



# Tribunals Ontario

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## Ontario Special Education Tribunals

### Appendix A

## Agreement to Mediation

BETWEEN:

..... Appellant

-and-

..... Respondent

1. The appellant has appealed to the Ontario Special Education (English) Tribunal (“the Tribunal”) to resolve his/her complaint regarding the identification and/or special education placement of his/her child, who is a student within the respondent school board. The Tribunal has offered the parties the opportunity to mediate and attempt to resolve some or all of the issues in dispute in the complaint. We understand that participation in mediation is voluntary and that mediation will not proceed without the consent of both parties.
2. We have reviewed and understand the Tribunal’s *Rules* and the *Practice Direction - Mediation* and agree to comply with these *Rules* and direction.
3. We agree to attend and participate in the mediation session. We agree that those who attend the mediation will respect the process and be courteous to all participants. We agree that the appellant(s) and the respondent(s), or their representatives, have the authority to make a binding agreement at the mediation.
4. We understand that the mediator who will conduct the mediation session is a member of the Tribunal, who has been assigned by the Chair. We understand that, in the event that the mediation is unsuccessful, the mediator will not sit as a member of the panel hearing the complaint and will not communicate any information about the mediation to the members of the hearing panel without the written consent of both parties.

5. We understand and agree that this is a confidential process. All documents provided for the purposes of the mediation and all statements made during the mediation are without prejudice and cannot be used by the other party in evidence before the Tribunal or in any other civil proceeding.
6. We understand and agree that if the parties reach an agreement on all matters in dispute between the parties, the appeal will be withdrawn by the appellant or the Tribunal will issue an order disposing of the appeal without a hearing.
7. We understand that the agreement may form the basis of a consent order issued by the Tribunal, in accordance with the Tribunal's *Practice Direction – Consent Orders*.
8. We understand that the Tribunal may remain seized over the implementation of the agreement if deemed appropriate, in accordance with the Tribunal's *Practice Direction - Seized Cases*.
9. We understand and agree that if, during mediation, the parties reach an agreement on one or more facts or issues, the parties shall indicate their agreement and consent in writing before leaving the mediation session.
10. We understand and agree that if, during mediation, the parties have signed a *Settlement Agreement*, such agreement in respect of those facts or issues may be referred to in a Tribunal proceeding, with the consent of all parties and in accordance with the Tribunal's *Rules of Procedure*.
11. We understand and agree that if mediation does not resolve some or all of the issues in dispute, the Tribunal will convene to hear the appeal.
12. We understand and agree that the mediator will report the outcome of the mediation to the Chair. We agree to participate in the preparation of the report at the end of the mediation session, and will indicate our agreement by signing the report. We understand that the Tribunal will determine how to proceed after that and that the decision will be communicated to the parties by the Tribunal.
13. We understand and agree that the mediator cannot disclose any information related to the mediation to the hearing panel. The mediator cannot give legal advice to the parties and cannot draft any agreement reached by the parties as a result of the mediation.
13. We agree that the parties will not summons the mediator as a witness before the Tribunal or in any other related civil proceeding in respect of any matters discussed at or related to the mediation and that the parties will not summons the mediator's notes or records at a hearing of the Tribunal or any other civil proceeding.

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Appellant's Signature / Date

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Respondent's Signature/ Date



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Ontario Special Education Tribunals

## RECORD OF ATTENDEES

## CONFIDENTIALITY AGREEMENT

I understand and agree that this is a confidential process and therefore I cannot disclose any information related to the mediation.

Names of all those in attendance (Please print)

Signatures

**Appellant**

**Respondent**

**Mediator**

On behalf of the Tribunal

Date of Mediation \_\_\_\_\_