

Agreement to Mediate

This is an agreement between the parties signing below to participate in mediation. The aggrieved understands that by agreeing to participate in mediation, the pre-complaint counseling period is extended to 90 calendar days from the date of initiating the pre-complaint process.

The parties understand that participation in mediation is voluntary. The aggrieved may terminate mediation at any time. Management may terminate mediation with command approval. Mediation may also be terminated at the discretion of the mediator.

The parties understand that the mediator has no authority to make decisions on issues raised or act as an advocate or attorney for either party. Both parties have the right to representation during the EEO process; however, the mediator will determine a representative's participation during mediation. The aggrieved is encouraged to consult with his/her designated representative for purposes of review prior to signing a settlement agreement.

The parties agree that statements made during, or documents prepared for, the mediation process will remain confidential to the fullest extent as permitted by law; except for the limited purpose of implementation and enforcement of a resulting negotiated settlement agreement.

Each party agrees not to request the mediator's testimony or request or use as evidence any materials prepared for, or used during, the mediation with the exception of a signed settlement agreement. The mediator will not voluntarily serve as a witness or testify on behalf of either party.

The aggrieved understands that he/she has the right to pursue unresolved claims through the formal discrimination complaint process. If applicable, the aggrieved will be provided a Notice of Right to File a Formal Complaint of Discrimination upon termination of the mediation or no later than the 90th day of the pre-complaint period, whichever comes first.

(Aggrieved signature & date)

(Management official signature & date)

(Title)

Figure 3-3 Sample Agreement to Participate in Mediation