

UC Law SF Mediation Fundamentals

Competency Framework

Executive Overview

The Mediation Fundamentals course establishes foundational competence in mediation by building comprehensive knowledge and developing core skills. This framework organizes learning outcomes into four Competency Domains:

Four Domains of Competence

- **Foundational** → Understanding mediation principles, conflict dynamics, and theoretical frameworks
- **Relational** → Building trust, managing emotions, and communicating across differences
- **Process** → Managing mediation structure, stages, and adaptive facilitation
- **Professional & Reflective** → Applying ethical reasoning and reflective practice

The four Competency Domains are further broken down into twelve Learning Objectives (see below).

Four Dimensions of Competence

Within each Domain, competence can be measured in terms of what participants learn (Knowledge), what they are able to do (Skills), how they apply Skills appropriately (Judgment), and initial awareness practices (Self-Awareness), as follows:

- **Knowledge** → Understanding concepts, theories, principles, and processes
- **Skills** → Demonstrating proficiency in techniques and procedures
- **Judgment** → Knowing when and how to apply specific skills and interventions
- **Self-Awareness** → Recognizing personal responses and maintaining professional presence (introduced in Fundamentals course, develops with experience)

These four dimensions combine with the four domains to create a matrix of sixteen competencies in which strong mediators will demonstrate mastery.

The primary focus of Mediation Fundamentals is to help participants build Knowledge and Skills across all four Competency Domains. A secondary focus is to help them build Judgment and Self-Awareness (other programs offered by the Center for Negotiation & Dispute Resolution offer alumni of Mediation Fundamentals the opportunity to explore those dimensions in greater depth). As such, both Judgment and Self-Awareness receive introductory treatment in this course and deepen significantly through advanced training, supervised practice, and ongoing professional development. More sophisticated

Judgment—such as adaptive, intuitive decision-making in complex situations—and deeper self-awareness—such as recognizing triggers, managing personal investment in outcomes, and engaging in reflective practice—develop with experience beyond this foundational course.

Consistent with this framework, participants must demonstrate mastery of at least eight of the sixteen elements of mediation competence to pass the course. Such mastery is generally demonstrated through their performance in a final evaluative roleplay, though in limited circumstances the rubric allows the addition of supplementary evidence to document mastery where the eccentricities of a particular roleplay do not provide sufficient evidence on which to assess a particular element.

Learning Objectives by Domain

On successful completion of the UC Law SF Mediation Fundamentals course, participants will be able to:

Domain 1: Foundational Competencies

Understanding mediation principles, conflict dynamics, and theoretical frameworks

1. Explain the principles, stages, and purposes of mediation, including neutrality, confidentiality, and self-determination, and describe how they differ from adversarial and adjudicative processes.
2. Analyze the dynamics and causes of conflict, distinguish constructive from destructive conflict, and apply frameworks to understand escalation and resolution.
3. Assist parties to negotiate a resolution through application of integrative and distributive negotiation principles.

Domain 2: Relational Competencies

Building trust, managing emotions, and communicating across differences

4. Demonstrate effective communication and listening skills, including active listening, reframing, summarizing, "I" statements, and questioning, to foster understanding and psychological safety.
5. Recognize and manage emotional dynamics demonstrating emotional intelligence, empathy, and support for constructive emotional expression.
6. Demonstrate cultural awareness and sensitivity, recognizing how culture influences conflict and adapting the process to honor diverse values and communication norms.

Domain 3: Process Competencies

Managing mediation structure, stages, and adaptive facilitation

7. Conduct all stages of mediation effectively, including pre-mediation preparation, agreements to mediate, opening, facilitation, and closure, maintaining self-determination, neutrality, and confidentiality.
8. Remain open to feedback and use intuition to respond adaptively to emerging dynamics.

9. Identify and address power imbalances and impasse using ethical and adaptive interventions.

10. Draft clear and comprehensive agreements ensuring mutual understanding, realistic commitments, and accountability.

Domain 4: Professional & Reflective Competencies

Applying ethical reasoning and reflective practice

11. Apply ethical standards and make ethically sound decisions in complex situations.

12. Engage in reflective practice, identifying personal triggers, assumptions, and growth areas, and incorporating feedback to strengthen professional competence.

