



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

[www.IMImediation.org](http://www.IMImediation.org)

## Asian Institute of Alternative Dispute Resolution

*IMI Certified Mediator Training Program (CMTP)*

### The Organisation

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| <b>Legal name</b>              | Asian Institute of Alternative Dispute Resolution   |
| <b>Contact details</b>         | Address: No.28-1, Medan Setia 2,<br>Bukit Damansara, 50490<br>Kuala Lumpur<br>Phone number: +60323006032<br>Email: <a href="mailto:thesecretariat@aiadr.world">thesecretariat@aiadr.world</a> |
| <b>Website</b>                 | <a href="https://aiadr.world/">https://aiadr.world/</a>   |
| <b>Program delivery</b>        | Online and in-person  |
| <b>Locations and languages</b> | Malaysia, 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.

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| <b>Year formed, and under laws of what country/ies</b>                         | 2018, Under the laws of Malaysia |
| <b>Training course registered in accordance with jurisdiction requirements</b> | 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.

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| <b>Attach your course outline</b>  | See Annex – AIADR Course Outline  |
| <b>Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process</b> | Will be covered in Day 1: No 3 (Mediation Principles - Essentials)                                  |
| <b>The roles of legal counsel and representatives</b>  | Will be covered in Day 1: No 5 (Stakeholders and their roles)                                       |
| <b>Overview of negotiation and conflict resolution theory</b>  | Will be covered in Day 2: No 5 (Problem Solving Skills: Negotiation and Conflict Resolution Theory) |
| <b>Mediator ethics, including appropriate local ethical standards</b>  | Will be covered in Day 1 No 6 (Mediation Practice in Asia)  |

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| <b>Forms of listening skills and communication strategies</b>                     | Will be covered in Day 2 No 1 (People Management Skills: Listening & Communication)                           |
| <b>Process management skills, including the use of joint and private meetings</b> | Will be covered in Day 2 No 3, 4 & 6 (will be thought under the respective sections mentioned)                |
| <b>Negotiation strategies and skills to manage the content of the dispute</b>     | Will be covered under Day 2 No 5 & 7 (will be thought under the respective sections mentioned)                |
| <b>Ways of responding to the diverse behaviours of the parties</b>                | Will be covered under Day 2 No 7 and Day 3 No 4 & 6 (will be thought under the respective sections mentioned) |

### 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.

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| Attach competency framework | See Annex – AIADR Competency Framework |
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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.

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| <b>Course duration</b>   | 44 hours |
| <b>Asynchronous learning</b><br><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> | 0%       |

## 5. Group Size

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

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| <b>Maximum class size</b> | 18 |
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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.

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| <b>Lecturing, knowledge input, presentation</b> | 9.7% |
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| <b>Exercises and discussion</b>             | 37.5% |
| <b>Role-playing, coaching, and feedback</b> | 52.6% |

## 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.

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| <b>In what format and how far in advance do participants receive general course materials and confidential role play briefs?</b> | The Mediation Coursebook and Role Play scenarios will be given to participants 2 weeks before the commencement of the course, usually after registration of the participant. |
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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.

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| <p><b>Each role play in a course has a maximum of six persons for a two party mediation.</b></p>  | <p>Yes. During role-play sessions, depending on the size of the class, participants will be divided into either 2 or 3 groups, with 6 participants maximum/ breakout room.</p>   |
| <p><b>Mediation time slots within role plays are a minimum of 45 minutes</b></p>  | <p>Yes. Each role-play session will usually take about 1 to 2 hours to ensure each participant will have a turn to practice the skills of that area.</p>   |
| <p><b>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</b></p> | <p>Each breakout room will be coached/ supervised by one coach during the whole session. The coach will give basic directions on how to conduct the role play in the beginning and then participants will have the floor to do their own practice, by the end of the session, the coach will give general or individual feedback on the participant's performance.</p> |
| <p><b>Where role plays are used as assessments, they are supervised by the assessor or a course manager 100% of the role play time</b></p>                | <p>We have 6 tutors in total for the mediation course and will have 3 coaches who are fully in charge of the role-play session and facilitate discussion. And another 3 will be the assessor and lecturers for the courses.</p>  |
| <p><b>Coaches are rotated among groups and participants</b></p>   | <p>Yes</p>   |
| <p><b>Coaches and trainers who coach a participant are not involved in subsequent assessment of that participants</b></p>                                 | <p>Yes</p>   |

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| <b>Role plays during the course ensure participant work with the widest range of fellow participants as possible</b> | Yes |
| <b>All participants mediate the same number of times in role plays</b>   | Yes |
| <b>Role plays are varied in subject matter and allow for practice of different stages of the mediation process</b>   | Yes |

## 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).

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| <b>How is performance feedback given to participants on your course?</b> | The time allocated for individual feedback is included in the role-play sessions. The time stipulated for the role play is not exact but an estimation of time, individual feedback would usually take about 15 to 30 mins. |
| <b>Attach course feedback forms or guidance</b>                          | See Annex – AIADR Competency Framework  |

## 6 and 11. Online programs

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).

