

Appendix A

Mediation of Faculty Grievances (arising under Section 607(3) of The Code of The University of North Carolina)

Mediation is a procedure in which the petitioner and respondent engage the assistance of a neutral party (the University Ombuds or another trained mediator) to help them in achieving a voluntary, bilateral settlement agreement that finally and definitively resolves all or portions of the grievance, without having to engage in a formal grievance process with the Grievance Committee.

If the parties agree to a mediation under Section V of the [Procedures for Resolving Faculty Grievances](#), the following procedures will be followed:

1. The mediator shall be the University Ombuds or another mediator assigned by the Faculty Grievance Advisor. The Faculty Grievance Advisor will maintain a list of qualified individuals who have received mediation training in order to facilitate the mediation. A mediator will not be selected from the petitioner's or respondent's college or department.
2. The mediation process must be concluded within 35 calendar days from the filing of the grievance unless the parties mutually agree in writing to extend the time due to extenuating circumstances. However, any extension of time shall not be more than 90 calendar days from filing of the grievance.
3. The mediation will be conducted at a date, time, and location identified by the Faculty Grievance Advisor after conferring with the mediator and the parties. The mediation shall be scheduled for an amount of time determined by the mediator to be sufficient. If necessary, the mediation may be recessed by the mediator and reconvened at a later time.
4. Only the petitioner, respondent, and mediator may attend the mediation. Both parties must make a good faith effort to resolve the matter. Failure to attend the mediation by the petitioner will result in an automatic dismissal of the grievance. If the respondent fails to attend the mediation, the Faculty Grievance Advisor will engage the formal grievance process under Sections V. and VI. of the Procedures for Resolving Faculty Grievances, so long as the grievance is otherwise qualified under Section III.A or B of those Procedures.
5. Attorneys and other observers may not attend the mediation. Either party may ask for a recess at any time during the mediation in order to consult privately with an attorney or another advisor.
6. The mediation cannot be recorded or transmitted in any format. In addition, all documents generated during the course of the mediation and any communications shared in connection with the mediation are confidential to the extent provided by law.
7. If the mediation resolves the grievance, the parties will sign a settlement agreement. If the mediation does not result in a resolution, the grievance will be considered at an impasse. Any settlement agreement that obligates the University must be signed by a University official with the authority to bind the University concerning the particular terms of the agreement.
8. Upon the conclusion of the mediation, the mediator will notify the Faculty Grievance Advisor in writing of the outcome (either resolution or impasse). If the mediation is

resolved, the mediator will include a copy of the settlement agreement in their notification to the Faculty Grievance Advisor.

9. If the grievance is resolved at the mediation, but the respondent fails to implement the agreed-upon resolution within 30 calendar days of mediation, the petitioner shall notify Faculty Grievance Advisor and request that the Faculty Grievance Advisor engage the formal grievance process under Sections V. and VI. of the Procedures for Resolving Faculty Grievances, so long as the grievance is otherwise qualified under Section III.A or B of those Procedures.