



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Mediation Training Institute at Eckerd College

IMI Certified Mediation Training Program

The Organisation

Legal name Mediation Training Institute at Eckerd College

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Program delivery The program and its assessment may be delivered in person, online, or a mix of both.

Locations and languages Florida, USA
English

1. Registration

If there is a requirement within a jurisdiction that a training course should be registered, then it should be complied with by the training provider, and the training course should be registered.

Year formed, and under laws of what country/ies	Founded in 1985 by Dana Mediation Institute, Inc., a Kansas, USA corporation. Mediation Training Institute was acquired by Eckerd College, Florida,
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	USA in 2012. Eckerd College is accredited by the Southern Association of Colleges and Schools.
Training course registered in accordance with jurisdiction requirements	Not required

2. Course Content

Course content can be divided into Knowledge Development and Skills Development topics.

The essential KNOWLEDGE topics that should be included in any training program are mediation principles; the roles of legal counsel and representatives; an overview of negotiation and conflict resolution theory; mediator ethics.

The essential SKILL topics that should be covered, demonstrated, and practiced in any training program are forms of listening skills and communication strategies, process management skills (including the use of joint and private meetings), negotiation strategies and skills to manage the content of the dispute, and ways of responding to parties' diverse behaviours.

Attach your course outline	See Annex
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	Each topic is covered in Day 1 and Day 5 of the program and mirror the Model Standard of Conduct for Mediators (American Arbitration Association, American Bar Association and the Association for Conflict Resolution). We include online dispute resolution principles based on the standards established by the International Mediation Institute.
The roles of legal counsel and representatives	This is discussed in Day 2 – Planning the Context (setting the mediation up for success), Day 3 – Working with Representation and Day 3 – Mediation Agreements.

<p>Overview of negotiation and conflict resolution theory</p>	<p>We discuss the structure of conflict, including “wrong reflexes”, the retaliatory and conciliatory cycles as well as the psychological aspects of conflict and the forces toward harmony that make mediation work in Necessary Knowledge on Day 1.</p> <p>We introduce and certify our participants in our Conflict Dynamics Profile (CDP) ®, a behaviorally based assessment that helps individuals identify how they respond to conflict. The instrument was developed at Eckerd College and is backed by sound psychometrics and solid evidence of reliability and validity. This instrument provides participants with a greater awareness of how they respond when faced with conflict. CDP is introduced in Day 2. The CDP is a great asset to mediators to prepare parties for mediation by creating awareness of their own behaviors and creating common language.</p> <p>We use a number of exercises throughout our program to examine managing conflict in differing contexts and the principals of negotiation that can be beneficial to the mediator and how negotiation can help move the parties to agreement. This includes reality testing, managing impasses, joint problem solving, BATNA/WATNA/MLATNA and more.</p>
<p>Mediator ethics, including appropriate local ethical standards</p>	<p>Mediator ethics are covered in depth on Day 5. We follow the Model Standards of Conduct for Mediators as well as have an MTI document “Ethics Guidelines for Mediators” that has practical examples of the ethical standards of mediation. This information is provided to our participants in our learning management system for future reference.</p>

<p>Forms of listening skills and communication strategies</p>	<p>We cover listening skills and communication strategies throughout the training. We emphasize the mediator is the process leader and as such must use active listening skills and communication is paramount. We use experiential learning communication and listening exercises on Day 2 and extensively on Day 3. These are practiced in small groups and as a larger group under the guidance of the trainer.</p>
<p>Process management skills, including the use of joint and private meetings</p>	<p>We emphasize the mediator as a process leader and follow a prescriptive path of 5 steps in the mediation process.</p> <ul style="list-style-type: none"> • Decide to Mediate - make an informed decision • Hold preliminary meetings - prepare the parties • Plan the context - protect the meeting • Hold the mediation meeting - nudge as needed through in-room mini caucus or outside caucus as needed • Follow-up - capture the agreement and support the deal <p>Our participants practice preliminary/private meetings and joint meetings starting on Day 2 of the program. They build upon their learning from Day 2's easier conflicts to Day 4/5 more entrenched conflicts. They experience first-hand what works and doesn't as well as we discuss other's experiences in our large group debriefs.</p>

