



ADR CENTER MEDIATOR ACCREDITATION CRITERIA AND ASSESSMENT PROGRAM FOR CERTIFIED (EXPERIENCED) MEDIATORS. ADR Center International Certification Program for Experienced Mediators

EXTRACT

The ADR Center Certified mediators are assessed around the following core competency areas and skills:

Conflict analysis

1. Identifying relevant information to understand the situation
2. Using conflict analysis tools and the relevant information to prepare and mediate

Relationship building

3. Developing communication and trust with the parties and other stakeholders
4. Maintaining a neutral position between the parties and avoiding bias

Process facilitation

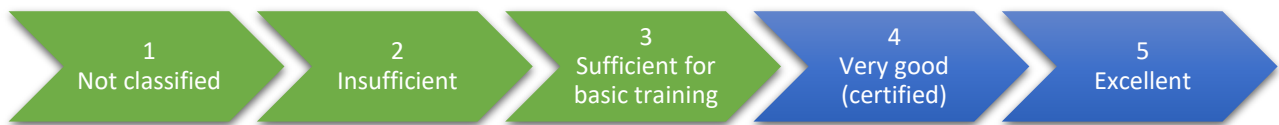
5. Working with parties to develop a mediation approach and process ground rules
6. Managing the process to help parties create progress in negotiations

Substance management

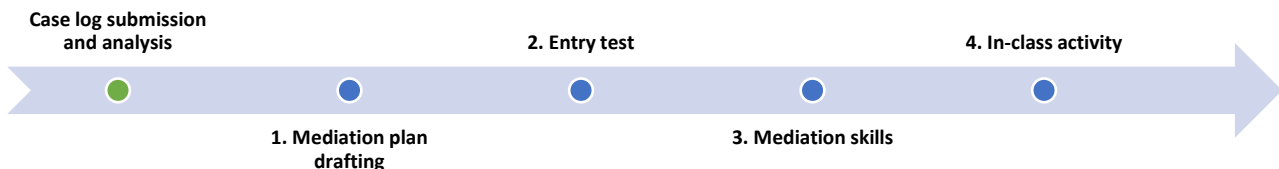
7. Assisting the parties in structuring issues, mapping needs, and exploring options collaboratively
8. Facilitating negotiations and moving the parties toward agreements

The above-mentioned competency areas and skills are needed throughout all stages of the mediation process. The assessment tools used for the ADR Center International Certification Program for Experienced Mediators include case log analysis (eligibility criteria – 20 mediations or 200 hours of mediation), a written sampling (mediation action plan), a multiple-choice test, observation during discussions, and a simulated mediation.

The assessment levels for each of the competency areas described above are:



The assessment program includes the following activities:



In order to receive the ADR Center International Certification for Experienced Mediators, each candidate must score **minimum 4 out of 5 on average** for mediation plan drafting, entry test, mediation skills and in-class activity.

The competencies, the skills, and the tools presented in this document are an ideal standard that is unlikely to be fully demonstrated during basic mediation training. Instead, they represent a goal for practicing mediators that develop flexibility and experience as they develop through their career.

CONFLICT ANALYSIS

1. IDENTIFYING RELEVANT INFORMATION TO UNDERSTAND THE SITUATION

- Identify the parties involved and their apparent interests
- Check the biases of other stakeholders, their interests, and potential impacts on the conflict
- See if there aren't gender and other cross-cultural factors that need to be better understood and considered
- Seek information to understand the perspectives of all parties and stakeholders
- Understand the timeline of the conflict and pinpoint the relevant moments in time
- Organize bilateral meetings and conference calls or ask for mediation briefs and relevant documents to understand the situation
- Investigate previous attempts to build consensus and focus on the main areas for disagreement, their root causes, and potential lessons learned by the parties
- Check for underlying issues, hidden interests, and agendas

Mediation tools: **Face to face bilateral meetings, conference calls, exchange of briefs**

