


**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Conflict Resolution Policy**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	PRD
Number	3712.01
Date	March 19, 2026

Summary of Changes

<i>Program Statement Rescinded:</i> <ul style="list-style-type: none">▪ 3713.28, CN-1 Conflict Resolution Policy (2/19/2025)
<i>Changes:</i> <ul style="list-style-type: none">▪ Removes all reference to the Master Agreement and Union Officials.▪ Updates the section regarding Mediators allowing the Bureau to use their staff as Mediators as needed.▪ Provides more detailed information regarding the Conflict Resolution Team (CRT).▪ Establishes new form BP-A1177, Dispute Resolution Specialist Reporting.▪ Updates Dispute Resolution Specialist (DRS) reporting procedures.▪ Updates program statement number to 3712.01.

1. PURPOSE AND SCOPE

The Bureau of Prisons (Bureau) is committed to an agency culture that is free of any type of workplace conflict. Where conflict arises, it is the goal of the Bureau to resolve it at the earliest stages.

For the purposes of this program statement, “workplace conflict” is defined as any type of dispute that takes place within a workplace. Conflicts can be due to disagreements or differences of opinion. The conflicts that arise in workplaces may be shaped by the unique aspects of the work environment.

This program statement is intended to ensure the Bureau takes all necessary steps to address workplace conflict at the earliest stages and to establish processes through which staff may seek informal resolution.

If a staff member chooses to participate in any of the informal resolution options listed in this program statement, it is their responsibility to protect their rights with regards to the timeframes in the Equal Employment Opportunity (EEO) process, agency grievance procedure, or any other statutory process. Nothing in this policy alters the timeframes for filing complaints on grievances pursuant to the EEO process, agency grievance process, or other statutory processes.

a. **Program Objectives.**

- Ensure staff have options to resolve workplace conflict.
- Staff may report issues of workplace conflict to any supervisor.
- Workplace conflicts are properly addressed by the CEO.

b. **Institution Supplement.** None.

2. CHIEF EXECUTIVE OFFICER (CEO) RESPONSIBILITIES

Each Chief Executive Officer (CEO) (i.e., Regional Director, Assistant Director, Warden, Staff Training Center Director) must ensure a work environment in which workplace conflict is addressed. Additionally, they will ensure that a cooperative effort is made to resolve such conflicts through available resources.

Each CEO will provide sufficient resources and support to implement the provisions detailed in this program statement.

Each CEO will implement the provisions of this program statement by:

- Ensuring they attempt informal resolution of workplace conflicts which have been brought to their attention in addition to utilizing the procedures described in this program statement.
- Notifying all staff and posting permanently on official bulletin boards the names, titles, telephone numbers, and addresses of the Dispute Resolution Specialist(s) described in Section 4 of this program statement.
- Ensuring each institution maintains at least one Dispute Resolution Specialist.
- Ensuring local implementation of the Conflict Resolution Policy is consistent with the procedures outlined in this program statement.

3. MEDIATION

Mediation is the intervention in a dispute or negotiation of an acceptable, impartial, and neutral third party, who has no decision-making authority. The objective of this intervention is to assist the parties to voluntarily reach an acceptable resolution to the issues in dispute.

The mediator has no authority to render decisions. They are neutral facilitators skilled at working with the parties to resolve their dispute. The mediator is not an arbitrator or judge. A mediator primarily makes procedural suggestions regarding how parties can reach a resolution.

Occasionally, a mediator may suggest substantive options as a means of encouraging the parties to expand the range of possible resolutions under consideration. A mediator often works with the parties individually, in caucuses, to explore acceptable resolution options or to develop proposals that might move the parties closer to resolution.

