NKU ADR Center
Agreement to Mediate

Mediation is a form of facilitated dispute resolution where a mediator guides disputants through a process that encourages them to discover solutions that mutually satisfy the needs and interests of each party. This process is completely voluntary and requires the cooperation of all the parties involved. To that end, the parties agree to enter this process with an understanding of the following points regarding mediation:

**Roles of the Mediator and Participants**

The mediator is an impartial third party to the conflict and will not make determinations of right or wrong, nor will he or she decide the best course of action for the parties. Instead, the mediator will serve as a facilitator who will provide structure to the discussion and encourage each party to explore the needs and interests involved for both parties.

The mediator will promote the sharing of information between the parties to help advance the negotiations. There may be occasions, though, where the mediator will request to speak with each party individually.

The mediator may terminate the discussion at any point when he or she believes that additional dialogue will be unproductive. As mediation is a completely voluntary process, the disputants also have the right to terminate the discussion at any time.

The parties are entirely responsible for making final decisions about reaching an agreement or not. Assuming that the parties come to an agreement that is mutually satisfactory, the mediator will assist them in drafting a Memorandum of Understanding. Copies of this document will be produced for all of the parties involved.

The parties are encouraged to consult a personal attorney regarding any legal questions. The mediator will not provide any legal advice and will not represent either party in any subsequent proceedings related to this dispute. Upon the request of both parties, the mediator may, however, assist in mediating any future disputes that may arise.

**Confidentiality**

It is important that participants act in good faith to promote the sharing of accurate and timely information so that informed decisions can be made regarding each party’s best course of action. The participants should consider the information exchanged in mediation to be provided for the purposes of settlement negotiation, and should not attempt to collect this information for use in any subsequent proceedings. The NKU ADR Center considers all mediations to be confidential and will keep private all information shared in this context.

The participants agree not to subpoena the mediator or any representative of NKU regarding the substance of the mediation discussion. The mediator agrees not to voluntarily testify on behalf of
any party and will not report anything said during the mediation. The parties agree to reimburse NKU for all expenses incurred as a result of resisting any subpoenas for which the parties are responsible.

There are a few exceptions to the confidentiality of the mediation. For example, the mediator will report to the appropriate authorities any knowledge acquired that suggests the danger of serious imminent harm to an individual or any information related to instances of child or elder abuse. The mediator may also have certain professional reporting obligations such as instances related to attorney misconduct.

**Appointments and Fees**

Mediations will generally be scheduled for a minimum of 2 hours. Each party will be responsible for paying half or the services and fees should be paid in advance, unless the ADR Center has a MOU with the organization involved. If additional time is needed to complete a mediation, the parties will discuss their preferences for continuing the mediation and the mediator will confirm the necessary arrangements. If either party cancels a mediation session with less than 48 hours notice, that party shall be responsible for paying a fee for 2 hours of mediation.

*By signing below, the parties acknowledge that they understand and agree to the principles contained in this agreement. In addition, they agree to cooperate in the hope of resolving the issues in conflict.*

Name (Please PRINT)  Name (Please PRINT)

Signature  Date  Signature  Date

Name (Please PRINT)  Name (Please PRINT)

Signature  Date  Signature  Date

Mediator  Mediator