

**AGREEMENT TO MEDIATE
AND CONFIDENTIALITY AGREEMENT**

This is an agreement by the undersigned parties to participate in mediation, a process in which a neutral third party facilitates communication and understanding (without deciding the issues or imposing a solution) between disputing parties to reach a mutually agreeable resolution.

The parties agree to the following:

1. Mediation is a voluntary process, which may be terminated by any party at any time. The parties will mediate in good faith, which means that they will make a sincere effort to resolve the dispute between them. They will conduct themselves in a courteous and professional manner.
2. The parties will not retaliate against another participant, in word or in deed, after this mediation due to participation in this mediation or anything said during the mediation.
3. The parties hold all the decision-making power. The mediators are neutral third parties; they will not act or function as the representative for any party. They will not tell the parties what to do, but will help them explore options for a mutually satisfactory resolution. No one else may attend the mediation without the permission of all parties and the consent of the mediator(s).
4. The parties will keep confidential all matters discussed during mediation, which means they will refrain from revealing or discussing what occurs at mediation with outside parties. The purpose of confidentiality is to create an open and honest process for the resolution of this dispute. Confidentiality, however, will not apply to threats of imminent physical harm and the prevention of criminal or illegal activity.
5. The parties will not call the mediators as witnesses, and will not use the information exchanged in the mediation in any other administrative or court proceeding related to this dispute. The parties will not request or use as evidence any materials prepared by the mediators for the mediation, with the exception of the mediation agreement signed by the participants. In no event will the mediators voluntarily testify on behalf of any party.
6. The parties will abide by any mediation agreement they sign. When signed, the agreement shall be binding upon all parties to the agreement.
7. Any resolution reached by the parties must be consistent with the agency's policies and procedures and State Personnel Board rules, and will be interpreted accordingly.
8. Any resolution reached by the parties only applies to this dispute and the results of mediation do not set precedent for the agency or any other party.

We agree to these terms and conditions. Signed this _____ day of _____, 20__.

Participant Signature

Participant Signature

Participant Signature

Participant Signature

Mediator Signature

Mediator Signature