



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. II—FACULTY—Dispute Resolution 2.0

FACULTY MEDIATION

ADMINISTRATIVE POLICY

FACULTY HANDBOOK

APPENDIX F-1

I. PURPOSE OF MEDIATION

Faculty members may seek redress concerning employment-related grievances, including against another faculty member, through the intervention of trained mediators. The goal of the mediation procedure is to reach a consensual resolution of the dispute.

II. DEFINITION

Mediation is a procedure in which disputing parties use 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 using 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.

III. THE ROLE OF THE MEDIATOR

The mediator 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. Mediators may be trained members of the faculty or staff, outside mediators from the community, or mediators from other campuses within the University system. Mediators may not be members of the Faculty Grievance Committee that hears the Faculty Grievances.

IV. CRITERIA FOR QUALIFIED MEDIATORS

A mediator should have successfully completed formal mediation training substantially equivalent to that required for certification by the North Carolina Administrative Office of the Courts or to have been formally trained in mediation specifically designed for use in a university setting. The Provost's Office will obtain and provide names of qualified mediators, upon request.

V. COMMENCING MEDIATION

Where no grievance has yet been filed, both parties involved in a dispute may agree to present the concern to a mediator. However, no punishment, blame, or accusation of wrong-doing will be applied to a party not in agreement with appearing before a mediator or not agreeing to a settlement. Under such circumstances, the faculty member may appeal his/her case to the Faculty Grievance Committee.

If a grievance has been timely filed, and mediation has not yet been attempted, the parties may participate in mediation if the Faculty Grievance Committee determines the allegations merit a detailed investigation. The parties are not obligated to reach a settlement, and no blame shall be assigned to any party not reaching a settlement.

If a mediation does not lead to a full settlement, no record of the failed mediation process will be produced by the mediator other than an unelaborated written statement to the Faculty Grievance Committee chair so as to invoke the next step in the grievance process, i.e., that mediation was attempted but settlement was not reached.

Any time limit adopted by this University or by Board of Governors policy concerning the formal resolution of Faculty Grievances will be suspended for the duration of a mediation process being held pursuant to this policy.

VI. SPECIAL CIRCUMSTANCES

Attorneys for either of the parties involved in the dispute may not participate in the mediation.

The mediator shall not be called as a witness in any subsequent proceeding, and nothing done or said by either party during a mediation process may be referred to or used against a party in any subsequent proceeding.

Any mediation agreement that obligates this University must be signed by an official with the authority to bind the University concerning the particular agreement.

Any other policy on mediating faculty disputes that is not posted on the University's Approved Policies website is void and repealed.

Related policy:

UNC Policy Manual 101.3.2, Sec. III. Mediation of Grievances

Approved by the Chancellor

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