<p>Negotiation strategies and skills to manage the content of the dispute</p>	<p>The practicality of MTI's model of mediation rests substantially on its behavioral specificity of science/technology, without removing the flexibility for discretionary actions by the mediator to intuit how to respond. We use the following skills or power tasks to identify specific behaviors that signify observable events or conditions that indicate an impasse is occurring.</p> <ul style="list-style-type: none"> • Reframing – creating new perspective to change beliefs • Uncovering self-interests and common interests • Identifying BATNA • Informing and reminding • Balancing power to ensure fair solutions • Preventing bullying and aggressive behavior • Managing emotions: anger, fear despair
<p>Ways of responding to the diverse behaviours of the parties</p>	<p>Participants learn how to handle disruptive behaviors such as disinterest, aggression and passive- aggression. The tools and techniques we instruct for initiating the dialogue make no value judgement, explicitly or implicitly about whose side of a difference is more right. We teach that mediation is a tool for managing differences regardless of their origin - cross cultural or “cross-personal.” We have a video on bullying (extreme behavior) in mediation that is shown on Day 3 and in-depth discussion on diverse behaviors.</p>

3. Competency Framework

A training course must have a 'competency framework' which clearly and concisely sets out the core competencies that an effective mediator should possess. This framework should be consistent with the content and skills requirements of the course as set out under Section 2 of the guidelines.

Attach competency framework	See Annex
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4. Course Duration

For a course to cover adequately the necessary content using appropriate methodologies, (both of which are set out in these guidelines), courses should have a substantial number of training hours being not less than 40 hours. This does not include pre-course preparation, lunch and breaks.

Course duration	Our courses run for 3.5 hours in the morning (including a 15-minute break), an hour lunch period, and for 4 hours in the afternoon (Including a 15-minute break) for 5 days. Breaks and lunch are not included in the total hours. The total classroom hours per day is 7 hours for 5 days or 35 hours total. The participants also are given 1-1.5 hours of "home-work" daily in preparation for role-plays for a total of 5 hours. Each participant prepares (2 hours) and meets one-on-one with a Master Trainer (for 1 hour) upon completion of the course to role play/follow-up. The total hours for each participant is 43 hours (excluding prework and breaks).
Asynchronous learning <i>Up to 10% of the minimum 40 hours' course may be delivered asynchronously. Applies to programs that are conducted partially or entirely online.</i>	

5. Group Size

It is recommended that courses have a maximum class size of 30 students.

<p>Maximum class size</p>	<p>Our open enrollment programs are a maximum of 12 participants. Our average class size is 9 participants. We offer classes for individual organization/custom programs of up to 18 participants.</p>
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7. General Teaching Approach

Mediator skills training courses should be participatory, interactive and learner focused. To ensure this, a variety of teaching methodologies should be used, including lecturing, videos, interactive exercises, individual work, group discussion, talking in pairs, and role-playing.

As a guideline, for the practical part of any course, that is designed to teach the process and skills to be an effective mediator, the following percentage of time should be spent on these different approaches to training delivery: Lecturing/knowledge input/presentation – approximately 10%; Exercises and discussion – approximately 40%; Role-playing, coaching and feedback—approximately 50%.

The trainer-student ratio should range between an ideal of 1 trainer to every 6 participants; to a maximum of 1 trainer to every 10 participants.

<p>Lecturing, knowledge input, presentation</p>	<p>Our Master Trainers are practicing mediators, who are also qualified adult education instructors and take an active role in the coaching and supervision of learners’ developing mediation skills and their follow-up/mentoring activities.</p> <p>Large group sessions where trainers deliver theory and content will match the enrollment in the course.</p> <p>Our course uses a combination of lecturing (minimal), stories, discussions, small group</p>
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	<p>exercises, pairs work, interactive work as a cohort, videos, workbook/handouts and role play.</p> <p>Where information needs to be presented this is done using PowerPoint and is used as a discussion medium and not lecturing. We use our Learning Management System to reinforce all learning and as a reference after the participants leave the classroom. We have a number of handouts to be used as reference materials such as our Mediation Map, Art of Asking Good Questions, Reframing Worksheet, etc.</p> <p>The actual lecturing takes up no more than 10% of the course.</p>
<p>Exercises and discussion</p>	<p>We use experiential learning techniques that include small group/pairs work and larger group exercises/discussions. An example of a small group exercise might be to participate in an interview about an unmet goal to explore what interests are not being fully met, probing for underlying self-interests. A large group exercise example would be using the Behavior Reflection Tool in a round robin fashion to describe the course leader's behavior without (pure objectivity) and then with (nudging toward more effective behavior) interpretation.</p> <p>In-Person programs at Eckerd College utilize one of our facilitators who are trained mediators and full-time employees of Eckerd College's Leadership Development Institute to assist in the classroom (not as lead Master Trainers) and assist with feedback in role plays.</p>

