

10A NCAC 89B .0210 MEDIATION

- (a) If both parties agree to mediation, the mediation shall take place prior to the appeals hearing.
- (b) Mediation shall not be used to deny or delay an individual's right to speedy complaint resolution. The mediation shall be completed in a period that also allows for convening of an appeals hearing after mediation within the 45-day time required under 34 C.F.R. 361.57(b) unless both parties sign a written agreement for a specific extension of time.
- (c) An individual to conduct the mediation shall be selected from a list of qualified and impartial mediators that is maintained by the Division. Individuals on the list of qualified mediators shall:
 - (1) be certified by the N. C. Dispute Resolution Commission or approved by the Mediation Network of North Carolina; and
 - (2) be knowledgeable regarding the laws, Federal regulations and State rules governing the provision of vocational rehabilitation and independent living services.
- (d) Each mediation session shall be scheduled in a timely manner and held in a location that is convenient to the parties involved.
- (e) The Division shall bear the cost of the mediation.
- (f) Parties involved shall sign a confidentiality pledge prior to the process indicating that discussions which occur during the mediation process shall be confidential and may not be used as evidence in any subsequent appeals hearing or civil proceeding. No evidence that is otherwise discoverable shall be inadmissible merely because it is presented or discussed during mediation.
- (g) If an agreement is reached during mediation, it shall be in writing and signed by both parties.

*History Note: Authority G.S. 143-546.1; 150B-1; 34 C.F.R. 361.57; P.L. 105-220, s. 102(c);
Eff. February 1, 1976;
Amended Eff. July 1, 2000; April 1, 1997; September 1, 1989;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*