

AGREEMENT TO MEDIATE

Addendum in 1B.1 Cases

The parties and mediators acknowledge that there is a pending complaint of protected class discrimination under MnSCU Policy 1B.1., which raises certain legal requirements and obligations on behalf of the University. In recognition of those legal requirements and obligations, the parties and mediators agree to be bound by the following additional terms and conditions:

1. **Rights and Remedies:** The parties have voluntarily entered into this mediation process in an attempt to informally resolve the issues and concerns that underlie the existing 1B.1 complaint. The parties understand that all rights and remedies under MnSCU Procedure 1B.1.1 remain available to them should mediation prove to be unsuccessful in resolving their concerns.
2. **Timelines:** The timelines of MnSCU Procedure 1B.1.1 will be stayed from the date of this agreement until the termination of the mediation process.
3. **Confidentiality:** Because of the sensitive nature of 1B.1 complaints, the need to protect the privacy and reputations of the parties, and the need to guard against retaliation and adverse publicity in the interests of resolving complaints as quickly and effectively as possible, the University will protect the confidentiality interests of all parties in a complaint process. The University will only provide information regarding a complaint process to those persons with a need to know in order to respond to the complaint. Further, the University expects that confidentiality will be observed by all parties to a complaint process. The requirement of confidentiality will not be interpreted to prevent appropriate University officials from facilitating and participating as necessary in the mediation process toward the end of resolving the 1B.1 complaint.
4. **Retaliation:** No retaliation, reprisal or intimidation in conjunction with a 1B.1 complaint will be tolerated by the University. Concerns regarding potential acts of retaliation or reprisal should be reported immediately to the Designated Officer for Discrimination Complaints, whether or not the complaint is in the mediation process.
5. **Documentation:** Information and documentation regarding the status and outcome of the mediation process may be provided to the Designated Officer for Discrimination Complaints as necessary to satisfy the University's legal obligation to investigate and take timely corrective action in response to 1B.1 complaints. Such information includes notice of the commencement of a mediation process, periodic status reports regarding the mediation, notification of termination of the mediation, and a copy of the mediated settlement agreement. In certain cases it may be appropriate for the mediators and/or the parties to consult with the Designated Officer for Discrimination Complaints regarding the 1B.1 issues involved in the mediation and/or regarding appropriate documentation.