

ONLINE MEDIATION GUIDELINES AND GROUND RULES

Technology

Zoom: We will use the online secure platform provided by Zoom to conduct your online mediation sessions. Zoom has tutorials available at <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>. The system offers, in addition to face to face discussion, the facility to offer virtual breakout rooms. These can be allocated by the mediator, and from time to time you will be invited to go into your allocated breakout room so that you can talk to the mediator in private or you can have your own private discussions with your team members.

While Independent Mediators and the Mediator will take all proper steps available to them within the limitations of the proprietary software to ensure communications between the Parties and the Mediator remain confidential, they are unable to guarantee the security and confidentiality of the Zoom proprietary software itself. We would refer you to <https://support.zoom.us/hc/en-us/articles/201362063-Security-White-Paper> for information.

Document Execution: Zoom does not offer an online document signature facility. A suitable protocol needs to be agreed between the solicitors acting for each party as to how they wish to record any agreement reached at the mediation in binding form. A format often used is, once agreed terms have been reached, a copy of the final agreed terms can be exchanged by email with replies by Reply All confirming that the terms are agreed and binding. If original signatures are required or preferred, copies for execution can be printed out for signature and scanned and exchanged by email.

Secure Internet Connection: You will need a secure connection to the internet, either hard-wired or on a password protected private Wi-Fi connection for your computer. Test the speed and dependability of your connection before the mediation by hosting a Zoom meeting by yourself or with another video conferencing platform. You are advised against using any public access Wi-Fi connection, or any connection that is not secure or password protected. You and other participants' confidential information may be at risk if you do so.

Technology Failure Protocol: Despite our best efforts, technology may fail to operate properly. A mediation session may not start on time or may be interrupted. If that happens, please take the following steps:

- A. Log out of Zoom and log back in using the invitation emailed to you beforehand. This often re-establishes the connection.
- B. Call or text the mediator on the number at the end of this document to say you are having trouble.
- C. Conference call: If we cannot convene or re-convene the mediation via Zoom, the mediator may issue instructions for participants to join a conference call if the facilities for that are available.
- D. If a conference call is not feasible, the mediation will be cancelled and re-scheduled as soon as possible.

Private Meetings Protocol: At times it may be beneficial for your mediator to meet you and/or your advisers in a virtual 'separate room' which will not be accessible to anyone else involved in the mediation. The Zoom online platform allows the mediator to move between these virtual rooms and conduct discussions with the participants in that room out of the hearing of the other participants. It is vital to the mediation that the confidentiality of such private meetings is respected by all parties.

It is therefore essential that if for any technical reason, including error on the mediator's part in moving parties correctly to the 'breakout rooms,' you find yourself able to see and/or hear a private conversation between the mediator and any other party or if you are able for any reason to hear the communication, you should terminate the Zoom online mediation session at once and call or text the mediator on the number at the end of this document.

Please do not operate the option to move out of the breakout room. The only options available to you are to return to the Main Room (which may be being used for another private meeting with other parties) or to leave the mediation altogether. There is a facility to call the mediator by using the get help button once you are in the breakout room, which if activated sends a message to the mediator to return to your breakout room.

Confidentiality and Privacy

Privacy and Confidentiality: It is important that all of you taking part in the online process situate yourselves somewhere suitably private such that you cannot be overheard at any time. Only those who have agreed to the terms of the Mediation Agreement and these additional Online Mediation - Guidelines and Ground Rules may participate in any manner in the Mediation. You should confirm at the outset to the mediator and the other parties either the identities of any person in the room or that you are alone in the room and that you cannot be overheard by anyone else around you. You should advise the mediator by call or text to the number at the bottom of this sheet if the position changes.

All participants and attendees in this mediation, including every person who may participate by telephone, video, email, text, or other means, agree that all communications related to the mediation, and all negotiations and settlement discussions, communicated in any medium, are private and confidential.

Absolute Prohibition on recording: You agree that neither you nor anyone on your behalf, will audio or video record any mediation session or any part of a session by any physical or electronic means. If in error any recording is made or you learn of an audio or video recording of any session, you shall take immediate measures to destroy the recording and must not distribute the recording to third parties. You further agree that you will not transmit a live or deferred video or audio relay of the online mediation sessions to third parties. You are welcome to take manuscript notes of key points, but the confidentiality of these must be respected after the mediation has concluded.

Best Practices and Troubleshooting

Organising an interruption-free day: You will need to take all reasonable measures to ensure that you are not interrupted during your online mediation sessions. This may include appropriate domestic arrangements such as arranging for appropriate childcare, notifying family and friends of your unavailability and making appropriate personal scheduling decisions. You should be able to make yourself available for the whole of the session however long it may last. There will be agreed breaks during the sessions for refreshment and/or personal needs by agreement with the mediator. It would make sense to plan where you will sit for the mediation period, and to have arrangements for refreshments and a supply of drinking water to hand.

Other Technology Hiatus: Except for the computer or mobile device upon which you are conducting your online mediation session, please would you turn off or put on silent any other devices such as tablets or computers and disable any alert announcements and/or tests for the duration of your online mediation sessions. Please also refrain from the use of social media, email and/or internet search engines, other than as may be necessary to conduct the mediation, during your online mediation sessions. You will have been asked to provide a mobile number for urgent contact with the mediator. Please ensure that phone is switched on and kept charged during the day.

Early Log On: Whenever possible, log on the scheduled mediation around five minutes in advance of the scheduled start time so that any technology issues can be resolved, and your mediation session can start on time.

Waiting Room: Unless otherwise agreed e.g. where parties are in different time zones, you will enter the mediation session each time you log on into a 'virtual waiting room.' The mediator will admit you to the mediation from there. If you are left for any length of time in the waiting room without being admitted, call or text the mediator on the number below.

Respectful Online Communication: You may find the online process unfamiliar on first using it. It is in many but not all respects almost as effective as face to face communication. Owing to the limitations of the online forum, there are some important protocols that will help with creating a positive and effective discussion. It is especially important to allow each participant to finish their comments or statements before responding. The system also rewards steady clear speech at a gentle pace. The technology will only allow one person to talk at a time. In addition, the online format can amplify and exaggerate sound. If you are not speaking and do not plan to speak, or you wish to speak privately to another participant in the same room, please mute your audio (in the bottom task bar, extreme left) temporarily. This is particularly welcome if you want to unwrap a noisy cough sweet or similar!! The noise can be very distracting for others and may cause the system to switch away from whomever is speaking.

Finally, please remember that the camera does not always transmit hand gestures or non-verbal cues, so it is important to verbalise all communication during an online mediation session.

We hope you enjoy the day and that your mediation is successful.

NAME OF MEDIATOR –

MOBILE NUMBER –

DATE OF MEDIATION –

MEDIATION NUMBER –