Mediator qualities: **Humane, responsible, upright, professional**

2. USING CONFLICT ANALYSIS TOOLS AND THE RELEVANT INFORMATION TO PREPARE AND MEDIATE

- Discuss with the parties and see if mediation is the most appropriate method at a given time
- Understand the dynamics and the level of communication between the parties
- Explore and map the substantive, the psychological/emotional, and the procedural interests of the parties and potential other stakeholders
- Use the information collected to engage the question of how to respond to the situation
- Define/adapt your strategic approach (road map) to mediation and a mediation plan with a timeline and actions. Keep the strategic approach flexible as the conflict analysis evolves.
- Integrate gender perspectives into the conflict analysis process throughout
- Build agreement around the participants in the mediation process and their roles. It includes joint or individual specialized support, necessary to ensure that the parties can understand and process legal or specialized information and make informed choices.
- Agree with the parties for a timeline for mediation, discuss costs with the parties, and agree on the communication environment (i.e., in person, video-conference)
- Manage properly all the formalities needed (if any) based on mediation rules, internal policies, or domestic legislation
- Make sure that the parties are very well prepared for the mediation process (can engage in mediation). Build capacity or encourage this goal, as appropriate.
- Set up the meeting environment (mediation room) in consideration for the conflict analysis

Mediation tools: **Individual preparation, checklists, information sharing, capacity building**

Mediator qualities: **Honest, neutral, impartial**

RELATIONSHIP BUILDING

3. DEVELOPING COMMUNICATION AND TRUST WITH THE PARTIES AND OTHER STAKEHOLDERS

- Create an environment that helps the parties feel confident, comfortable, and safe
- Create a private communication space for each party to use as necessary
- Listen with patience, care, show empathy and absorb the parties' perspectives over issues as well as how they feel about them, recognizing emotions and allowing their venting
- Try to determine specific mediator action items that could support the mediation process
- Avoid placing blame on either party, but acknowledge their views regarding responsibility
- Adopt a pleasant and constructive communication style to set the scene for positive talks
- Include open-ended questions, realistic but positive summaries, and other communication tools that appear to be non-threatening for the parties
- Assist the parties in agreeing on ground rules and a communication protocol that suits their preferences and enforce it at necessary
- Take action to ensure that the mediation process isn't harmful to the parties in any way and protect them from threats or disrespectful behavior
- Take mandate from parties before communicating anything outside the mediation process
- Humanize the process as possible i.e., use humour to connect with people and groups
- Appear relaxed but not disengaged and find the right balance between energy and patience

Mediation tools: **Building rapport, active listening, summarizing, questioning, reflecting**

Mediator qualities: **Empathic, approachable, valuable**

4. MAINTAINING A NEUTRAL POSITION BETWEEN THE PARTIES AND AVOIDING BIAS

- Check for potential mediator biases and avoid conflicts of interest
- Show that the mediator is neutral and impartial, with no stake in the outcome
- Encourage active and collaborative participation of all participants in the process
- Avoid letting neutrality reflect the perspective according to which the mediator doesn't care
- When in a joint meeting, create an environment that doesn't put the parties or their advisors on the spot and that doesn't create imbalances between the parties
- Remember that the mediator's neutrality and its perceptions are maintained (and so can be affected) even outside the mediation room
- Use the process design to manage power imbalances i.e., navigate between joint and private meetings, discuss ground rules, and support parties' access to specialized advice to ensure informed choices
- Maintaining the balance between the parties throughout the process and responding with transparency and responsibility to any information or situation appearing to have the potential to impact this balance and the mediator's neutrality and impartiality

Mediation tools: **Reframing, joint and private sessions, information exchange**

Mediator qualities: **Tenacious, flexible, practical**

PROCESS FACILITATION

5. WORKING WITH PARTIES TO DEVELOP A MEDIATION APPROACH AND PROCESS GROUND RULES

- Set the tone and establish a productive environment that welcomes the parties' contribution
- Know various models and structures that could support the parties' conversations
- Seek and understand parties' expectations about the strategic mediation approach, the timeline, and the mediator's expected influence over both process and substance
- Discuss the principles that should guide the mediation process and get the parties' input
- Assist the parties as needed to identify mandated representatives and advisors
- Assist the parties in developing a framework for the mediation process and ground rules
- Discuss how long are the process and the meetings expected to last.
- Discuss with the parties how a successful process would like and under what circumstances can the process be interrupted
- Discuss confidentiality, language, costs, and other factors that ensure a sustainable process
- Involve the parties in the process design to get them to trust its results and own the process
- Formalize as necessary the agreement to mediate, and the parties' joint commitment towards ensuring the confidentiality of all the information exchanged in the process

