

01 NCAC 30H .0502 DUTIES OF MEDIATOR

(a) The mediator shall define and describe the following at the beginning of the conference:

- (1) The process of mediation;
- (2) The difference between mediation and other forms of conflict resolution;
- (3) The costs of the mediated settlement conference;
- (4) That the mediated settlement conference is not a trial, the mediator is not a judge, and the parties retain their legal rights if they do not reach settlement;
- (5) The circumstances under which the mediator may meet and communicate privately with any of the parties or with any other person;
- (6) Whether and under what conditions communications with the mediator shall be held in confidence during and after the conference;
- (7) The inadmissibility of conduct and statements as provided by G.S. 7A-38.1(1);
- (8) The duties and responsibilities of the mediator and the participants; and
- (9) That any agreement reached shall be reached by mutual consent.

(b) Disclosure. The mediator has a duty to be impartial and to advise all participants of any circumstance bearing on possible bias, prejudice or partiality.

(c) Declaring Impasse. It is the duty of the mediator to determine that an impasse exists and that the conference shall end.

(d) Reporting Results of Conference. The mediator shall report to the SCO or public owner within 10 days of the conference whether or not an agreement was reached by the parties. If an agreement was reached, the report shall state the nature of said agreement. The mediator's report shall inform the SCO or public owner of the absence of any party to have been absent from the mediated settlement conference without permission. The SCO or public owner may require the mediator to provide statistical data for evaluation of the mediated settlement conference program.

(e) Scheduling and Holding the Conference. It is the duty of the mediator to schedule the conference and conduct it prior to the deadline of completion set by the rules. Deadlines for completion of the conference shall be observed by the mediator unless said time limit is changed by a written order of the SCO or public owner.

*History Note: Authority G.S. 143-135.26(10), (11); S.L. 2001-496, s. 14(b);
Temporary Adoption Eff. July 1, 2002;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*