	<p>Online programs also include a second full-time employees of Eckerd College's Leadership Development Institute to assist with role-plays and exercises.</p> <p>Exercises and discussions take up 40-45% of the course time.</p>
<p>Role-playing, coaching, and feedback</p>	<p>In small group role plays/breakout sessions, one trainer for every 5-6 participants.</p> <p>In person or on-line (using online breakout rooms), the trainer goes to each breakout group during role-plays. Time is usually split in each breakout event or role play either with one or between two groups (either of 3 or 4 participants in a group) if it is a larger class. Then alternating with the other group or two groups (either or 3 or 4) of participants in the next breakout – and continue this rotation all the way through the program.</p> <p>The participants' role play from day two through to the end of the course. Role plays become increasingly complex as the course continues, building upon feedback from earlier role-plays. We use different ways to assess role plays, coaching and feedback, including checklists for mediation role plays, evaluation forms, participant as feedback partner questions, observer feedback forms and more.</p> <p>One-on-one Session (60 minutes): Each participant also has a 1-1 private session with a Master Trainer for feedback after the end of the program. Master Trainers are assigned to participants based on the best professional fit and industry background.</p>

	50% of the program is spent in role play, coaching and feedback.
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8. Participant Materials

When preparation prior to the course is required, participants should receive comprehensive materials in sufficient time to allow them to prepare adequately. As a guideline, it is suggested that this should be no later than two weeks in advance of the course.

In a similar way, when participants are required to prepare for their roles in advance of the role plays, role play confidential briefs should be supplied in sufficient time to allow role players to prepare. As a guideline, it is suggested that this should be no later than one week in advance of the course.

If courses are designed with no pre-course preparation required, this guideline does not apply.

<p>In what format and how far in advance do participants receive general course materials and confidential role play briefs?</p>	<p>We utilize a Learning Management System to house all our course materials. Our participants are given access to the system a minimum of 2 weeks before the course begins and asked to complete prework for the class (approximately 2.5 hours). They each receive password and username to download information prior and during class as needed. The participants have unlimited access to the LMS after the class concludes to reference materials as needed. Each participant is contacted via email and updated with reminders before the course begins. We closely monitor their progress prior to the course beginning to ensure they are prepared for class. They are asked to complete homework daily and answer questions in the LMS to track progress. In the classroom participants receive a course workbook, course handouts and the Managing Differences book by Dr. Daniel Dana. Role play information is included in the LMS and as</p>
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	handouts in the classroom. Participants of the role play are given secret roles (confidential information) that are not given out until the time of the role play. This adds an element of realism as a mediator never knows everything about the conflict and must think on their feet and use all their skills and tools to move toward agreement.
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9. Setting up Role Plays

Role plays are used for participants to practise the wide range of mediation skills in a simulated environment and also for participants to have the benefit of feedback and coaching from an experienced mediator, acting as a coach. Accordingly, role plays should be planned and run to allow the participants the maximum opportunity to learn.

Each role play in a course has a maximum of six persons for a two party mediation.	Yes
Mediation time slots within role plays are a minimum of 45 minutes	Yes
At least 50% of role plays are supervised by an experienced coach/trainer, and a coach is present for at least 50% of the role playing time	Yes

Where role plays are used as assessments, they are supervised by the assessor or a course manager 100% of the role play time	Yes
Coaches are rotated among groups and participants	Yes
Coaches and trainers who coach a participant are not involved in subsequent assessment of that participants	Yes
Role plays during the course ensure participant work with the widest range of fellow participants as possible	Yes
All participants mediate the same number of times in role plays	Yes
Role plays are varied in subject matter and allow for practice of different stages of the mediation process	Yes

<p>Comment where guidelines are not met</p>	<p>We work in groups of three (one mediator and two disputants) in earlier role plays. These initial role plays mediate a simple dispute and build steadily until the final role play. The final role play is done in groups of four (one mediator, two disputants, and an observer). We feel this allows the observer to think about what they may do the same or differently. Each participant acts as the mediator in one of the 4 scenarios. The course attendees are usually a mixture of workplace professionals (HR, ombuds, attorneys, and EAP professionals). The role-plays are designed to replicate scenarios that may happen in the workplace. When we work with a custom program (one organization), we design special scenarios to role play based on the industry and type of conflicts that they may encounter most often.</p>
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10. Providing Feedback

Participants learn not only by practising the skills of mediators but also from receiving feedback from experienced mediators acting in the role of coaches throughout the course. Training programmes must provide opportunities for feedback to participants. This feedback should be delivered using a competency framework to ensure consistency of approach to feedback by coaches trained in delivering effective feedback (see coaches' guidelines).