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| <p><b>Course design</b></p>   | <p>We utilize the breakout rooms in Zoom, we will divide students into groups whenever there is a discussion to ensure that every student can be involved in the process of learning. The discussion session is put after every lecture to enable students to ask the tutors questions freely on any confusion they have on the topics. Other than that, we have lunch breaks and coffee breaks after 2 -3 hours of lessons. Further to that, one of the requirements for attendance would be that students need to ensure that their video during the lessons, so the lecturer or tutor would be able to observe if students understood the topic or require any further understanding.</p> |
| <p><b>Provisions for participants not able to attend all 40 hours</b></p> | <p>Those that could not attend the session due to any reasons beyond their control, will have to seek permission from the course director to inform them of the reason for their absence. If the course director approved the reasons, the institute will provide the candidates with the recording of that session to be referred back. However, if the attendance of the participant is lesser than 50 %, the participants would not be entitled to the certificate of completion nor participate in the assessment.</p>   |
| <p><b>Preparing the participants</b></p>                                  | <p>We will provide a checklist for students registering for this course. They will need to ensure they have the equipment to be registered for this course:</p> <ol style="list-style-type: none"> <li>1. Laptop / Computer device with functioning camera and microphone</li> <li>2. Zoom App</li> <li>3. Strong Wi-Fi Environment</li> <li>4. A quiet, undisturbed place to attend classes</li> </ol> <p>Further to that, there will be pre-course guidance, to assist students to show students how to</p>  |



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|  | complete their assessments online.  |
| <b>Informal meetings</b>                           | The institute will form a WhatsApp group for all participants, to communicate about the course program informally.  |
| <b>Role-plays for post-course assignment</b>       | The role-play assessment will be done on the last day. Where participants will be divided into a few breakout rooms to be assessed on the role-play live with two assessors in one room, the role-play session will be recorded for safekeeping and appeal of the result. Participants will be given three scenarios for the role play assessment, and take turns to take up the mediator, claimant, and respondent's roles. The final result will be the score of both assessors added in together divided by 2. |
| <b>Written component of post-course assignment</b> | Participants will be given 5 topics and will have to choose 1 to write a 1000 words essay. The students will be timed to submit the essay within 60 minutes, with only a 5 mins extension. The essay will be assessed according to these 3 requirements: <ol style="list-style-type: none"> <li>1. Understanding of the topic</li> <li>2. Arguments or reasoning provided to support the topic</li> <li>3. Structure/ flow of the essay</li> </ol>  |
| <b>Feedback on post-course assignment</b>          | After the role-play assessment, the assessor will give general feedback to all participants on what are the common errors and what could be improved. The assessment sheet will also be disseminated to participants after the course. For the written assessment, the assessor will have to write feedback on what was good and what could be improved on for the assessment, in the assessment sheet.   |

## 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.

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| <b>Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?</b> | Yes   |
| <b>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</b>                             | Yes   |
| <b>Process of appointing assessors on a course</b>  | Assessors for our mediation course would need to at least have experience in assessing role play and being active mediators.  |
| <b>Clarification of passing criteria. How a student passes or fails this program</b>  | The participants will have at least an overall score of 60 / 100 in their assessment. The full mark for the role play assessment is 70%, and the written assessment is 30 %. The student must at least get 45 % for the role play assessment, and 15 % for the written assessment.                              |
| <b>Next steps taken, should a student fail.</b>   | Candidates who failed the assessment will be entitled to be reassessed. Candidates will pass the assessment within 2 attempts. Reassessment will be scheduled in conjunction with a later training courses and would need to pay the reassessment fees. Candidates will be able to attend Day 6 of the program. |

## 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.

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| <p><b>Indicate what your organisation does to facilitate participants' development as mediators</b></p> | <p>Upon completion of the course, participants will be qualified to be AIADR "MEMBER" level members, which signifies that the participant has gone through the mediation training and is a certified mediator now. Members will be open to attending webinars or workshops to further advance their skills as a mediator and will be able to connect with other experienced mediators.</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.

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| <p><b>Attach complaints and appeals policy</b></p> | <p>See Annex – AIADR Complaints and Appeals Policy</p> |
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## Conflicts of Interest

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| <p><b>Please outline what steps you take to avoid any potential conflicts of interest between trainer/coaches/assessors and participants on your course.</b></p> | <p>Trainers/ Coaches / Assessors will have to sign a declaration form that they will remain impartial in the course, and will declare to the organization should there be any conflict of interest with the participants.</p> |
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## Trainers, Coaches, and Assessors

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

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| <p><b>Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes</b></p>       | <p>Yes</p> |
| <p><b>Trainers deliver at least one basic mediator skills training course or refresher course every two years</b></p>  | <p>Yes</p> |
| <p><b>Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.</b></p> | <p>Yes</p> |
| <p><b>On-going feedback is sought from course participants, and given to those delivering the course.</b></p>          | <p>Yes</p> |
| <p><b>Comments and/or explanations</b></p>   | <p>Yes</p> |
| <p><b>New TCAs are to be observed and given performance feedback by senior colleagues</b></p>                          | <p>Yes</p> |

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| <p><b>Explain your peer review system for trainers, coaches and assessors</b></p> | <p>We have a Standards, Accreditation &amp; Examination Sub-Committee (“SSAE”) to develop policies, standards, and regulations relating to:</p> <ul style="list-style-type: none"><li>a. the professional practice of members of the Institute and educational qualifications promoted in collaboration with the Institute’s external partners;</li><li>b. the content of the Institute’s various educational, training, and professional development programs as well as the administration of examinations related to such.</li><li>c. the accreditation of members of the Institute in the various disciplines of alternative dispute resolution.</li><li>d. the accreditation of faculty members who may teach and instruct the Institute’s various educational, training, and professional development programs well as supervision over the selection and reaccreditation of such.</li></ul> <p>This committee ensures the quality of our training faculty, to ensure that they meet the qualification to conduct courses for the Institute.</p> |
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