

### MEDIATOR COMPETENCY FRAMEWORK

Competency Topics	Competency Criteria	Indicators for Fulfillment of Competency Criteria	Remarks	MPC & FC (Must Pass Criteria & Failing Criteria)	Total Marks Weightage
<b>Administration</b>	<ul style="list-style-type: none"> <li>Names &amp; Roles</li> <li>Health-Safety-Comfort</li> <li>Mediation Agreement + Rules</li> <li>Authority to Settle + Voluntary</li> <li>Mediation Process/How it works</li> <li>Mediator's Role</li> <li>Parties' Role (Ownership+Growth)</li> <li>Confidentiality</li> <li>Without Prejudice</li> </ul>	Mentioned and explained	Refer to YCM opening statement, document on mediation stages, YCM pro bono rules and agreement to mediate	<p>MPC - voluntary, confidentiality, authority to settle, without prejudice, effective communication – eye contact, engaging, functional and persuasive, good pace, clear and audible, explains the agreement to mediate.</p> <p>FC - Authority to settle not checked</p>	<p>10</p> <p>Passing marks: 50% (Minimum 5 out of 10)</p>
<b>Process Management</b>	<ul style="list-style-type: none"> <li>Opening Statements</li> <li>Venting (if it arises)</li> <li>Time/Momentum/Flexibility</li> <li>Position vs. Interests + Needs</li> <li>Conflict vs. Dispute</li> <li>Managing negotiation process &amp; bargaining</li> <li>Offers &amp; Options (Best case scenario, make do case scenario, worst case scenario)</li> <li>Closing/ Next Steps</li> <li>Settlement (if any)</li> </ul>	Mentioned and explained	Refer to YCM opening statement checklist, closing statement checklist, conflict management framework, sustainability of solutions framework	<p>MPC - the mediator made an opening statement that allowed the parties to clearly understand the process of mediation, the mediator's role and the objective to settle! Open questions, short and precise, draws information out.</p> <p>FC - Discussion is headed on topics other than the real interest of the parties</p>	<p>10</p> <p>Passing marks: 50% (Minimum 5 out of 10)</p>

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<p><b>Facilitation and Communication Skills</b></p>	<ul style="list-style-type: none"> <li>• Neutral Language</li> <li>• Active Listening</li> <li>• Trust/Rapport</li> <li>• Open Questions &amp; Closed Questions</li> <li>• Managing negotiation process &amp; bargaining</li> <li>• Position to Interests + Needs</li> <li>• Probing/ Devil's Advocate</li> <li>• Reflecting / Clarifying</li> <li>• Reality Testing / PSMART (performance/specific/measurable/achievable/relevant/timebound)</li> <li>• Reframing/ Body Language [SOLER - Sitting squarely, Open posture, leaning forward, Eye Contact, Relax]</li> <li>• Breaking Impasse / Private Session</li> </ul>	<p>Mentioned and explained</p>	<p>Refer YCM framework on positive and negative attributes of facilitation and communication skills</p>	<p>MPC – Mediation Skills – summarizing, reframing, empathy, active listening, enables parties to vent. Impact – the mediator gave the parties a good opportunity to reveal confidential information and summarized the dispute. asks parties what is most important for them, gets parties' opinions on what is preventing a settlement, understands what is at the heart of the dispute. Exploring and discussing both parties BATNA'S and WATNA'S.  FC - Neutrality Breached</p>	<p>10  Passing marks: 50% (Minimum 5 out of 10)</p>
<p><b>Ethics</b></p>	<ul style="list-style-type: none"> <li>• Sensitivity</li> <li>• Equality</li> <li>• Termination (if it arises)</li> <li>• Honesty</li> <li>• Unethical Behavior</li> <li>• Confidentiality</li> </ul>	<p>Mentioned and explained</p>	<p>Refer to YCM pro bono rules</p>	<p>MPC- empathy, analysis skills, prioritizing key issues. The mediator gave the parties a good opportunity to reveal confidential information and is able to identify the key issues in the dispute. Ask the parties to think of solutions that meet their needs and also the other side. FC -Confidentiality breached</p>	<p>10  Passing marks: 50% (Minimum 5 out of 10)</p>

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<b>Co-mediation</b>	<ul style="list-style-type: none"> <li>• Ability to work with a co-mediator</li> <li>• Division of roles</li> <li>• Supporting co-mediator</li> </ul>	Mentioned and explained		<p>FC – Speaking over each other (competing in a sense of a competition) one after another, confusing the process for the parties.</p> <p>MPC – Division of roles and supporting each other in the process.</p>	<p>10</p> <p>Passing marks: 50% (Minimum 5 out of 10)</p>
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**Feedback:**

Passing marks for each competency criteria: 50% (Minimum 5 out of 10)  
 Passing Marks for Mock Hypothetical Mediation Assessment: 70% (Minimum 35 out of 50)

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