

North Dakota State University

Policy Manual

SECTION 350.5 MEDIATION

SOURCE: SBHE Policy 605.5

1. For purposes of this Policy
 - a) "Mediation" means a process in which a mediator facilitates communication between parties to assist the parties in reaching voluntary decisions related to their dispute.
 - b) "Administration" means any person who has acted on behalf of the institution under NDSU Policy 350.3.
2. This policy applies to faculty as defined in SBHE Policy 605.1 (350.1 NDSU Policy Manual). It does not apply to employees governed by the NDUS HR Policy Manual or to administrators, coaches, or faculty members acting in their administrative or coaching capacity. Mediation is available upon agreement of the parties under SBHE Policy 605.3 (350.3 NDSU Policy Manual), excluding subsection 8. Mediation is not available in proceedings initiated under SBHE Policy 605.3(8). For other proceedings governed by SBHE Policy 605.3, a faculty member or the administration may request mediation and mediation shall proceed upon agreement of the parties. For grievances governed under SBHE Policy 612 (353 NDSU Policy Manual), participation in mediation by all parties is mandatory, which means that parties shall participate in at least one mediation session.
3. The following mediation procedures and time period apply to SBHE Policy 605.3:
 - a) A faculty member or the administration may request mediation in accordance with institutional policy.
 - b) Within 15 calendar days of receipt of the written request, the mediator shall meet with identified parties to explain the mediation process.
 - c) If the parties agree to mediate, the mediator shall schedule a first mediation session within 10 calendar days of reaching an agreement to mediate. Upon agreement to mediate, other internal proceedings and the time periods provided for those other proceedings shall be stayed pending conclusion of mediation.
 - d) The first mediation session begins a 20 calendar-day period or a mutually agreed upon mediation period during which participants attempt to resolve the dispute. At the conclusion of the mediation period, the mediator shall notify the appropriate institutional representatives in accordance with institutional policy whether or not the issues have been resolved.
4. The following mediation procedures and time periods apply to SBHE Policy 612:
 - a) Participation in mediation is mandatory in connection with grievances under SBHE Policy 612. Other internal proceedings and the time periods provided for other proceedings shall

be stayed pending conclusion of mediation.

- b) Within 15 calendar days of receipt of the written grievance, the mediator shall meet with identified parties to explain the mediation process.
 - c) The mediator shall schedule a first mediation session within ten calendar days of the meeting under subsection 4b.
 - d) The first mediation session begins a 20 calendar-day period or a mutually agreed upon mediation period during which participants attempt to resolve the dispute. At the conclusion of the mediation period, the mediator shall notify the appropriate institutional representatives in accordance with institutional policy whether or not the issues have been resolved.
5. Mediators may be selected by agreement of the parties. The College of Council Faculties may offer its advice and recommendations concerning selection of the mediation pool.
 6. Mediators shall facilitate and coordinate the process. Mediators may not issue orders, find fault, impose solutions, or make decisions for the mediation participants.
 7. For proceedings in which the parties have agreed to mediate, either party may withdraw from mediation at any time, and for those proceedings in which mediation is mandatory, either party may withdraw from mediation at any time after the first mediation session.
 8. All time periods in this policy are suspended between May 16 and August 15 as to all nine-month faculty unless all parties expressly waive the suspension.

HISTORY:

Amended August 2003
Amended March 17, 2022