



BIPA MEDIATION RULES AND PROCEDURES

- 1.1. The BIPA Mediation Centre will serve as the intermediary between the disputing parties and the mediators, offering administrative support throughout the mediation process.
- 1.2. A dedicated team will be responsible for maintaining internal records, ensuring the efficient management of mediation cases.
- 1.3. Mediation under the BIPA Rules and Procedures is entirely voluntary, with parties having the autonomy to decide on mediation and settlement terms.
- 1.4. When a party or parties request mediation, a dedicated team will open a case file, which will contain a request form and a brief statement outlining the dispute's nature and claims asserted, along with the party's or representative's contact details.
- 1.5. In the case of a single-party request, the Centre will inform the other party about the mediation request and offer the opportunity to engage in mediation. This notification may occur through various means, such as telephone contact or formal invitation letters.
- 1.6. When all parties jointly request mediation, the Centre will provide them with a list of mediators to choose from, along with information on mediation procedures, a mediation brochure, and a standard agreement to mediate
- 1.7. If there's no response within 14 working days, the team will contact the requesting party or parties to confirm their intent to use the Centre's services.
- 1.8. Once the Agreement to Mediate is signed by the parties, the Centre will guide them on selecting a mediator through mutual agreement.
- 1.9. If parties cannot agree on a Mediator or seek guidance from the Centre, the Centre may appoint a Mediator upon request, with the Mediator's selection subject to the consent of all parties.
- 1.10. Parties may appoint a substantive Mediator as well as an alternate Mediator. The alternate will be part of the proceedings.
- 1.11. After the selection of the Mediator, the Centre team will notify the Mediator and parties, providing contact details for the Mediator to initiate the mediation process. The Coordinator will also send a disclosure form to the Mediator, to be returned within seven working days and forwarded to the parties.

- 1.12. In the event of a Mediator's death, withdrawal, or removal, the matter will be reassigned to the alternate Mediator. The Centre must inform the parties of the new Mediator's appointment.
- 1.13. Mediations may be conducted virtually or face-to-face. Cost related to conducting mediations at any premises shall be borne by the parties, where applicable.
- 1.14. Mediation sessions will be scheduled according to the agreement of the parties.
- 1.15. The parties may, by mutual agreement, modify the mediation procedures to meet their needs and concerns.
- 1.16. The parties shall submit a Mediation Memorandum to the Mediator not less than two (2) days prior to the mediation, providing the Mediator with a brief written statement of the facts of the dispute, the issues to be resolved and the relief requested, including all documents which would further the Mediator's understanding of the dispute.
- 1.17. Participation in the mediation process is voluntary. Any party may withdraw from the mediation at any time during the mediation prior to the execution of a written settlement agreement.
- 1.18. All matters before the Mediator will be kept confidential to allow for candid discussions that may assist in settling the case.
- 1.19. If the parties reach an agreement, they shall sign a written Mediation Settlement Agreement which should contain the date and place of mediation, the parties' names and addresses, the Mediator's name and address, the subject matter of the dispute, the agreement of the parties and the signatures of the parties. The parties shall be responsible for drafting the Settlement Agreement.
- 1.20. The Mediator may terminate the mediation upon the request of the parties or when the Mediator believes that any further efforts would be unlikely to result in a settlement of the controversy.
- 1.21. After the termination of the mediation, whether the parties have reached an agreement, the Mediator shall request the parties to complete an Evaluation Form.

END