<p>How is performance feedback given to participants on your course?</p>	<p>Once a participant has finished with their role play as the mediator, the trainer and the other participants provide feedback to the participant.</p> <p>Attachment 5 REVISED. Mediation Role Play Feedback – revised to indicate this is for the participant observation role and is aligned to our competencies and the final role play assessment by the assessor (attachment 8).</p>
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	<p>Attachment 8. Mediator Assessment - retitled to indicate this is the final role play feedback form that is filled out by the Assessor (Master Trainer).</p> <p>In the 1-1 session with a Master Trainer at the end of the program, the feedback is discussed and also documented in a follow-on email.</p>
<p>Attach course feedback forms or guidance</p>	<p><i>See Annex</i></p>

11. Performance Assessment and Accreditation

If a course is designed to assess, certify or accredit a participant as having the necessary skills and knowledge to mediate a dispute competently, then it must contain an actual assessment of the participant's mediator competence, as compared to its own competency framework, developed under these guidelines. In relation to assessment of a mediator's skills, this should be done using a participant's performance during a role play.

<p>Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?</p>	<p>Yes. We have a multi part assessment process to receive certification from our institute. This consists of:</p> <ol style="list-style-type: none"> 1. Passing the MDLT (Managing Differences Learning Test) at the end of the program with a score of at least 70%, 2. final Role Play which is filmed and viewed by an additional Master Trainer for assessment and feedback, 3. and completion of their 1-1 feedback session with a Master Trainer. <p>We also require our participants to meet the minimum requirements to become a CDP Certified</p>
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	<p>Practitioner to maintain the quality and integrity of the CDP instrument.</p> <p>(https://www.conflictdynamics.org/certification/)</p> <p>Our participants are required to meet 1-1 with a Master Trainer upon completion of the course for a minimum of one hour to demonstrate competence in using the CDP instrument.</p>
<p>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</p>	<p>Yes, the Managing Differences Learning Test (MDLT) provides support to the participant in gaining greater knowledge of the subject matter. The MDLT must be passed with a grade of 70% or better. The test contains "Knowledge" questions that draw primarily on conceptual understanding of the source book and the training provided and "Application" questions that ask for concepts to be applied to the process of mediation and workplace situations.</p>
<p>Process of appointing assessors on a course</p>	<p>Our assessors that review and give feedback for the final role play are other MTI Master Trainers that are not the lead trainer in the program being assessed. The qualifications and training are attached in the TCA section of this application and the attachments.</p>
<p>Clarification of passing criteria. How a student passes or fails this program</p>	<p>1. Score of 70% or better on the MDLT – The participant may retake the test if they do not achieve the 70% after one week. They may take the test multiple times. Feedback regarding which questions were answered incorrectly, or the number answered incorrectly, will not be given. The purpose of the MDLT as a learning test, is better served by urging candidates to critically re-examine all questions, not just those that were answered incorrectly.</p>

	<p>2. Final Role Play assessment (see attachment) with a minimum of 45 points scored. This role play is viewed and assessed by the Master Trainer assigned. Feedback is delivered to the participant in the 1-1 feedback session with their assigned Master Trainer. The video is placed in the participant's file.</p> <p>3. Completion of the 1-1 feedback session with a Master Trainer that is documented by the Master Trainer.</p>
<p>Next steps taken, should a student fail.</p>	<p>Participants that do not pass or complete all the steps in our assessment process achieve a Certificate of Attendance/Completion of the course. Participants that wish to be reassessed for their role play may schedule an observed mediation session with an MTI Master Trainer to show competence. Participants may take the MDLT multiple times to achieve the 70% score.</p>
<p>Policy documents relating to assessment (optional / if applicable)</p>	<p><i>See Annex</i></p>

12. Facilitation of further development as a mediator

While it is accepted that training providers cannot offer actual mediations for all participants, they have an obligation, as far as possible, to facilitate participants' further development as a mediator.

<p>Indicate what your organisation does to facilitate participants' development as mediators</p>	<p>We offer on-line forums every quarter to the Mediation Community at no cost. These are posted on our website and all prior participants (about 2800) are contacted via email. Some of these topics include:</p>
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	<ul style="list-style-type: none"> • The Strategic Management of Conflict • Mediating in a Virtual Environment • Team Mediation • Conflict Coaching using the CDP for Mediators • Title IX and Mediation <p>We host an annual Conflict Resolution Conference (https://www.mediationworks.com/events/mti-2021-conflict-resolution-and-mediation-conference/) that is geared to conflict resolution practitioners.</p> <p>We contribute timely articles from our practitioners and our staff to enhance learning and research in the conflict resolution community. Examples can be viewed at:</p> <p>https://www.mediationworks.com/toolbox/#whitepaper and</p> <p>https://www.conflictdynamics.org/blog/</p>
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13. Complaints and Appeals

All courses should have a clearly set out written complaints policy for participants who are dissatisfied with the quality of the course.