Mediation tools: **Process ground rules, agreement to mediate**

Mediator qualities: **Supportive, active, communicative, clear**

6. MANAGING THE PROCESS TO HELP PARTIES CREATE PROGRESS IN NEGOTIATIONS

- Find the right balance between the detail level and the flexibility of the mediation approach
- Take responsibility for the process and its enforcement mechanisms as needed
- Organize the necessary logistics and physical space for the mediation
- Manage time effectively to ensure progress and constructive outcomes of the meetings
- Provide summaries and explanations with regard to the rules agreed to govern the process
- Strive for efficiency, manage spoilers and challenges, and adopt a proactive approach
- Encourage information exchange and parties' contributions to the conversations
- Keep an eye on the appropriate use of bilateral meetings and joint meetings; also, during joint meetings, find the balance between joint and private sessions
- Take good notes, use a flipchart, A/V, and other visuals, keep parties informed, and track down the progress of negotiations; prepare and work efficiently with the co-mediator, if applicable
- Keep the parties focused and engaged in the process even when not meeting the mediator
- Manage the process always with an eye on parties' underlying interests and needs
- Be aware of the specific purpose of each phase, keep and bring back the process on track
- Be self-aware of the mediator's role and manage ethical challenges effectively

Mediation tools: **Shaping the conversations through summaries, reframing, restating etc.**

Mediator qualities: **Enthusiastic, reliable, leading, rational, focused**

SUBSTANCE MANAGEMENT

7. ASSISTING THE PARTIES IN ORGANIZING AND STRUCTURING ISSUES, MAPPING NEEDS, AND EXPLORING OPTIONS COLLABORATIVELY

- Encourage the parties to share their perspectives and to inform the topics for conversation
- Assist the parties in structuring an agenda of issues and organizing the mediation process to address all the issues in the parties' preferred order of importance
- Work with the parties to identify the underlying interests and needs in relation to the issues
- Encourage private discussions with each party as necessary to access confidential information that may not be shared with all parties at a given moment (risk assessment)
- Assist the parties in focusing attention on their most important interests and needs
- Assist the parties in developing their own perspectives on the situation and in generating and exploring new options based on all the information available
- Keep the parties from skipping too early to "surface" negotiations, and instead, provide assistance in understanding the situation better and in focusing on the interests and needs
- Encourage parties to think creatively and to replace gaps that are seemingly impossible to fill with new options that add value to the positions of all parties
- Keep track of the dynamics between the positions, interests, needs and options explored

Mediation tools: **Mapping interests and needs, generating options based on mutual gain**

Mediator qualities: **Creative, objective, good negotiator, organized, dynamic**

8. FACILITATING NEGOTIATIONS AND MOVING THE PARTIES TOWARD AGREEMENTS

- Develop your own understanding of the parties' general approach to negotiation, their negotiation specific strategies for the case (if any), their goals and tactics, and use them to inform the approach to the mediation process, and the other way around
- Help the parties identify the proper balance between *value-creating* and *value-claiming* approaches in their negotiations
- Assist parties in working with multiple options at the same time and, when necessary, to compromise less important interests for more important ones
- Help parties define proposals that are consistent with both their preferred options for agreement and their negotiation strategies
- Assist parties in assessing risks and the alternatives to a negotiated agreement
- Avoid reaching deadlock and roll-out strategies to overcome deadlock as necessary
- Assist the parties in writing a SMART mediation agreement, when necessary
- Close the mediation process at the appropriate time and learn from past experiences

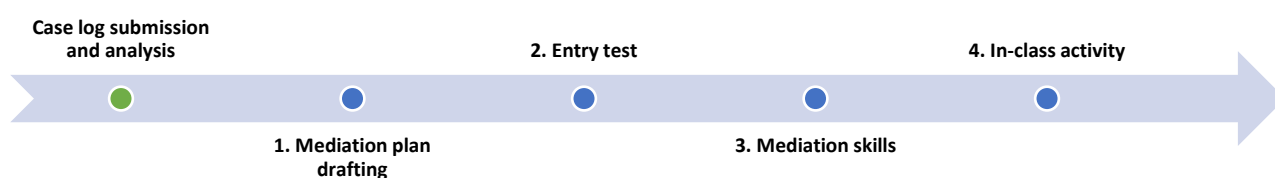
Mediation tools: **Facilitating the negotiations, overcoming deadlock, reality testing**

