



Mediator Policies

NCAMP Mediator Policies

Table of Contents

	Page
I. Candidate Requirements	3
II. NCAMP Mediator Certification	3
III. NCAMP Mediator Recertification	3
IV. NCAMP Procedure for Decertification	4
V. Conflict of Interest	4
VI. Tenets of NCAMP Certified Mediators	5
VII. NCAMP Certified Mediator Conduct and Ethics Policy	6

Forms

Mediator Certification Application	7
NCAMP Mediator Recertification Request	8
IRS Form W-9	9-12

I. Candidate Requirements:

To be considered for NCAMP agricultural training, a Candidate must:

- (a) successfully complete either a 40-hour North Carolina Dispute Resolution Commission-approved Mediated Settlement Conference Program (MSC) or a 40-hour North Carolina Dispute Resolution Commission-approved Family Financial Settlement Program (FFS) and provide verification of completion to NCAMP.
- (b) be free of “Conflicts of Interest” (see V. below); and be willing to attend and complete the required 20-hour core training on date to be set by NCAMP.

II. NCAMP Mediator Certification:

Certification does not guarantee assignment; caseload will determine assignment.

- (a) Upon completion of the 20-hour core agricultural NCAMP training, a Candidate must complete and submit the “NCAMP Mediator Certification Application” (located at www.ncamediation.org under forms). Only fully completed applications will be reviewed.
- (b) Certification will be granted to Candidates who satisfy training requirements of Section I(c), provide acceptable proof of MSC or FFS training required by Section 1(a), submit a complete application, are free from Conflicts of Interest described in Section V., and are approved by NCAMP.
- (c) Upon approval, a “Certificate of NCAMP Mediator in Good Standing” will be issued and will remain in force for one year until the stated expiration date.

III. NCAMP Mediator Recertification:

NCAMP Certified Mediators will be considered for recertification each September 1.

- (a) Upon completion of the continuing education requirements of either 10 hours per year or 20 hours every two years, a Candidate for Recertification must complete and submit the “NCAMP Mediator Recertification Application” (located at www.ncamediation.org under forms). Only complete applications will be reviewed.
- (b) The NCAMP annual training is considered the ideal continuing education to satisfy the requirements, however pre-approved substitute courses of up to 6 hours per year (of which 2 hours of the 6 hours may be obtained

NCAMP Mediator Policies rev April 2009

www.ncamediation.org

through observing an NCAMP Mediation) may be found at the NCAMP website located under “NCAMP Approved Substitute Continuing Education”.

- (c) Recertification will be granted to a Candidate who satisfies the continuing education requirements of this Section III, submits a complete application, is free from Conflicts of Interest described in Section V., is free of any outstanding or unsettled mediator-related complaints, and is approved by NCAMP.
- (d) “Mediator in Good Standing” is defined as a mediator who has been certified or recertified by NCAMP within the past year, who has complied with all NCAMP Mediation Procedures located at www.ncamediation.org, who satisfies continuing mediation education credit requirements, who has not been decertified under Section IV, and who currently is not under investigation for decertification.
- (e) Upon approval, a “Certificate of NCAMP Mediator in Good Standing” will be issued and will remain in force for one year until the stated expiration date.

IV. NCAMP Procedure for Decertification:

(a) Grounds for decertification of a mediator include:

1. for any significant deviation from “Mediation Procedures” (www.ncamediation.org) to include but not limited to, a confidentiality breach, failure to timely submit and complete documents including the signed agreement and the termination letter (both to be submitted within 24 hours), violation of NCAMP policies, including the ethics policy described in Section VII, or any other behavior unbecoming to a professional mediator while representing NCAMP;
2. for violation of Conflict of Interest Policy described in Section V;
3. for substantiated complaints against the mediator; or
4. for failure to disclose, omission or misrepresentation of required application information.

(b) If NCAMP receives a complaint, which alleges grounds for decertification, or if NCAMP is aware of circumstances that indicate that grounds for decertification may have occurred, then NCAMP will investigate the alleged grounds by contacting the complainant and the mediator to discuss the allegations. NCAMP will give the mediator the opportunity to explain his or her actions or omissions. NCAMP will then make its final decision as to decertification. NCAMP will advise the mediator of its decision by certified mail.