Competency Dimensions by Domain and Learning Objective

The following is a breakdown of how the attainment of each Competency Dimension can be measured within each of the four Competency Domains.

DOMAIN 1: FOUNDATIONAL COMPETENCIES

Understanding mediation principles, conflict dynamics, and theoretical frameworks

Knowledge

Mediation Principles & Processes (Learning Objective 1)

- Define mediation and distinguish it from arbitration, litigation, and other ADR processes
- Explain core principles: self-determination, neutrality, confidentiality, and voluntary participation
- Describe the five stages of mediation and the mediator's role within each
- Distinguish facilitative, evaluative, and transformative approaches to mediation

Conflict Dynamics (Learning Objective 2)

- Define conflict and distinguish from dispute
- Explain common sources and causes of conflict
- Describe task/idea conflict (constructive) vs. personality conflict (destructive)
- Describe conditions leading to escalation and de-escalation
- Identify conflict styles and their characteristics

Negotiation Theory (Learning Objective 3)

- Distinguish distributive (competitive) from integrative (collaborative) negotiation
- Distinguish positions/strategies from interests/needs
- Explain brainstorming processes
- Explain BATNA and WATNA analysis
- Describe role of objective standards in negotiation
- Explain psychological dynamics of the money dance
- Identify cognitive biases that impede agreement (anchoring, reactive devaluation, zero-sum thinking)

Skills

Negotiation Facilitation (Learning Objective 3)

- Facilitate negotiation between parties
- Guide brainstorming of solutions
- Support parties in analyzing alternatives (BATNA/WATNA)
- Facilitate the money dance

Judgment

Mediation Appropriateness (Learning Objective 1)

- Assess whether mediation is appropriate for a given situation
- Determine who should participate

Conflict & Negotiation Analysis (Learning Objectives 2, 3)

- Analyze root causes in specific situations
- Distinguish task from personality conflict in practice
- Recognize positions vs. underlying interests
- Identify integrative and distributive elements
- Determine when parties are ready to shift from interests to options
- Determine when ready for distributive bargaining
- Evaluate whether solutions address core interests

Self-Awareness

Personal Patterns (Learning Objectives 2, 3)

- Begin to recognize personal conflict style preferences
- Notice personal preference for integrative vs. distributive approaches
- Recognize discomfort with competitive bargaining or money discussions
- Identify assumptions about what constitutes "fair" negotiation

DOMAIN 2: RELATIONAL COMPETENCIES

Building trust, managing emotions, and communicating across differences

Knowledge

Communication & Listening (Learning Objective 4)

- Define active listening and its role in mediation
- Explain paraphrasing, summarizing, reframing, and questioning techniques
- Distinguish validation from agreement
- Explain structure and purpose of “I” statements
- Describe role and value of silence
- Explain how virtual environments affect communication

Emotional Dynamics (Learning Objective 5)

- Define emotional intelligence and its components
- Identify core emotions and their nonverbal cues
- Explain how emotions provide information about needs
- Describe relationship between emotion and decision-making
- Define empathy
- Explain how acknowledging emotions facilitates dialogue
- Identify conditions supporting positive emotional climate

Cultural Awareness (Learning Objective 6)

- Define culture and distinguish from individual style
- Explain how culture shapes conflict perception and expression
- Describe high-context and low-context communication
- Explain why all mediation is cross-cultural
- Explain respect for difference as core stance

Skills

Communication Skills (Learning Objective 4)

- Listen actively to understand perspectives, interests, and emotions
- Paraphrase and summarize content, feelings, and interests
- Validate experiences without endorsing positions
- Reframe negative language into neutral, future-focused statements
- Use open and closed questions strategically
- Maintain balanced airtime
- Use silence purposefully
- Use “I” statements to assert mediator role and boundaries
- Adapt communication to in-person and virtual settings

Emotional Management (Learning Objective 5)

- Regulate own emotions to maintain calm presence
- Recognize when personally dysregulated and restore calm
- Observe and interpret basic emotional cues
- Demonstrate empathy by reflecting feelings and needs
- Support constructive emotional expression while maintaining safety
- Acknowledge emotions without judgment
- Build rapport

Cultural Sensitivity (Learning Objective 6)

