extensive training including ACCES-VR laws and regulations. They are not employed by NYSED.

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