

North Dakota State University

Policy Manual

SECTION 350.5 MEDIATION

SOURCE: NDUS Policy 605.5

1. "Mediation" means a process in which a mediator facilitates communication between parties to assist the parties in reaching voluntary decisions related to their dispute.
2. This policy applies to faculty as defined in section 605.1 of these policies (350.1 NDSU Policy Manual). It does not apply to employees governed by the NDUS Human Resource Policy Manual or to administrators or coaches, in their administrative or coaching capacity. Mediation is available upon agreement of the parties under section 605.3 (350.3 NDSU Policy Manual), except subsection 8, of these policies. Mediation is not available in proceedings initiated under subsection 8 of section 605.3. For other proceedings governed by section 605.3, a faculty member or the administration may request mediation and mediation shall proceed upon agreement of the parties. As used in this policy, "administration" means any person who has acted on behalf of the institution under section 605.3. For grievances governed under section 612 of these policies (353 NDSU Policy Manual), participation in mediation by all parties is mandatory, which means that parties are required to participate in at least one mediation session.
3. The following mediation procedures and time lines apply to section 605.3 of these policies:
 - 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 identified 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 lines 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 lines apply to section 612 of these policies:
 - a) Participation in mediation is mandatory in connection with grievances under section 612 of these policies. Other internal proceedings and the time lines provided for those 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. If the parties do not agree on a mediator, a mediator shall be assigned by the North Dakota University System staff from a pool of trained, volunteer mediators available through the NDUS office. 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. All time lines in this section 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