

621—13.7(20) Confidentiality.

13.7(1) *Exemption from open meetings law.* In accordance with Iowa Code section 20.17(3), communications between the parties and the mediator during the course of a mediation shall be exempt from the provisions of Iowa Code chapter 21.

13.7(2) *Mediator privilege.* In accordance with Iowa Code section 20.31(2), a mediator shall not testify in judicial, administrative, arbitration, or grievance proceedings regarding any matters occurring in the course of a mediation, including any verbal or written communication or behavior, other than facts relating exclusively to the timing or scheduling of mediation. A mediator shall not produce or disclose any documents, including notes, memoranda, or other work product, relating to mediation, other than documents relating exclusively to the timing or scheduling of mediation.

13.7(3) *Exception.* Subrule 13.7(2) shall not apply in any of the following circumstances:

- a. The testimony, production, or disclosure is required by statute;
- b. The testimony, production, or disclosure provides evidence of an ongoing or future criminal activity; or
- c. The testimony, production, or disclosure provides evidence of child abuse as defined in Iowa Code section 232.68(2).

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