

## COUNSEL'S CORNER

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The North Dakota Supreme Court has recently, in Long v. Samson, 568 N.W. 2d 602 (N.D. 1997), reaffirmed the rule that employees of higher education institutions must exhaust their administrative remedies at the university prior to bringing suit. This case, like Thompson v. Peterson, 546 N.W. 2d 856 (N.D. 1996), a case arising at NDSU, involved probationary faculty who, after a nonrenewal, filed a lawsuit rather than appealing to the Special Review Committee and Standing Committee on Faculty Rights.

The Court said that the exhaustion of administrative remedies serves at least three purposes: (1) eliminating or mitigating damages; (2) recognizing the expertise of the university's tribunals; and (3) promoting judicial efficiency.

There have been cases at NDSU, for example, where decisions have been rescinded or compromises reached because facts have been brought out in the record making that appropriate. This is one of the very reasons the exhaustion of administrative remedies rule is required. Thus, employees ignore this rule at their own peril and need to avail themselves of the Special Review Committee and Standing Committee on Faculty Rights for faculty and the Staff Personnel Board for classified employees.