AGREEMENT TO PARTICIPATE IN SECTION 201(a) MEDIATION

OCR Complaint Number:
Complainant:
Recipient:

This is an agreement by the parties to participate in Mediation 201(a)[1] – a process through which the U.S. Department of Education, Office for Civil Rights (OCR) provides the parties an opportunity, with the aid of a Mediator, to resolve the allegations that prompted a complaint. The parties understand that Mediation 201(a) is a voluntary process, which may be terminated at any time. The parties understand that the Mediation 201(a) Mediator is neutral (as defined by the Administrative Dispute Resolution Act, 5 U.S.C. § 574), is an employee of OCR for purposes of Mediation 201(a), and serves at the will of the parties. The Mediator will not function as the representative of either party and does not advocate for either party's position. The Mediator's role is to assist the parties to understand pertinent legal standards, including the laws OCR enforces and applicable regulations, guidance, as well as possible remedies that they may consider in working toward a resolution of the complaint.

The parties agree to be governed by the Confidentiality Agreement that is attached to this document. The parties agree that only the parties and, if they desire, their representatives and/or attorneys, will participate in a Mediation 201(a) session with the Mediator. No one else may attend without the consent of both parties and the Mediator.

The parties acknowledge that the Mediator has the discretion to terminate Mediation 201(a) at any time if an impasse occurs, or if they or either party determines that the dispute is now inappropriate for Mediation 201(a). The parties acknowledge that participation in Mediation 201(a) does not constitute an admission by either party of a violation of the laws enforced by OCR.

The parties understand that if Mediation 201(a) is unsuccessful, OCR will close the complaint pursuant to Section 201(a) of OCR's *Case Processing Manual*, assign a new docket number to the complaint, and determine whether to open the complaint for investigation.

The parties understand that if Mediation 201(a) is successful and a Mediation 201(a) Agreement is signed, OCR will not monitor or enforce the Agreement but will inform the parties that if a material breach occurs, the complainant has the right to file a new complaint; such new complaint is not subject to dismissal pursuant to CPM Section 108(m). If the complainant files a new complaint, OCR will not address the alleged breach of the Agreement. To be considered timely, the new complaint must be filed either within 180 calendar days of the date of the original allegation(s) of discrimination, or within 60 calendar days of the date that the complainant obtains notice that a breach occurred, whichever date is later.

I have read this document and I voluntarily agree to participate in Mediation 201(a) with the designated Mediator.

[1] As defined by Section 201(a) of OCR's *Case Processing Manual*, February 19, 2025.

_____	_____
Complainant	Date
_____	_____
Recipient	Date

Attachment: *Mediation 201a Confidentiality Agreement*