Mediators make procedural suggestions and intervene in the process when necessary to overcome deadlock. The mediator performs the role of a catalyst enabling the parties to initiate progress toward their own resolution of issues in dispute. The parties dictate the outcome of the mediation, not the mediator. The mediator may draft any agreements reached by the parties.

a. **Mediation Session Format.** Typically, the mediator meets with both parties together in a joint session. In this session, the mediator may initially ask each party to briefly describe the workplace conflict. The mediator may ask each party what outcome they are seeking to resolve the dispute. At the conclusion of the joint session, the mediator will typically meet with each party separately. These sessions will allow the mediator to ask more direct questions of the parties without putting the other person on the spot. At the conclusion of the separate sessions, it is up to the mediator whether they will convene additional separate sessions or will bring the parties back together for another joint session.

b. **Mediation sessions are confidential.** At the beginning of the mediation, all parties in the room are required to sign an agreement provided by the mediator, which states everything discussed in the room is confidential, with the exception of threats of imminent physical harm, incidents of actual violence that occur during the mediation, or if disclosure will prevent public harm, in accordance with 5 U.S.C. § 574. This agreement also states that neither party can subpoena or depose the mediator in the event of future litigation. At the conclusion of each separate session, the mediator will also ask each party what they do not want the mediator to share with the other party. The mediator is bound by these requests of confidentiality.

The parties should come fully prepared to discuss the facts that led to the dispute. The parties will have the opportunity during breaks to obtain whatever documentation they feel the other side should read. The parties should also be able to discuss what they believe will resolve the issue. Typically, the mediator will have no knowledge of the facts prior to the mediation.

A typical mediation session lasts four to six hours. The mediator will contact all parties prior to the session to coordinate a time convenient to all parties. Mediation must be conducted during normal business hours.

If a resolution is reached because of the mediation, the mediator will summarize the resolution in accordance with this program statement. At the conclusion of the mediation session, all notes taken by the mediator or any of the parties must be destroyed.

c. **Election and Approval of Mediation.** The request for mediation will be made solely by the CEO. All requests must be made on the BP-A1063, Mediation Election Form and submitted to the Conflict Resolution Analysis Administrator (CRAA), in the EEO Office, Program Review Division (PRD). If the CRAA believes the issue(s) is not appropriate for mediation, they will contact the CEO in conference, to discuss their concerns. If mediation is deemed appropriate, the CEO will provide the CRAA with the names of the participating parties.

As soon as practical, the CRAA will contact all parties to arrange a mutually acceptable date and time and coordinate with the assigned mediator. Once a date and time is agreed upon by all parties, the mediation will take place in person or virtually. In-person mediation sessions must take place at the facility where the parties are assigned.

d. **Representation during Mediation.** In a mediation, the number of parties on each side will typically be a maximum of two. If either party wishes to bring an additional party for any reason, they must receive the permission of all parties.

Representation of staff members must be in accordance with all applicable federal laws and regulations and the Program Statement **Discrimination and Retaliation Complaints Processing**.

All participants must be on duty during the mediation.

e. **Mediators (Neutrals).** The Bureau may use mediators from the following sources: other federal agencies, through a federal mediator sharing program or other arrangement, private organizations, private contractors, bar associations, individual volunteers, or Bureau staff who are DOJ-certified to be mediators. If a mediator is obtained from the private sector, the procedures detailed in the Federal Acquisition Regulation must be followed.

In a mediation conducted under this program statement, the mediator's duty to the parties is to be "neutral, honest, and to act in good faith." The mediator must ensure:

- proceedings are fair, and all parties are participating in good faith;
- confidentiality, including the destruction of all written notes taken during the mediation or in preparation for the proceedings; and
- neutrality, including having no conflict of interest with respect to the proceedings.

Ordinarily, the Bureau will not use Bureau staff as mediators. However, there may be circumstances when the Bureau deems it necessary to utilize its own DOJ-certified mediators.

Those exceptions will be determined by the EEO Officer, EEO Office, PRD. Should one of the parties find the selected mediator unsuitable, that party should contact the CRAA to request the selection of another mediator.

f. **Resolution.** If the parties agree to a resolution of the matter, they may decide if they want the terms of the resolution in a signed written agreement. Any written agreement must state clearly the terms of the resolution. All parties to the mediation will be provided with a copy of any written resolution.

A BP-A1064, Mediation Outcome Form will be completed by the mediator and signed by all parties. The mediator will provide a copy of the completed form to the CRAA who must forward a copy solely to the CEO.

4. DISPUTE RESOLUTION SPECIALISTS (DRS)

A DRS program must be implemented at every Bureau facility, to include the Central Office, Regional Offices, Grand Prairie, and Staff Training Centers. The CEO determines the number of DRSs needed for their facility or facilities.