Mediator qualities: **Visionary, creative, pragmatic.**

Description of the assessment program for ADR Center Certification

ADR Center offers a certification program for practicing mediators¹ who mediated at least 20 cases or spent at least 200 hours in mediation (eligibility criteria) and demonstrate excellent mediation skills and competencies. The program consists in a full day virtual or in person Practice Development Review Session (PDRS) with no more than eight participants that engage in the mediation of a case by rotating their roles as observers, parties or mediators throughout the day. Relevant case briefs, documents and instructions are shared with eligible participants prior to the online/in-person activity. The first assessment tool is called “Mediation plan drafting”. The goal is to provide case analysis and mediation preparation opportunities for participants who are required to draft a mediation plan, that should include a brief summary and analysis of the case information as well as a set of mediation activities. ADR Center Trainers assess the mediation plan and all the other assessment tools used against the above-mentioned competency areas.

The assessment program includes the following activities:



BEFORE IN-CLASS ACTIVITY

- **Case log submission and analysis**

The eligible candidates should submit an anonymised list of cases mediated (without personal information) to satisfy ADR Center that they mediated at least 20 cases or spent 200 hours in mediation. ADR Center will assess the case log submitted, may ask for additional information and will inform the candidate if the eligibility criteria is met, or additional experience is needed.

1. Mediation plan drafting

Eligible candidates will be invited to draft and submit a Mediation intervention plan based on a case study shared by ADR Center. This plan should reflect the mediator’s knowledge and experience in assessing a situation prior to the mediation and using such experience to frame questions that should inform the mediation process. The plan should include a set of mediation activities informed by the analysis previously included.

The mediation intervention plan should be drafted briefly around the following tentative structure: **[A]** *Understanding the situation* (parties involved and relationships, case history and timeline, conflict causes/triggers, conflict/tension intensity, issues raised, parties’ apparent positions and interests, parties’ apparent alternatives to a negotiated agreement, potential options for negotiation); **[B]** *Designing the mediation intervention* (objectives, preparation activities, notes on the possible design for the mediation process).

¹ The program is accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization.

DURING IN-CLASS TRAINING

2. Entry test

A multiple-choice entry test will provide the trainers with an opportunity to assess the participants' initial level of knowledge and skills with mediation.

3. Mediation skills

The PDRS participants' performance as mediators will be rigorously assessed throughout the entire process, but specifically during the role-play simulation, against the core competency areas and skills.

4. In-class activity

The PDRS participants will be encouraged to actively contribute to PDRS activities and their contributions will be graded at the end of the day against the core competency areas/ skills.

SAMPLE OF OVERALL COURSE EVALUATION (score between 1 to 5 for every heading)

Nr	Name	Case log submission ²	Entry test (1 to 5) ³	Mediation plan (1 to 5)	Mediator skills (1 to 5)	In class activity	Mediation Plan Drafting	Final ⁴
1.	Name SURENAME							

² A case log with a list of anonymised mediation cases will be submitted as evidence to satisfy ADR Center that the candidate mediated 20 cases or has 200 mediation hours.

³ The test will consist in a multiple-choice test with questions referring to general mediation principles

⁴ The Final Assessment will be calculated as the average of assessments for RP1, RP2, Sessions, Exit test and Mediation Plan

SUMMARY OF ADR CENTER MEDIATION CERTIFICATION PROCESS

1. Candidate⁵: Submits application (with mediation case log)
2. ADR Center: Appoints an independent assessor (who will not be a trainer) that will verify the mediation log and the mediation plan, if applicable, and a trainer (or team of trainers) who will organize the PDRS and assess registered participants (entry test, mediation skills, in class activity). The independence will be ensured by not having training responsibilities.
3. Independent assessor: Analyses the mediation log and determines eligibility
4. ADR Center: Shares the result of the assessment with the candidate

In case of eligible candidates:

