Mediation Prep for BYU COVID-19 Housing Mediations and Arbitrations

March 2020

To help prepare for mediation regarding the BYU Student-Landlord Rental Agreement and the COVID-19 outbreak, we suggest both parties review several points about housing dispute resolution at BYU.

LEGALLY BINDING CONTRACT

The university recognizes the housing contracts between student tenants and landlords as legally binding contracts, and that the university does not have the authority to mandate students be released from legally binding contracts.

DISPUTE RESOLUTION REGARDING THE BYU STUDENT-LANDLORD RENTAL AGREEMENT

In accordance with the rental agreement and as a service to landlords and tenants, the university provides dispute resolution services via the Center for Peace and Conflict Resolution (CPCR) to resolve any off-campus housing controversies (see section 9 of the rental agreement). BYU student tenants and BYU-contracted landlords have the right and responsibility to resolve any outstanding controversies regarding the housing contract using the CPCR’s mediation and arbitration services.

THE CPCR’S LARGE CASELOAD

Because of the possibly large number of COVID-19 housing cases, we expect that the dispute resolution process may take several months to work through the full case load. Courts around the country are being required to slow their dockets, and in some cases close their doors for social distancing. Likewise, CPCR has also changed the way it handles mediations and arbitrations because of COVID-19 health restrictions.

HOLDING MEDIATIONS AMID HEALTH CONCERNS

To comply with the best practices recommended by government and health officials, all COVID-19 housing cases will begin in a teleconference mediation session via Zoom with a trained neutral third-party mediator. Each mediation session will last a maximum of 90 minutes.

BYU’s CPCR staff will work through a significant number of mediations (approximately 10-15 cases) each week. BYU encourages the parties to these mediations to negotiate in good faith and to do their best to come to a mutually agreeable solution.

REQUESTING ARBITRATION

If parties do not reach resolution during the mediation session, either party may request arbitration via the following form: https://ccr.byu.edu/demand-arbitration.php. The CPCR will use well-trained third-party arbitrators from the legal community to arbitrate individual cases.