

STATE OF NORTH CAROLINA

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**AGREEMENT TO MEDIATE**

Mediation is the process where parties involved in a dispute use the assistance of a neutral third party to attempt to resolve their dispute(s) in a mutually acceptable manner. Primary responsibility for resolving the dispute rests with the parties. The mediator serves as neutral third party whose role is to guide the mediation process, facilitate communication, and to help the parties generate and evaluate possible outcomes. A mediator does not act as a judge and does not render decisions.

In order for mediation to be successful, all parties need to understand and abide by the following conditions and ground rules. It is hereby agreed:

1. That both parties will enter into the mediation in good faith with the goal of reaching a satisfactory agreement.
2. That the mediation is a voluntary process. Either party can withdraw from the mediation at any time.
3. That both parties provide full and accurate information during the mediation process to enable both parties to make informed decisions.
4. That either party may request a brief recess at which time they may consult with legal counsel or other advisors. Both parties understand that if an agreement is reached, either party may have legal counsel, or other advisors review the agreement during the mediation. Due to time constraints, recesses will be limited to no more than 15 minutes. At the mediator's discretion, time may be extended as needed.
5. That both parties consider all communications in the mediation confidential and only provide information outside of these proceedings for the purpose of effectuating the terms of the agreement. All documents generated during the course of mediation and any communications shared in connection with mediation are confidential to the extent provided by law.
6. That both parties agree to hold harmless the mediator for any decisions or agreements made during the course of the proceeding. Both parties agree not to involve the mediator in any subsequent administrative or legal proceedings, unless so ordered by the court.
7. If an agreement is reached, the agreement shall be binding, subject to the approval of the Office of State Human Resources and/or any other state agency whose approval is necessary to implement the agreement, and provided the agreement does not contain any provision contrary to NC Human Resources Commission policies or rules, or applicable state or federal law.

I have read, understand, and accept the above conditions.

\_\_\_\_\_  
Grievant Signature Date

\_\_\_\_\_  
Respondent Signature Date

Witnessed by: \_\_\_\_\_  
Mediator Signature Date

Witnessed by: \_\_\_\_\_  
Mediator Signature Date