**Section 510.103 Mediation Process for the Vocational Rehabilitation Program**

a) Every mediation pursuant to this Section is to be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If deemed necessary by the assigned qualified and impartial mediator, parties to the Mediation Process may be required to sign a confidentiality pledge prior to commencement of the process.

b) The customer shall be informed of the availability of the Mediation Process each time the customer is advised of the right to appeal. The Mediation Process is available whenever a hearing concerning vocational rehabilitation services is requested under this Part.

c) The Mediation Process shall be voluntary on the part of the grievant and of DHS-ORS and shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The mediation may be terminated at any time by either party or by the mediator.

d) DHS-ORS shall maintain a list of qualified mediators who shall be knowledgeable in the laws and regulations relating to the provisions of vocational rehabilitation services. Mediators shall be selected from this list and assigned on a random basis by the Hearings Coordinator from the list of qualified mediators maintained by DHS-ORS.

e) To request the assignment of a mediator to resolve the issues in dispute, the customer shall contact the Hearings Coordinator.

f) Sessions held as a part of the Mediation Process shall be scheduled in a timely manner and shall not deny or delay the grievant's right to pursue resolution of the dispute through an impartial hearing held within the applicable time period set out in this Part or any other right under this Part. Mediation sessions shall be scheduled by the mediator.

g) The mediation sessions shall be held at a location that is mutually agreed upon.

h) The customer or, as appropriate, the customer's representative may submit evidence and information to support the position of the customer. The Department may also submit evidence and information that supports its position.

i) Any agreement reached by the parties during the mediation process shall be set forth in a written mediation agreement signed by both parties. The agreement must also include the agreement of the customer to withdraw the grievance on the agreed issues.

j) Nothing in this Section shall be construed to preclude the parties from informally resolving the dispute prior to proceedings under this Section.

k) The cost of the mediator shall be paid by DHS-ORS.

(Source: Amended at 27 Ill. Reg. 9576, effective June 13, 2003)