(c) If a Certified NCAMP Mediator is decertified, the mediator is permanently delisted and may not reapply.

V. Conflict of Interest:

- (a) NCAMP Mediator Candidates or current NCAMP mediators otherwise in Good Standing, may not be affiliated with or employed by any USDA or state agricultural agency in North Carolina.
- (b) NCAMP Mediator Candidates or current NCAMP mediators otherwise in Good Standing, may not represent or be a member of any agricultural advocacy group.
- (c) NCAMP Mediator Candidates or current NCAMP mediators otherwise in Good Standing who receive a loan, credit, or other benefit from an USDA or NCDOA agency, may not mediate any cases with that USDA or NCDOA agency.
- (d) If a current NCAMP mediator becomes a member of or represents any agricultural advocacy group, becomes employed by any USDA agency or NC agricultural state agency, or engages in any other activity that may compromise neutrality, the mediator will be Decertified and de-listed.
- (e) Any current NCAMP mediator directly involved in agricultural production who fails to recuse him/herself from any case where the parties are engaged in a similar agricultural operation will be Decertified and de-listed. *It is the mediator's responsibility* to inform and or make inquiry to NCAMP at the onset of any involvement that may appear to create a Conflict of Interest.
- (f) All NCAMP Mediator Candidates and current Certified NCAMP mediators will be required to sign a "Conflict of Interest Statement", located on the last line of the "NCAMP Mediator Certification Application" and "NCAMP Mediator Recertification Request" affirming that they do not have a Conflict of Interest as defined by NCAMP policy.

VI. Tenets of NCAMP Certified Mediators: NCAMP Certified Mediators will:

- (a) Open the mediation with an *explanation* of the mediation process and assure that all parties with interest and authority are present or accessible and that they clearly comprehend the process.
- (b) State that mediation participation is *voluntary*.
- (c) Explain "self-determination" and that the mediator is *neutral* and cannot adjudicate, make decisions, or offer advice.
- (d) State that all parties must attend in *good-faith*, have *authority*, and be willing to work toward a resolution.
- (e) State that the mediation is *confidential* and that anything done or said in the mediation may not be used in any other setting, unless otherwise discoverable with the exception of revelation of abuse or actions or threats that may result in bodily harm or death.

- (f) Explain **caucus** and make every effort to provide equal time to all parties.
- (g) Explain that information learned during caucus may only be shared with permission.
- (h) Immediately disclose any apparent **conflict of interest** and either end the mediation or continue with the approval of all parties.
- (i) Explain that any resolution reached and signed by the parties is an enforceable contract.
- (j) If applicable, explain that **fees** are dictated by NCAMP procedure, shared by the parties and may not be deviated from by the mediator.
- (k) Explain the various conclusions to a mediation to include impasse (NCAMP No Agreement), modified agreement (NCAMP Modification) or that the previous agreement regarding an Adverse Decision is acknowledged and accepted (NCAMP Agreement Without Modification).
- (l) Retain **control** of the length of mediations and may declare an impasse if it is evident that arguments are circular and that progress has been halted. Mediators may also suspend and reconvene mediations.
- (m) At all times refrain from any conduct unbecoming for a professional NCAMP Certified Mediator.
- (n) Insure that all parties have an executed copy of the resolution or statement of impasse.
- (o) Deliver **evaluation** forms at the conclusion of the mediation for self evaluation and feedback to be completed by the parties.
- (p) Comply with NCAMP's Mediation Procedures.

VII. NCAMP Certified Mediator Conduct and Ethics Policy:
 NCAMP Certified Mediators represent not only mediation as a profession but are also representatives of NCAMP.

