



CIAN's Mediation Program: Core Competencies

| Competency | Description | Indicators |
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| 1. People | Competencies relating to “people” encompasses both the mediator's ability to navigate their own actions and responses and their adeptness in guiding and understanding the parties involved to create an environment conducive to productive mediation. | |
| 1a. Skills | | |
| Active Listening | The ability to attentively listen, comprehend, and use active listening tools to facilitate mutual understanding between the parties. | Has the ability to utilize active listening tools, including reflecting and restating, to accurately capture the content of the message, whether substantial or emotional, facilitating enhanced understanding between the parties. |
| Effective Questioning | Utilizing appropriate questioning techniques to gather relevant information and uncover underlying interests. | Utilizes open-ended questions and probing techniques to explore underlying interests and needs, and employs closed-ended questions to hone in on specific information. Achieves this in a balanced and impartial manner, ensuring comfort and engagement without overstepping boundaries or losing focus on the central issues or goals of the parties. |
| Assessing Ripeness | Evaluating the parties' motivation to settle and the appropriateness of the timing for mediation efforts. | Understands and considers various factors, such as the relationship dynamics, external pressures to settle, and available resources, to make a well-informed assessment of the parties' readiness and motivation to settle. Relies on this assessment to determine the suitability for mediation or whether other steps may be required in the pre-mediation phase before securing an agreement to mediate. If the mediator has doubts about the parties' integrity or motivations, they exercise the discretion to withhold engagement and will propose alternative approaches or interventions. |

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| Creating a Safe/Constructive Environment | Establishing an atmosphere of trust and safety to encourage open communication and constructive dialogue. | Whether through proactive planning or responsive measures, the mediator has the ability to purposefully establish a safe and constructive environment through means such as setting clear ground rules, defining mediator roles and responsibilities, ensuring accountability, and addressing technical aspects such as confidentiality. Actively assesses the environment, recognizing signs that a party may not feel safe, and takes extra measures to address safety concerns. This may include private talks in caucus, reinforcing trust-building measures, or adapting the process to address specific concerns. |
| Managing the Emotional Climate | Being comfortable with emotional displays and appropriately intervening to manage emotions of both the parties and oneself during the mediation process. | Exhibits discernment in recognizing when emotional displays are a necessary part of the process and when they may become disruptive. Allows space for genuine emotional expression, intervening with tailored tactics when necessary to prevent escalation or unproductive behaviour. |
| Reality-testing | Evaluating positions, proposed solutions, and the parties' Best Alternative to a Negotiated Agreement (BATNA) to ensure practicality and feasibility. | Strategically engages the parties to evaluate significant decisions, including the practicality, feasibility, and robustness of proposed solutions, or assessing a party's Best Alternative to a Negotiated Agreement (BATNA), all while maintaining impartiality and neutrality. |
| Building Rapport | Building rapport with the parties while maintaining professionalism to uphold the integrity of oneself as a mediator and the mediation process. | Utilizes various approaches to build rapport, such as emphasizing commonalities, expressing empathy, communicating openly and honestly, and maintaining an approachable and friendly demeanor, without jeopardizing professional boundaries. |
| Assessing and Managing Power Dynamics | Recognizing power dynamics and, if appropriate, employing strategies to balance power among parties. | Accurately identifies power imbalances and assesses the suitability for intervention, employing various strategies to create a more balanced negotiation, all while being sensitive to mediator ethics and responsibilities. |
| Self-Reflection and Continual Learning | Engaging in self-reflection, personal assessments, and ongoing professional development to improve mediation skills. | Embraces a commitment to continuous growth through regular self-assessment, utilizing various tools and feedback mechanisms. Actively seeks learning opportunities and thoughtfully applies insights gained to enhance personal and professional development. |

