

## **Mediation Confidentiality Policy**

Mediation is a confidential conversation that occurs among the participants and the mediator.

The purpose of confidentiality is to encourage full sharing of information and to spark creativity and openness while generating options for resolving the conflict. An agreement to uphold confidentiality mitigate the fear that ideas or remarks will be later be used against participants and thus increases the likelihood of resolution. The outcome of, or agreements resulting from, the mediation may or may not be confidential: the participants, in consultation with the mediator, make this decision, consistent with the reasonable expectations of the participants and university policy.

If the mediation is part of an Equity Resolution Process, the Title IX & Equity Office will be notified as to whether an agreement was reached or not.

This policy on confidentiality applies to the Director of Conflict Resolution & Mediation Services, the mediators, and mediation participants.

### **Scope of Confidentiality**

Confidentiality applies in the following circumstances:

- Pre-mediation screening and the intake interview;
- The mediation session itself;
- Post-mediation discussions among mediators and their supervisors;
- All records associated with a mediation.

While participants may bring written documents or other materials to mediation, they do not become confidential simply through their use in mediation and continue to be available for the parties to use outside of the mediation process.

### **Exceptions to Confidentiality**

The University is committed to providing and maintaining a safe and respectful working environment. Mediation is available for addressing workplace disputes that may undermine that goal, and confidentiality among participants is important to successful mediation process. However, some disputes may arise from serious misconduct that must be addressed by the University outside of the mediation process. Confidentiality does not apply to circumstances that require the mediator and/or Director of Conflict and Mediation Services to report to an appropriate University official, including: discrimination or sexual harassment; need for disability accommodations or medical leave; threat of harm to self or others; and violations of law or University policy.

### **Record-Keeping and Statistical Analysis of Program**

The following records will be kept secure in the Conflict Resolution & Mediation Services office:

- Intake forms;
- Signed agreements to mediate;
- Final agreement forms;

- Evaluation forms completed by participants.

Any notes taken by the mediator during a session shall be destroyed so that they are unreadable after they are used to write the final agreement.

Information used to generate statistical analyses for annual reports of mediation services will be done in the aggregate and not reported in a way that allows the identification of participants.

### **Participants Role in Maintaining Confidentiality**

Participants will be required to agree verbally and in writing that they will not ask or attempt to compel the mediator to describe the contents of the mediation session if the dispute moves into a formal proceeding of any kind.

Participants will also be required to agree verbally and in writing that they will not talk about the contents of the session with other people.

Participants may mutually agree on whether and how to share any outcomes from or agreements made in the mediation session.

Mediator will not be asked or compelled by the parties or any University official to divulge the contents of a mediation session, nor will they be disciplined for refusing to do so.