In addition, for those courses that have an assessment element, there should be a clearly set out appeal or review process for participants who are not satisfied with the outcome of their assessment.

Attach complaints and appeals policy	<i>See Annex</i>
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Conflicts of Interest

Please outline what steps you take to avoid any potential conflicts of interest between trainer/coaches/assessors and participants on your course.

Before the Program:

We publish on our website the name and the bio of the Master Trainer for the course in advance of a participant registering.

Once the class roster is finalized it is shared with the Master Trainer. If there is a potential conflict of interest the Master Trainer would disclose this to the Director of MTI to resolve the issue.

- If a participant decides that they no longer wish to continue with the course, we either refund their fee in whole or transfer their attendance to a future course with a different Master Trainer.

During the Program:

- If a conflict does arise, we address the concern immediately. We ask for daily feedback from our participants documented through our LMS and address these with the individual.

- If it appears to be a group issue we discuss and adjust for the following day.

- If a participant decides that they no longer wish to continue with the course, we either refund their fee in whole or refund a portion of the fee depending upon days completed.

After the Program (one-to-one coaching/mentoring):

We assign a Master Trainer to each participant for the follow-up one-to-one coaching/mentoring session(s). If either party is uncomfortable with the other we reassign the participant. We take great care to assign participants to a Master Trainer that

	we feel will be the best match to their organization, position or mediation interests.
Upload conflicts of interest policy (optional / if applicable)	

Trainers, Coaches, and Assessors

Anyone seeking to act as a TCA has successfully participated in a mediation training course which meets the requirements set out above.	Yes
Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.	Yes

<p>TCAs have conducted at least two actual mediations of at least four hours' duration in each of the preceding three years before being appointed. Once appointed, they conduct two actual mediations of at least four-hours duration per year AND are able to show that they have maintained continuous professional development (CPD) of six hours per year.</p>	<p>Yes</p>
<p>Trainers attend 'train the trainer' training of at least 18 hours, broadly covering topics set out in the IMI guidance notes</p>	<p>Yes</p>
<p>Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes</p>	<p>Yes</p>
<p>Trainers deliver at least one basic mediator skills training course or refresher course every two years</p>	<p>Yes</p>

<p>Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.</p>	<p>Yes</p>
<p>On-going feedback is sought from course participants, and given to those delivering the course.</p>	<p>Yes</p>
<p>Comments and/or explanations</p>	<p>Yes – we ask for daily documented feedback through our LMS. This is reviewed and addressed prior to the next days’ class.</p> <p>At MTI we use Master Trainers who meet the MTI qualifications (attached) and are practicing mediators. Because we have a very small roster of Master Trainers, we do not offer a formal training course for newly appointed Master Trainers to attend. Our new Master Trainers instead mentor with the Senior Master Trainer for a minimum of 10 hours to ensure that they have the skills and abilities and meet the competencies established to represent MTI. This mentorship is broken into 5 - 2-hour sessions (curriculum attached). They also shadow the Senior Master Trainer for the 40-hour course and deliver the 40-hour course under the supervision of the Senior Master Trainer. Our cadre of certified Master Trainers meet on a continual basis to discuss best practices. We meet annually for a day as a group at our conference to review and revise (if needed) content that may be</p>

	<p>relevant to the community (such as virtual mediation in the Covid -19 pandemic). We meet quarterly via zoom to discuss content and what is working well and what needs to be revised. We update our Master Trainer Best Practices annually or anytime a change in the curriculum is made.</p>
<p>New TCAs are to be observed and given performance feedback by senior colleagues</p>	<p>Each candidate to become a Master Trainer at MTI must be observed as follows:</p> <ul style="list-style-type: none"> • Delivered a CDP-I feedback session observed by a Senior Master Trainer • Conduct one CMT (40 hour) program observed by a Senior Master Trainer • A newly appointed Master Trainer is videotaped for review and feedback with the Senior Master Trainer and MTI Director for feedback randomly for the first year.
<p>Explain your peer review system for trainers, coaches and assessors</p>	<p>The Senior Master Trainer and MTI's Director meet on a monthly basis to review course feedback forms and to review mediation related events. New Master Trainers are invited to sit in on their more senior peers' programs to continue to refine their skills.</p>
<p>Attach Train-the-Trainer Program</p>	<p><i>See Annex</i></p>
<p>Attach template feedback form</p>	<p><i>See Annex</i></p>