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| 1b. Knowledge | | |
| Psychological Aspects of Conflict | Possessing an understanding of the cognitive process of conflict appraisal and conflict coping mechanisms based on an individual's unique history and learned responses. | Demonstrates a nuanced understanding of the psychological aspects of conflict, including individual conflict appraisals and coping strategies. Actively applies this knowledge to identify underlying personal triggers and navigate sensitive topics, tailor communication, and facilitate a mediation process that acknowledges and addresses the unique psychological needs of the parties involved. |
| Conflict and Negotiation Styles | Familiarity with different conflict and negotiation styles, including the soothe/solve variations. | Understands the dynamics of various conflict and negotiation styles, whether synchronous or asynchronous, and how they affect the mediation process, including aspects of conflict escalation and power dynamics. Has the ability to recognize when a shift in styles may be effective and can engage with the parties using various tools to facilitate that shift, maintaining a balanced and constructive mediation environment. |
| Influence of Beliefs and Cognitive Biases | Understanding of how beliefs and cognitive biases can shape perceptions and impact the dispute. | Understands how beliefs form and become entrenched, including misconceptions and misperceptions, throughout various stages of the conflict cycle. Recognizes the influence of cognitive biases on decision-making within the mediation process. Attuned to these dynamics, the mediator intervenes as necessary to unpack and address these beliefs, guiding parties towards more informed and unbiased decisions, ensuring that the process remains balanced and fair. |
| Professionalism and Ethical Conduct | Possessing knowledge of professional standards, ethical codes, and an understanding of common ethical challenges that mediators may encounter. | Possesses comprehensive knowledge of professional standards and ethical codes, including common challenges and potential consequences of violating ethical conduct. They are vigilant in recognizing these challenges and committed to upholding the highest level of professionalism and ethical integrity throughout the mediation process. |



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| Self-Knowledge and Personal Awareness | Understanding of personal triggers, strengths, weaknesses, blind spots, and red lines to maintain impartiality, manage emotions, foster trust, maintain professionalism, and exercise good judgement throughout the mediation process. | Possesses comprehensive awareness of their own personal attributes and boundaries, enabling them to anticipate and navigate potential biases or emotional reactions. This self-knowledge allows them to proactively address situations that might compromise their neutrality or impartiality, and recognize when they may need to re-evaluate or withdraw as mediator. Having this knowledge in advance allows them to uphold high standards of professionalism and ensure the integrity of the mediation process. |
| 2. Process | Skills and knowledge related to effectively managing the mediation process and facilitating constructive dialogue between parties. | |
| 2a. Skills | | |
| Establishing Tone and Setting Expectations | Creating an appropriate tone and managing expectations at different stages of the mediation process, from pre-mediation preparations through the opening statement and beyond. | Utilizes both verbal communication and non-verbal cues to strategically set the tone of the mediation session, tailored to the specific circumstances. Manages expectations of the parties by clearly defining roles and responsibilities, outlining the process, and providing realistic insights into potential obstacles and opportunities for reaching a resolution. |
| Facilitating Constructive Dialogue | Utilizing mediator techniques and tools to guide discussions away from fixed positions and toward exploring underlying interests, encouraging parties to adopt a "power with" approach. | Engages with the parties to foster a clear understanding of needs and concerns. Encourages collaboration by promoting a willingness to consider and acknowledge each other's interests, emphasizing that acceptance does not imply agreement. Through this enhanced understanding and acceptance, facilitates a transformation in communication and behaviour, leading to more constructive dialogue. |



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| Adaptability and Focus | Demonstrating flexibility in adjusting the mediation process to suit evolving dynamics while maintaining focus to ensure discussions remain on track, aligned with the parties' objectives. | Recognizes and responds to the evolving dynamics of the mediation process, making strategic adjustments as needed while ensuring that the discussions remain aligned with the parties' objectives. Balances flexibility with firmness, allowing for on-the-fly adaptations without compromising the integrity or focus of the mediation, and without allowing the parties to derail the process. |
| Caucus Management | Facilitating private sessions to confront behaviours, provide a breather, reality-test, uncover hidden concerns, address power imbalances, and foster information sharing. | Demonstrates the ability to strategically utilize caucuses by identifying a specific purpose, such as addressing concerns or confronting behaviours. Utilizes the one-on-one time to not only address the identified issue but also to build trust and rapport, all while maintaining professionalism, confidentiality, and avoiding disproportionate time with one party. After caucusing, assesses the information surfaced, considers its implications, and strategizes for re-entry into the joint session. |
| 2b. Knowledge | | |
| Process Design | Understanding factors and considerations required to design a structured and effective mediation process tailored to the specific conflict and parties involved. | Demonstrates the ability to analyze the unique characteristics of the dispute to craft and implement design strategies that create conditions conducive to reaching resolution. This includes identifying potential obstacles and creating tailored design elements that specifically address those challenges. The mediator shows flexibility in adapting the process design as the mediation progresses, ensuring alignment with the parties' needs and objectives. |
| Impasses | Knowledge of strategies to promote progress during an impasse. | Identifies signs of an impending impasse and strategically employs techniques such as process adjustments, exposing unmet interests, trust mechanisms, and more. Maintains optimism and creativity, recognizing impasses as a normal part of the process, and adapts to the situation's unique dynamics. |



