AGREEMENT AND CONSENT FOR FACULTY MEDIATION

__________________________ and __________________________ agree to voluntarily participate in mediation.

MEDIATION PROCESS: Mediation is a voluntary dispute resolution process. Either party can withdraw from the mediation at any point. Both parties agree that the Mediator(s) may terminate the mediation at any time if: 1) an impasse is reached; 2) either party does not have authority to negotiate settlement of the issues or resolutions identified; 3) inappropriate or harmful behavior is displayed by either party; and/or 4) information is disclosed during the mediation that makes it clear that the dispute is not appropriate for mediation.

ROLE OF MEDIATOR(S): Both parties understand and agree that the Mediator is neutral and will not function as a representative of either party. The Mediator will facilitate the mediation and will decide the structure of the mediation session. The Mediator’s primary role is to help parties come to mutual agreement on issues important to them; the mediator has no formal power whatsoever to require or force any specific actions or outcomes.

GUIDELINES FOR SESSION: Both parties will make good faith efforts to attempt to reach fair and workable alternatives to resolve the conflict. Good faith efforts include sharing relevant and accurate information, in hopes of finding a mutually acceptable resolution.

Both parties agree to listen and not interrupt while the other party is speaking. The Mediator will decide the speaking order of the participants.

Both parties agree that each may hold private sessions (caucuses) with the Mediator during the mediation process when requested in order to improve the Mediator's understanding of the party's interests. Either of the participants or the Mediator may request a caucus.

Both parties agree that the Mediator will not share information gained through private meetings or separate caucuses with the other party unless the Mediator receives instruction or permission from the confiding party to do so.

CONFIDENTIALITY: Mediation provides an opportunity for parties to engage in candid dialogue and deliberation. Mediators will maintain the confidentiality of all mediation communication to the extent permitted by law. Parties are encouraged to respect the confidentiality of mediation, as well, so no recording is permitted. Further, to respect parties’ privacy, the mediator(s) will destroy any notes related to the mediation and will not willingly provide any information about the mediation to others.
Both parties agree that the Mediator will transcribe only the agreement on the issues, which will be reviewed and signed by the Mediator and both parties before the session(s) concludes or very shortly thereafter if time does not permit at the conclusion of the session. The signed agreement is for both parties’ use only, and except in those rare situations of perceived threat of harm or criminal activities, will not be willingly shared with anyone outside of the mediation without the agreement of both parties. The parties understand and agree that the mediation agreement does not supersede the rights of the Department Chair, Deans, Division Chiefs or others to maintain a safe and professional work environment for others who may not be a party to this agreement.

In the event that the mediation session is discontinued, the parties may pursue other resources for resolution.

Both parties agree that the above-mentioned guidelines have been presented and explained by the Mediator. Each party acknowledges that they were given the opportunity to ask questions of the mediator prior to the start of the mediation, confirm understanding of the process and agree to abide by the plan.

The parties further understand that there may be situations in which the mediator and/or the parties may be required by law or subpoenaed to testify about or disclose facts learned in the mediation, and that those situations are outlined on the mediation website. The parties acknowledge that they have reviewed the website link and wish to proceed with the mediation process. 

http://provost.emory.edu/faculty/governance/mediation/index.html

_______________________  ___________  ___________________  ___________
Signature              Date              Signature              Date

_______________________  ___________
Signature of Mediator   Date              Signature of Mediator   Date