

## AGREEMENT TO MEDIATE and CONFIDENTIALITY AGREEMENT

The parties agree to engage in mediation. The parties understand that mediation may be terminated at any time by either party or by the mediator(s). The mediator(s) has/have no authority to decide the case and are not acting as advocates or attorneys for any party. The parties have a right to representation during mediation.

The confidentiality provisions of the Administrative Dispute Resolution Act apply to this mediation. These provisions focus primarily on protecting private communications between parties and the mediator(s). Under the ADR Act, parties' oral communications to the mediator(s) during mediation are protected. The same is true for written communications parties prepare for mediation and give only to the mediator(s).

The parties understand that the ADR Act does not protect oral communications made with all the other parties present or documents a party makes available to all other parties. The parties further understand that they can contract for additional confidentiality. Finally, the parties understand that despite this agreement for additional confidentiality, outside parties may still have access under the Freedom of Information Act to documents which a party makes available to all other parties.

In unusual circumstances, a judge can order disclosure of information that would prevent a manifest injustice, help establish a violation of law, or prevent harm to public health and safety. Further, information concerning fraud and criminal activity or threats of imminent harm will not be considered confidential in this mediation.

No party shall be bound by anything said or done at the mediation, other than this Agreement to Mediate and Confidentiality Agreement, unless a written resolution is reached and executed by all necessary parties. If a resolution is reached, the agreement shall be put in writing and, when signed and approved by the appropriate authorities for all parties shall be binding upon all parties to the agreement.

By signature below, we acknowledge that we have read, understand, and agree to the terms of this Agreement to Mediate and Confidentiality Agreement.

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Employee

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Date

\_\_\_\_\_  
Employee's Representative

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Date

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Manager

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Date

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Manager's Representative

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Date

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Mediator

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Date

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Mediator

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Date