APPENDIX F-1

MEDIATION POLICY
NORTH CAROLINA AGRICULTURAL AND TECHNICAL
STATE UNIVERSITY

APPROVED BY THE BOARD OF TRUSTEES ON APRIL 21, 2004

1. PURPOSE OF MEDIATION

In compliance with the Office of the President, faculty members may seek redress concerning employment-related grievances through the intervention of State-certified employment mediators. The goal of the mediation procedure is to reach a consensual resolution of the dispute and, if that fails, to determine whether the contested decision was materially flawed, in violation of applicable policies, standards or procedures. This process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions.

2. DEFINITION

Mediation is a procedure in which disputing parties volunteer to enlist the assistance of a neutral party to help them in achieving a voluntary, bilateral agreement that finally and definitively resolves all or portions of their dispute, without resorting to adversarial procedures such as grievance hearings, administrative hearings or litigation. Any such mediated agreement that the parties are able to negotiate will be embodied in a written agreement. The choice of mediation may or may not coincide with the Faculty Grievance process.

3. THE ROLE OF THE MEDIATOR

The mediator, a neutral party chosen from one of the constituent universities, other than your own, will only assist the parties in defining, clarifying, communicating about, and ascertaining the substantiality and relevance of the issues that appear to divide the parties. Consequently, he/she will aid the parties in generating, considering, and communicating with each other about possible bases for resolving the dispute. (See The Code, Section 607.III.b)

4. CRITERIA FOR QUALIFIED MEDIATORS

The mediator should have been certified through the State of North Carolina by either the North Carolina Administrative Office of the Courts or a qualified training agency – for instance, the Carolina Dispute Settlement Services. Additionally, certification must have consisted of the state’s required 40 hours of training designed specifically for employees at the state’s 16 university campuses. The chairperson of the Faculty Welfare Committee, of the Faculty Senate, will provide names of qualified state-wide mediators.
5. SPECIAL CIRCUMSTANCES

Attorneys for either of the parties involved in the dispute may not participate in the mediation process. Legal counsel shall also not participate during the mediation process heard by the University. After all efforts have been exhausted for University appeal intervention, the process is out of the jurisdiction of any university appeals committee, and thus, where applicable, may be privy to the assistance of an attorney.

Both parties involved in the dispute must agree to present the concern to a mediator. However, no punishment, blame, or accusation of wrong-doing will be applied to the party not in agreement of appearing before a certified mediator. Under such circumstances, the faculty member may appeal his/her case to the Faculty Grievance Committee.

If mediation occurs, but no agreement is met, neither party will be punished, blamed, accused of wrong-doing, or denied an opportunity to seek resolution through the intervention of the Grievance Process.