- Demonstrate respect toward cultural differences
- Adapt communication to honor cultural preferences
- Demonstrate cultural humility and curiosity

Judgment

Communication Choices (Learning Objective 4)

- Discern when to remain silent vs. intervene
- Assess which communication technique is most needed
- Determine when to use open vs. closed questions
- Evaluate when reframing will be helpful
- Assess communication adaptations needed for virtual platforms

Emotional & Cultural Assessment (Learning Objectives 5, 6)

- Assess basic emotional intensity
- Discern when to allow vs. limit emotional expression
- Assess which cultural dynamics are most visible
- Determine when cultural differences need acknowledgment

Self-Awareness

Personal Communication & Emotional Patterns (Learning Objectives 4, 5)

- Notice personal tendency to talk vs. listen
- Identify how personal communication style may differ from participants
- Recognize when personal discomfort is driving premature intervention
- Start to identify own emotional states during mediation
- Notice personal comfort levels with different emotions

Cultural Self-Awareness (Learning Objective 6)

- Begin to identify personal cultural assumptions and biases
- Recognize own cultural communication defaults
- Monitor tendency to impose own cultural norms

DOMAIN 3: PROCESS COMPETENCIES

Managing mediation structure, stages, and adaptive facilitation

Knowledge

Mediation Stages & Process (Learning Objective 7)

- Describe the purpose and key elements of each mediation stage: opening, education, option generation, negotiation, and closing
- Describe components of an agreement to mediate (fees, confidentiality terms, process expectations, voluntary participation, termination rights)
- Explain when written vs. oral agreements to mediate are appropriate
- Distinguish agreement to mediate from settlement agreement
- Explain components of an effective opening statement
- Explain purpose and approaches to establishing ground rules
- Describe function of private sessions and confidentiality principles
- Explain purpose of the education phase
- Identify approaches to agenda development
- Explain methods for option generation and reality testing
- Describe approaches to closing sessions
- Explain how neutrality is maintained through balanced process management
- Describe virtual vs. in-person format considerations

Feedback & Adaptive Response (Learning Objective 8)

- Explain role of process feedback in mediation
- Distinguish process feedback from developmental feedback
- Define intuition and its role in decision-making
- Explain distinction between analytical and intuitive knowing
- Describe how adaptive mediators integrate feedback, intuition, and analysis

Power Dynamics & Impasse (Learning Objective 9)

- Define power and identify sources
- Describe types of power imbalances
- Explain how power imbalances can threaten fairness
- Identify signs of impasse
- Describe common causes of impasse
- Explain basic strategies for managing power through process design
- Explain basic impasse-breaking techniques (reframing, breaking into smaller pieces, private sessions)

Agreement Drafting (Learning Objective 10)

- Describe components of effective agreements
- Explain SMART criteria
- Distinguish memorandum of understanding from settlement agreement

- Explain considerations for determining who drafts

Skills

Process Management (Learning Objective 7)

- Prepare through information gathering and conflict analysis
- Create environments that support dialogue
- Deliver clear opening statement
- Explain terms and conditions clearly
- Obtain informed consent to mediate
- Document agreement to mediate when appropriate
- Establish and enforce ground rules consistently
- Facilitate balanced exploration of perspectives and interests
- Develop working agendas
- Conduct private sessions appropriately
- Navigate between joint and private sessions
- Guide process from divergence toward convergence
- Close sessions effectively
- Manage time effectively

Adaptive Response (Learning Objective 8)

- Receive process feedback non-defensively
- Cultivate intuitive presence
- Integrate analytical and intuitive sensing
- Adjust interventions based on feedback
- Respond flexibly rather than rigidly following plans

Power & Impasse Interventions (Learning Objective 9)

- Recognize power imbalances during mediation
- Use basic process design to support equitable participation (pacing, private sessions)
- Address disrespectful behavior directly when needed
- Apply basic impasse-breaking strategies (reframing, breaking into smaller pieces, private sessions)
- Help parties consider their alternatives (BATNA/WATNA)

Agreement Drafting (Learning Objective 10)

- Capture agreements accurately in clear language
- Draft SMART agreements
- Test for mutual understanding
- Include accountability mechanisms
- Facilitate collaborative drafting

