

1  
2



3  
4  
5  
6  
7  
8

**Mediation of Contract Negotiations**  
**Policy Series: 5000 Personnel**

**Policy No. 5026**

**Purpose:**

10  
11  
12  
13  
14  
15

The purpose of this policy is to establish a structured process for mediation when the Board of Education and a recognized teacher association are unable to reach agreement on matters subject to discussion or negotiation. The Board recognizes the value of collaborative relationships with employee associations and is committed to resolving differences in a constructive, professional, and timely manner.

16  
17  
18  
19  
20  
21

This policy provides for the use of mediation as a neutral and voluntary process intended to assist the parties in clarifying issues, exploring options, and working toward mutually acceptable solutions. The Board believes that mediation can promote effective communication, strengthen working relationships, and support decisions that serve the best interests of students, employees, and the educational mission of the district.

22  
23

**Mediation**

24  
25  
26  
27  
28  
29  
30  
31

In the course of contract negotiations between a professional local organization representing a majority of certified employees of the District, either the president of the professional local organization or the chairman of the Board may, after the parties have negotiated for ninety days, declare an impasse. If the Board elects to declare an impasse, the chairman of the Board shall deliver a written notification of the impasse to the president of the professional local organization and to the State Board of Education.

32  
33  
34  
35  
36  
37

Upon declaring an impasse, or upon receiving notice of declaration of an impasse from the local professional organization, the Board shall name a third-party mediator agreeable to the Board. If agreement on a third-party mediator cannot be reached between the Board and the local professional organization, the Board will request the state superintendent to appoint a mediator.

38  
39

The Board shall work together with the state superintendent and the professional local organization in appointing a mediator who is mutually acceptable to the Board and to the

40 professional organization. The Board shall share equally in the cost of mediation with the local  
41 professional organization.

42  
43 In the event that no agreement is reached regarding a mediator, the Board shall appoint a  
44 mediator.

45  
46 The mediator may not without the consent of both parties make findings of fact or recommend  
47 terms for settlement.

## 48 49 50 **Hearing**

51  
52 If the mediator appointed by the state superintendent is unable to effect settlement of the  
53 controversy within fifteen working days after his or her appointment, either the Board or the  
54 president of the local professional organization may request that the dispute be submitted to a  
55 hearing officer who will make findings of fact and recommend terms of settlement. The request  
56 shall be made in writing to the other party and to the state superintendent. The state  
57 superintendent shall appoint a hearing officer who is mutually acceptable to the Board and the  
58 professional organization. The Board will furnish the hearing officer, on request, all relevant  
59 records, documents and information, but only such records, documents, and information whose  
60 disclosure is not otherwise prohibited by state or federal law or privileged or confidential.

61  
62 If the final position of the parties is not resolved, the hearing officer shall issue a report  
63 containing the agreements of the parties with respect to all resolved negotiated contract issues  
64 and the positions that the hearing officer considers appropriate on all unresolved final positions  
65 of the parties. Ten days after receiving the hearing officer's written findings and report, the  
66 Board may make the hearing officer's report public if the dispute has not been settled at that  
67 time.

68  
69 The Board may, in its sole discretion, accept or reject the recommendations and findings of the  
70 hearing officer and make its own determination.

## 71 72 73 **Legal References**

74  
75 [Utah Code § 53E-6-801 \(2019\)](#)

76 [Utah Code § 53E-6-802 \(2019\)](#)

## 77 78 79 **Board Approved:**

80  
81