

MEDIATION CONSENT

1. The decision to mediate is completely voluntary and this is understood by all participating parties.
2. The mediator will not make any decisions or provide legal advice to the participating parties. Each party has the right to have a legal representative present during mediation.
3. Either party or the mediator has the right to terminate a mediation session at any time without any reason.
4. Mediation does not influence the grievance timeframes unless the mediator and the participating parties agree to an extension in writing per the Rules for State Personnel Administration. If an agreement is reached, the grievant should formally withdraw the grievance.
5. All parties agree that matters discussed during mediation are confidential and cannot be used in any administrative or judicial proceeding. Confidentiality **does not** extend to situations: (i) when all parties agree to waive confidentiality, (ii) when there are threats of physical harm or incidents of actual violence discussed during the mediation, (iii) when anything illegal, unethical or immoral occurs, (iv) when a subsequent action takes place between the mediator and a party for damages during mediation, (v) when discussions are used to plan, attempt, or commit a crime or conceal an ongoing crime, (vi) where communications are sought for a claim or complaint of misconduct or malpractice against a party's legal representative during mediation or (vii) as provided by law.
6. Any communications between an EEO Administrator and/or the mediator and/or the parties are considered dispute resolution communications and will be kept confidential.
7. If someone who is not a party to the mediation files an ethics complaint against the mediator, confidentiality will be waived to the extent that is necessary for the complainant to prove misconduct and the mediator to defend against the complaint.
8. Mediation sessions will not be recorded or transcribed. All information provided to the mediator during mediation will be destroyed by the mediator after conclusion. All notes created by the mediator in preparation for and/or during mediation will be destroyed after conclusion of the mediation.
9. If an agreement is reached by all parties, the mediator will prepare an agreement. Once signed by both parties, and any applicable revocation period has passed, the agreement is binding upon all parties. If the mediation is not successful, the parties may reconvene.

Party: _____

Party: _____

Mediator: _____

Date: _____