Judgment

Process Decisions (Learning Objectives 7, 8)

- Assess appropriate formality for opening statement
- Determine when to use joint vs. private sessions
- Assess readiness to transition between stages
- Recognize when process feedback is being offered
- Determine adjustments needed based on feedback

Power & Impasse Recognition (Learning Objective 9)

- Recognize when power imbalances exist
- Determine when to use private sessions to address power dynamics
- Recognize when parties are at impasse
- Determine which basic impasse-breaking technique to try
- Assess whether agreements are genuine or under duress

Agreement Assessment (Learning Objective 10)

- Assess whether agreements are realistic and workable
- Evaluate whether language is sufficiently clear
- Determine appropriate level of detail

Self-Awareness

Process & Structural Awareness (Learning Objectives 7, 8)

- Monitor personal comfort with structure vs. flexibility
- Notice tendency toward rigidity or looseness in process
- Begin to monitor for signs of favoring one participant
- Recognize comfort level with uncertainty
- Notice defensiveness to feedback or surprises

Power & Agreement Awareness (Learning Objectives 9, 10)

- Begin to recognize personal relationship to power
- Notice comfort with confronting power imbalances
- Monitor tendency toward over-specification or under-specification in agreements
- Recognize comfort with ambiguity in agreements

DOMAIN 4: PROFESSIONAL & REFLECTIVE COMPETENCIES

Applying ethical reasoning and reflective practice

Knowledge

Ethical Standards (Learning Objective 11)

- Explain how personal values inform practice
- Identify relevant codes of conduct
- Describe core ethical principles: self-determination, neutrality, confidentiality, informed consent
- Explain conflict of interest management
- Describe circumstances requiring disclosure or withdrawal
- Identify what constitutes undue pressure or coercion
- Describe exceptions to confidentiality

Reflective Practice (Learning Objective 12)

- Describe role of reflection in professional development
- Identify characteristics of reflective practitioners
- Define triggers
- Identify types of biases and assumptions affecting practice
- Describe feedback loop in experiential learning

Skills

Ethical Practice (Learning Objective 11)

- Apply codes of conduct to straightforward situations
- Recognize and disclose conflicts of interest
- Ensure informed consent regarding process, roles, confidentiality, fees
- Establish and explain confidentiality agreements
- Maintain confidentiality of private sessions
- Demonstrate neutrality through balanced attention

Reflective Practice (Learning Objective 12)

- Reflect systematically on performance
- Identify assumptions and biases in specific situations
- Articulate strengths and growth areas
- Seek and incorporate developmental feedback
- Demonstrate openness to new perspectives
- Take responsibility for ongoing development
- Adjust practice based on reflection and feedback
- Learn from challenging experiences
- Acknowledge limitations and seek support

Judgment

Ethical Discernment (Learning Objective 11)

- Identify straightforward ethical issues
- Evaluate whether participants are deciding freely
- Assess whether genuine informed consent exists

Learning from Practice (Learning Objective 12)

- Analyze experiences to extract learning
- Evaluate effectiveness of interventions used
- Synthesize developmental feedback

Self-Awareness

Ethical & Professional Identity (Learning Objectives 11, 12)

- Start to identify personal values and their influence on practice
- Begin to reflect on professional identity development
- Notice defensiveness when receiving feedback
- Recognize discomfort with uncertainty

Note: More advanced Self-Awareness practices—such as recognizing triggers, managing personal investment in outcomes, distinguishing authentic confidence from over/under-confidence, and deep reflective practice—are developed through advanced training, supervision, and ongoing professional development.

Developmental Pathway

This framework reflects a developmental approach to mediator competence:

Mediation Fundamentals establishes comprehensive knowledge and foundational skills, with initial judgment application and introduction to self-awareness.

Advanced Training & Supervised Practice deepens adaptive judgment, intuitive decision-making, and sophisticated self-awareness through complex cases and reflective supervision.

Ongoing Professional Development continues to refine all four dimensions—knowledge, skills, judgment, and self-awareness—throughout a mediator's career.

Graduates of Mediation Fundamentals will have the knowledge and skills to conduct basic mediations, with foundational judgment about when to apply interventions and initial awareness of personal patterns. This prepares them for continued growth through practice, feedback, and advanced professional development.