The DRS is a collateral duty staff member who is available to resolve workplace disputes upon being contacted by another staff member. No staff should be compelled to use the services of the DRS. The program is entirely voluntary and initiated by the staff member. The DRS will have 15 calendar days from the date of contact to attempt to assist in resolving the dispute, unless an extension is granted by the staff member who contacted the DRS.

a. **DRS Selection.** The DRS position is not advertised. The CEO must select one or more individuals based on the following criteria:

- **Neutrality.** It is important for the DRS to be perceived by staff as neutral.
- **Credibility.** The DRS should be viewed by staff as credible; perceived by staff to be fair, objective, and thorough; and someone staff feel comfortable approaching to discuss their concerns.
- **Accessibility.** The DRS should be easily available for all staff to contact.
- **Confidentiality.** For staff to feel comfortable discussing their issues and concerns with the DRS, they must be someone who can maintain confidentiality.
- **Good People Skills/Good Communication Skills.** The DRS must be someone with good people and communication skills and be a good listener.
- **Good Problem-Solving Skills.** The DRS should possess good problem-solving skills. They should have the ability to discuss creative solutions with both parties involved in the issue. Any experience in problem solving is beneficial.

b. **DRS Training.** Prior to assuming the duties of the DRS, the newly selected staff member must complete the required Dispute Resolution Specialist – BOP training on the online Bureau Learning University (BLU).

c. **Removal of a DRS.** At any time and for any reason not otherwise prohibited by law, the CEO may remove a staff member from their collateral DRS responsibilities.

d. **Who can utilize the services of the DRS.** Any staff member may utilize the services of the DRS. The dispute can involve a co-worker, a supervisor, or a subordinate. If the DRS has knowledge a conflict is being investigated by the Office of Internal Affairs (OIA), they must not provide counseling regarding this matter. See the Program Statement **Office of Internal Affairs.**

e. **Procedures utilized by the DRS.** Prior to having any discussions with staff seeking assistance, the DRS will provide them with a copy of the Dispute Resolution Process.

If the staff member wants the DRS to attempt to seek resolution of their issue, the DRS will use conflict resolution skills to meet with all the parties involved. There will be no formal documentation of any agreements reached.

f. **DRS Reports.** For confidentiality purposes, the DRS does not maintain any documentation regarding the individuals seeking their assistance. Twice a year (October 1st, for the period of April 1 - September 30; and April 1st, for the period of October 1 - March 31), they must submit a report to their respective CEO, and the CRAA listing the information on the BP-A1177, Dispute Resolution Specialist Reporting form. The CRAA will submit regional reports to each Regional Director.

5. CONFLICT RESOLUTION TEAM (CRT)

A CRT may be activated to deal with problematic workplace issues after other mechanisms have been attempted. The purpose of the CRT is to identify the workplace issues, attempt informal resolution, and provide verbal feedback to those individuals deemed appropriate by the CRT. The Regional Director or the Bureau's EEO Officer recommend the activation of the CRT by notifying the EEO Director, PRD. The EEO Director makes the final determination whether to activate a CRT.

The CRT consists of members selected by the EEO Director, typically, but not limited to the EEO Officer and their designees within the EEO Office. The CRT team speaks with staff and inmates to get an assessment of prison morale as it pertains to EEO-related issues. A report is prepared and submitted to the EEO Director, the respective Regional Director, and the Director of the Bureau, if deemed necessary. If there are allegations of misconduct, referrals to the Office of Internal Affairs will be made, in accordance with the Program Statement **Standards of Employee Conduct.**

REFERENCES

Program Statements

Discrimination and Retaliation Complaints Processing
Office of Internal Affairs
Standards of Employee Conduct

Federal Statutes

5 U.S.C. § 574

Bureau Forms Prescribed by 3712.01

BP-A1063 Mediation Election Form
BP-A1064 Mediation Outcome Form
BP-A1177 Dispute Resolution Specialist Reporting

Other Resources

Office of the Ombudsman Page on the Bureau's intranet site
Department of Justice Policy Statement, Administrative Grievance Procedure

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition): 5-ACI-1A-23, 5-ACI-1C-22, 5-ACI-1C-23
Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition): 5-ALDF-7A-02, 5-ALDF-7C-02, 5-ALDF-7D-19
Standards for the Administration of Correctional Agencies, 2nd Edition: 2-CO-1A-28, 2-CO-1C-24

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.