



# THE NORTH CAROLINA DISPUTE RESOLUTION COMMISSION

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## GUIDELINES

### Guidelines for Issuing Provisional Pre-Training Approvals (Adopted by the Commission on November 8, 2019; amended on March 1, 2020.)

A person who is considering applying for DRC mediator certification may seek guidance from DRC staff as to whether their education and work experience satisfy the threshold requirements of MSC Rule 8(a)(2) or FFS Rule 8(a)(2). Said person may also seek guidance from DRC staff as to whether some ethical or fitness to practice concern would be an impediment to certification under MSC Rule 8(a)(4) or FFS Rule 8(a)(7). Commission staff may issue or decline to issue a Provisional Pre-training Approval to such person pursuant to the following guidelines. The issuance of a Provisional Pre-training Approval is not a guarantee of certification. The final determination on an application for certification rests with the Commission as it is the final authority in determining an applicant's eligibility for certification.

All requests for information on a Provisional Pre-training Approval shall be directed to the Commission's website. Staff shall explain the Provisional Pre-training Approval process to the requesting party and provide the following:

1. a list of the information required for staff to make an evaluation, and the basis on which a Provisional Pre-training Approval may be granted;
2. notice that s/he may be asked to provide a release to enable staff to contact colleges, universities, licensing/regulatory authorities, employers, and others with information about the individual's education and/or work experience; and
3. that they will be subject to a background check.

Staff shall evaluate disclosures relating to moral character, conduct, and fitness to practice and information revealed by background checks by referring to the DRC Policy for Reviewing Matters Relevant to Good Moral Character, Conduct and/or Fitness to Practice.

Upon reviewing education, work experience and/or conduct information submitted by an individual, and information obtained through the background check, Commission staff may:

1. **Issue a Provisional Pre-training Approval.** Staff may grant a Provisional Pre-training Approval upon determining that an individual meets threshold education and work experience requirements for certification set forth in the MSC Rule 8 or FFS Rule 8 and Commission policies clarifying those rules and that the individual did not disclose, nor the background check reveal any significant concerns relating to the individual's moral character, conduct, or fitness to practice. The approval letter shall state that the individual must complete all remaining requirements necessary for certification and shall specify that the Commission has ultimate authority to approve or deny applications for certification.

2. **Refrain from Issuing a Provisional Pre-training Approval.** If staff determines that an individual does not meet threshold requirements relating to education and/or work experience and/or the individual discloses or the background check reveals significant concerns relating to the individual's moral character, conduct, or fitness to practice, staff shall inform the individual in writing that based upon the information submitted and/or discovered, staff is unable to issue a Provisional Pre-training Approval at that time. The letter shall also state that, should the individual submit an application for certification at a later time, the matters revealed will likely be referred to and considered by the Mediator Certification Committee or Grievance and Disciplinary Committee as appropriate.
3. Commission staff may consult with the Mediator Certification Committee chair or Grievance and Disciplinary Committee chair regarding any issues raised during the Provisional Pre-training Approval process. The chair of either committee, once consulted by staff, may at the chair's discretion, present the matter to their full committee for review. Staff shall provide a copy of the individual's provisional pre-training approval application to the chair, or full committee, for review and consideration. Staff shall follow the recommendation made by the chair, or full committee, as to the issuance of a Provisional Pre-training Approval for any applicant.

A decision to refrain from issuing a Provisional Pre-training Approval is a final decision on the request for a Provisional Pre-Training Approval and shall not be appealable.

All information submitted to the Commission or obtained by staff in the process of evaluating a request for a Provisional Pre-training Approval shall be treated confidentially by Commission staff and members.