5. ADR Center: Organizes full-day online/in-person Practice Review Development Sessions with up to 8 participants
6. Participants: Submit the registration form
7. ADR Center: Shares the case study with participants
8. Participants: Submit the mediation action plan based on the case study
9. Independent assessor: Analyses the mediation action plan and grades between 1 and 5
10. ADR Center: Shares agenda and all other substantive and logistical information with participants about participation to the full-day PDRS
11. Participants: Attend the PDRS activities
12. Trainer(s)/assessor(s): Assess the performance of participants
13. ADR Center: Shares the results with each individual participant and receives appeals from participants who believe that a second assessment is required.
14. ADR Center CEO (or appointed expert): Conducts a second assessment, where needed.
15. ADR Center: Shares the final appeal results with participants.
16. ADR Center: Provide ADR Center Certification logo and confirmation email to participants who finalized the program successfully.
17. ADR Center: Receives a PDRS final report drafted and submitted by the independent assessor and the trainer(s)/assessor(s). ADR Center's CEO conducts an assessment of the performance and practice of the Assessors and takes decisions accordingly to maintain a sustainable quality control system.

Participants that fail the assessment are offered the opportunity to participate in another PDRS with no additional costs. The possibility of filing a complaint regarding the assessment process also exists.

At any point in time, ADR Center will receive input from any person or organization that claims negative impacts as a result of ADR Center International Certification Program for Experienced Mediators. In this case it will be applicable a specific Complaints and Appeals Policy.

⁵ The ADR Center International Certification Program for Experienced Mediators is accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization.

MEDIATION PLAN ASSESSMENT FORM

NAME OF THE MEDIATOR: _____

Criteria⁶ (Not sufficient =1; excellent =5) Assessor notes (concrete examples of competencies that were / were not properly displayed)	Score* From 1 to 5
Conflict analysis	
Relationship building	
Process facilitation	
Substance management	
TOTAL SCORE	

Notes: _____

* (1) Very Poor; (1.5) Poor; (2) Fair; (2.5) OK; (3) Good; (3.5) Very good; (4) Excellent; (4.5) Outstanding; (5) Perfect score.

⁶ When assessing the “Process facilitation” criteria, the assessors will consider the agenda items included in ADR Center’s 4x4 methodology to describe the mediation process

ROLE-PLAY ASSESSMENT FORM

NAME OF THE MEDIATOR: _____

Phases	Goals of each phase (relevant for the role play)	Criteria ⁷ (Not sufficient =1; excellent =5) Assessor notes (concrete examples of competencies that were / were not properly displayed)	Score* From 1 to 5
Preparation	<ul style="list-style-type: none"> - Know well the case and its stakeholders. - Avoid conflict of interests. - Ensuring the presence of key decision makers. - Building rapport and confidence. - Comply with any relevant law on mediation. 	Conflict analysis	
		Relationship building	
		Process facilitation	
		Substance management	
Opening joint session	<ul style="list-style-type: none"> - Setting the tone and establishing a productive environment. - Explaining the process and boundaries. - Establishing the ground rules for the session. - Party opening and information exchange. - Identifying the issues and interests. 	Conflict analysis	
		Relationship building	
		Process facilitation	
		Substance management	
Private sessions	<ul style="list-style-type: none"> - Gathering sensitive information and exploring interests. - Obtain direct access to the principals. - Probing for obstacles to settlement. 	Conflict analysis	
		Relationship building	

⁷ When assessing the “Process facilitation” criteria, the assessors will consider the agenda items included in ADR Center’s 4x4 methodology to describe the mediation process

Phases	Goals of each phase (relevant for the role play)	Criteria ⁷ (Not sufficient =1; excellent =5) Assessor notes (concrete examples of competencies that were / were not properly displayed)	Score* From 1 to 5
	<ul style="list-style-type: none"> - Facilitating venting and showing empathy. - Clarifying positions and priorities. - Start generating options. - Reframing participants' views. - Analyse the costs, time and risks of the litigation in court. - Changing the parties' assessments of the merits. - Generating new options. - Improving the participants' negotiating methods. - Selecting options. 	<p>Process facilitation</p> <p>Substance management</p>	
Closing sessions	<ul style="list-style-type: none"> - Solicit the parties to take a decision - Help the parties to formalize in writing the settlement - In case of failure, consider another ADR procedure - Close the mediation procedure 	<p>Conflict analysis</p> <p>Relationship building</p> <p>Process facilitation</p> <p>Substance management</p>	
TOTAL SCORE			

