

Sample Video Conferencing Confidentiality Add-on

by Tim Hicks, Eugene, OR

The parties have agreed to use the online video conferencing technology known as Zoom Video Platform (“Zoom”) for their mediation. The mediator shall host the mediation using his Zoom Pro account without additional cost to the parties. The following terms are agreed to with respect to the conduct of the mediation via Zoom:

- a. The parties agree that the mediation shall be a ‘mediation’ for the purposes of all applicable legislation, regulations, and rules.
- b. The parties acknowledge that they have made their own inquiries as to the suitability and adequacy of Zoom for its proposed use in the mediation and of any risks in using Zoom, including any risks in relation to its security, privacy, or confidentiality and request the mediator to proceed with the use of Zoom.
- c. The parties agree that they will inform the mediator and each other in advance of the mediation of the names of all persons attending, participating, or who are able to hear any communications in the mediation using Zoom and agree that no persons will attend, participate, or be allowed to listen in on the mediation without the prior consent of all parties and the mediator.
- d. The parties agree that they will not record or permit the recording of all or any part of the mediation without the consent of all parties and the mediator. The parties will ensure that each additional attendee at the mediation for which that party is responsible also acknowledges and agrees to this.
- e. The parties and the mediator acknowledge and agree that their communications during the mediation can be and will be listened to by each other, with the only exception being the use of a breakout room for the purposes of a private and confidential caucus, in which case only the party and the mediator in the break out room will directly hear the conversation. The parties will ensure that each additional attendee at the hearing for which that party is responsible also acknowledges and agrees to this.