

# State Employees' Voluntary Mediation Program

## AGREEMENT TO MEDIATE

We, the participants in this mediation, understand and agree to the following points:

- ✓ Mediation is not the practice of law, psychotherapy or counseling. It is the distinct practice of alternative dispute resolution. Mediators do not offer legal advice, investigate allegations, or decide what the parties "should" do. Mediators are neutral professionals who will assist the parties in reaching a settlement and will complete any resulting documents under the instruction of the parties.
- ✓ The parties will make all decisions with regard to his/her final agreements and be solely responsible for the decisions reached in mediation. Each party is advised that he/she may have any written documents arising out of the mediation reviewed independently by his/her own counsel or employee representative prior to signing.
- ✓ By agreeing to mediate, the parties intend to continue mediating until a satisfactory conclusion is reached. It is understood, however, that mediating is voluntary and that any party involved in this process may withdraw at any time. It is agreed that if any party decides to withdraw from the mediation, the mediator will be contacted and best efforts will be made to discuss this decision in the presence of all parties involved.
- ✓ The parties acknowledge that open and honest communication is essential for mediation to be successful. Therefore, full disclosure of all relevant information is agreed to by the participants.
- ✓ Mediation is a confidential process. All written and oral communications, as well as notes taken during the process, will be kept in strict confidence between the mediator and the participants, unless:
  - All parties and the mediator consent in writing to disclose mediation communications.
  - The communication reveals the intent to commit a felony, inflict bodily harm, or threaten the safety of a child under the age of 18.
- ✓ The participants agree not to subpoena or demand the production of any record, notes, work product or the like of the mediator in any legal or administrative proceeding concerning this dispute. The parties agree that the mediator shall not be called as a witness in any subsequent proceeding in any regard.

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Signature                      Date

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Signature                      Date

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Signature                      Date

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Signature                      Date