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| Building and Navigating Trust | Understanding of how to foster trust in the mediation process and among the mediation parties. | Understands the vital role of trust in mediation and employs strategies to foster it, such as honesty, transparency, and dependability. Balances vulnerability and risk in building trust, recognizing and encouraging parties when they take risks to trust, and emphasizes the importance of being open to trusting others. Recognizes signs of compromised trust and adeptly implements workarounds such as binding, contingency, or power-sharing agreements when trust is damaged. |
| Mediator Power and Process Management | Understanding sources of mediator power and its strategic application to guide the mediation process, including managing interactions, and facilitating constructive communication while upholding neutrality and impartiality. | Strategically applies mediator power to guide the process. Demonstrates skills in sequencing and transitioning stages, framing issues, setting goals, timing sessions, intervening in emotional dynamics, and other techniques that foster a favorable mediation environment. Adheres to ethical guidelines, using power to encourage consensus without altering the substantive outcome of the negotiation. |
| 3. Situation | Skills and knowledge related to identifying and addressing the substantive issues, complexities, and unique circumstances of the dispute. | |
| 3a. Skills | | |
| Root-Analysis | Ability to distinguish between conflict symptoms and the underlying roots of the dispute. | Utilizes a deep understanding of concepts such as soothe/solve, face content domains, plank factors, and other psychological phenomena to discern the extent to which discussions are dominated by conflict symptoms. Carefully evaluates the situation to determine whether a surface-level resolution is sufficient or if a more in-depth probe is required, always considering efficiency and the objectives of the parties involved. Skillfully employs the appropriate level of exploration to uncover the core problems, tailoring the approach to the specific context and goals of the mediation. |



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| Issue Framing | Proficiency in identifying the issues and to use neutral language to frame the issues. | Ensures that the parties are addressing the “right problem” and utilizes neutral and carefully crafted language to frame the issues in a manner that is inclusive and fosters collaboration and understanding. Skillfully navigates away from language that may be biased, inflammatory, or polarizing, instead promoting a shared perspective and encouraging parties to move beyond fixed positions. |
| Creative Problem-Solving | The ability to deconstruct issues and formulate insightful questions to help the parties generate creative options to reach a resolution. | Formulates insightful questions that encourage the parties to explore novel perspectives and generate creative options. Utilizes a variety of problem-solving techniques, such as brainstorming, reframing, deconstruction, and perspective-taking, to foster innovative thinking and uncover mutually beneficial solutions. |
| Contextual Analysis | Proficiency in identifying and analyzing external influences, such as political, economic, social, technological, legal, and environmental factors, that can impact the mediation process and stakeholders involved. | Remains attuned to the broader context surrounding the dispute, recognizing how external factors may influence the talks. Demonstrates discernment in determining whether and how to discuss these external contextual influences with the parties, considering the mediator's roles, responsibilities, and ethical commitments. Adapts the mediation approach to effectively accommodate the unique challenges and opportunities presented by the external environment while upholding the integrity and confidentiality of the mediation process. |
| Substantive Assessment | The ability to comprehend and assess the dispute's topic sufficiently, determining whether additional resources, such as team members, external experts, or specialized knowledge, are required to effectively address the mediation. | Assesses their understanding of the dispute's topic with honesty and takes proactive steps to deepen their knowledge when necessary. Maintains a high level of integrity and professionalism, recognizing the importance of withdrawing as a mediator if their comfort level with the topic is not sufficient. Demonstrates the ability to make informed judgements on the need for additional resources, such as team members or external experts, while also clearly conveying to the parties potential implications such as increased costs, efficiency, and complexity of the process. |



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| 3b. Knowledge | | |
| Conflict Analysis | <p>Understanding conflict analysis tools and their application to gain insights into the complexities and dynamics of the dispute.</p> | <p>Utilizes a range of conflict analysis tools to gain a comprehensive understanding of the complexities and dynamics of the dispute. Applies these insights to inform process design and to develop tailored strategies that address the unique characteristics of the conflict, fostering a more effective and responsive mediation process. Maintains awareness of the evolving nature of the dispute, adapting the analysis as needed to ensure alignment with the changing context and needs of the parties involved.</p> |
| Face-Saving Needs | <p>Understanding the importance of preserving parties' dignity and the various factors that can threaten face, diverting focus from the substantive issues.</p> | <p>Understands the profound sociopsychological importance of face-saving needs in negotiations, recognizing it as a potent force that can influence discussions and even lead to impasses. Acknowledges the continuous opportunities to 'lose face' and 'save face' in mediations, and demonstrates the ability to assess violations of face-content domains. Utilizes facework as a preventative measure to keep discussions focused and prevent severe distractions, including the willingness to act as a scapegoat, if appropriate, to preserve the dignity and respect of all involved.</p> |