Notes: _____

* (1) Very Poor; (1.5) Poor; (2) Fair; (2.5) OK; (3) Good; (3.5) Very good; (4) Excellent; (4.5) Outstanding; (5) Perfect score

CODE OF CONDUCT FOR ADR CENTER TRAINERS AND ASSESSORS

OBJECTIVE

This Code of Conduct outlines the standard of behaviour expected of Trainers and Assessors working for ADR Center. The aim of this Code of Conduct is to ensure that training and assessment aligns with the best international standards for mediation training and training assessment to ensure high quality levels for mediation training and assessment, and participants' high satisfaction with the training and assessment process.

ADR CENTER'S TRAINERS AND ASSESSORS' CONDUCT

An important part of ADR Center's Trainer/Assessor role is encouraging a positive attitude towards the benefits of education and training. Trainers/Assessors are expected to be actively involved with participants in the training and assessment activities.

General Conduct

Appropriate, respectful and professional behaviour is expected from trainers and assessors when representing ADR Center internally or externally and in all relationships with stakeholders.

This means that ADR Center Trainers/Assessors are required to:

- **Act in the best interests of the participants and ADR Center:** by following organisational policies and procedures, being a role model for participants, engaging them in relevant learning and offering support and encouragement.
- **Act responsibly and in a professional manner:** by maintaining appropriate relationships with participants, maintaining professional boundaries in all situations internally and externally, working to resolve conflicts that may arise between themselves, participants and other stakeholders, being punctual and well prepared for PDRS sessions, completing all paper work accurately.
- **Act with Integrity, fairness and commitment:** upholding the plagiarism, cheating and collusion policy and implementing procedures if required, exercising reasonable judgement and ensuring that their actions do not lead to or condone unjust practises.
- **Show respect for the rights, dignity and individual difference of others:** by respecting cultural, individual and role differences including those based on age, gender, identity, race, ethnicity, culture, national origin, sexual orientation, disability, language and socio-economic status and by maintaining a student's right to privacy, confidentiality and self-determination. Trainers/Assessors will also maintain the highest privacy standards in terms of protecting personal information of participants.
- **Strive for excellence:** by continuing to improve their mediation knowledge, assessor skills and participant management skills, by engaging in appropriate continuous professional development activities (at least two full days every year).

Health and Safety

ADR Center Trainers/Assessors have a "duty of care" (to minimise the risk of harm) for all participants they are working with. ADR Center Trainers/Assessors must take such measures as are reasonable in the circumstances to protect participants from known hazards and/or harm which could arise, and are responsible for taking reasonable care to protect their own and participants' health and safety. This means that they are required to ensure that any training equipment is safe

for use, to not attend a session if they have a contagious illness (and duly inform ADR Center) and if a participant becomes unwell or is injured, seek first aid and inform ADR Center.

Conflict of interest

ADR Center Trainers/Assessors should avoid situations in which their personal or financial interest might reasonably be thought to conflict with their duties. ADR Center Trainers/Assessors should discuss any situations likely to compromise them in the conduct of their duties with ADR Center CEO.

Record Keeping

ADR Center Trainers/Assessors must keep appropriate records to support the monitoring, assessment and reporting of participants' progress.

Participants' Behaviour

Participants have a responsibility to treat ADR Center Trainers/Assessors with respect and courtesy. ADR Center Trainers/Assessors should advise participants if their behaviour is inappropriate or offensive. If unacceptable participants behaviour continues, ADR Center Trainers/Assessors must document the behaviour, and inform the ADR Center CEO.

Confidentiality

ADR Center Trainers/Assessors must respect the absolute rights of participants' confidentiality, except as expressly permitted by the participant in writing. ADR Center Trainers/Assessors are bound by confidentiality in line with our privacy policy (see here <https://www.iubenda.com/privacy-policy/94987133> and here <https://www.adrcenteracademy.com/en/privacy-policy/>).