NCAMP Certified Mediators will:

1. Accept, refuse or withdraw from mediation assignments based on their level of competence.
2. **Refrain from ex-parte communication** with parties to the mediation except to schedule the mediation, inquire about contact information and representation, and to determine the number of participants attending.
3. Maintain neutrality throughout the mediation process, including pre-mediation contact and any post-mediation contact that may be necessary.
4. Strictly adhere to confidentiality.
5. Never under any circumstances use any information revealed during a mediation for personal or financial gain.
6. Practice exquisite listening skills throughout the mediation.
7. Assess and compensate to maintain balance of power between participants.
8. Protect the integrity of the mediation process.
9. Continually assess the participants' levels of comprehension to avoid or compensate for any duress or undue influence that may occur.

- 10. Immediately and fully disclose any real, apparent, or perceived bias or conflict of interest and withdraw or continue with agreement from all parties.**

**NORTH CAROLINA AGRICULTURAL MEDIATION PROGRAM
NCAMP MEDIATOR CERTIFICATION APPLICATION**

PERSONAL DATA

Name (First, MI, Last) _____

Home Address – Street _____ City _____ State _____ Zip _____

Phone _____ Cell Phone _____ Fax _____

E-Mail address _____ County _____

Date of Birth _____ Date of NCAMP 20 hr Training _____

Please describe in 25 words or less the mediation model that best describes your mediation style (i.e. Prescriptive, Directive, Elicitive, Transformative etc.)

I am NCDRC certified in: MSC FFS Clerk Mediation Program
Current through _____

– I agree that I qualify as an Independent Contractor

– I agree that mediations I conduct for NCAMP may be observed for evaluative and/or educational purposes

– I have enclosed a W-9 Request for Taxpayer Identification Number Form. A scanned version is enclosed in this application package however you may download and print directly (www.irs.gov) form W-9

HISTORY

Have you ever been convicted of a felony (or if in military service, convicted by a general court martial)? Y () N ()

Do you have any current or pending felony charges? Y () N ()

Have you ever had professional membership, license, registration or certification denied, suspended or revoked (Other than for lack of minimum qualifications or failure of examination)? Y () N ()

Conflict of Interest Statement:

I am not employed by any USDA agency or NC agricultural state agency; I am not a member of and do not represent any agriculture advocacy association; I will recuse myself if assigned to mediate cases in which one of the parties is an agency from which I receive a loan, credit, or other benefit, or if one of the parties engages in a similar agricultural operation as I engage in or if I have any other association that may appear to comprise my neutrality as an NCAMP Mediator.

The information provided above is accurate and true to the best of my knowledge

Signature _____ **Date** _____

Please return this completed application and completed W-9 to:

NCAMP c/o Jayne Zanglein, Executive Director, NCAMP, 205 Forsyth, Cullowhee, NC 28723

NCAMP Mediator Policies rev April 2009

www.ncmediation.org

RD _____

For NCAMP Official Use Only

**NORTH CAROLINA AGRICULTURAL MEDIATION PROGRAM
NCAMP Mediator Recertification Request
To Be Submitted by September 1**

Name (First, MI, Last) _____

Home Address – Street _____ City _____ State _____ Zip _____

Phone _____ Cell Phone _____ Fax _____

E-Mail address _____ County _____

Continuing Education Course and Source	Date of Course	Credits
_____	_____	<input type="checkbox"/> attached verification
_____	_____	<input type="checkbox"/> attached verification
_____	_____	<input type="checkbox"/> attached verification
_____	_____	<input type="checkbox"/> attached verification

If applicable: **My NCDRC certification in:**
MSC FFS Clerk Mediation Program Is current through: _____
I have become newly NCDRC certified in:
MSC FFS Clerk Mediation Program Date of NCDRC Certification: _____

Conflict of Interest Statement:
I am not employed by any USDA agency or NC agricultural state agency; I am not a member of and do not represent any agriculture advocacy association; I will recuse myself if assigned to mediate cases in which one of the parties is an agency from which I receive a loan, credit, or other benefit, or if one of the parties engages in a similar agricultural operation as I engage in or if I have any other association or that may appear to comprise my neutrality as an NCAMP Mediator.

Signature _____ **Date** _____
The information provided above is accurate and true to the best of my knowledge

Please return this completed application and completed W-9 to:
NCAMP c/o Jayne Zanglein, Executive Director, NCAMP, 205 Forsyth, Cullowhee, NC 28723