

## **FUNDAMENTALS OF MEDIATION: IMI FRAMEWORK**

This document summarizes key elements of the UC Law SF Center for Negotiation & Dispute Resolution IMI framework for your review, including course content, our competency framework, and the entirety of our complaints and appeals policy.

### **COURSE CONTENT**

This program is useful for a range of professionals who deal with people in conflict, and any attorney who represents clients in mediation, to understand the process and to be more effective in representing clients in mediation. We also encourage participation of international attorneys, notaries and UC Law SF LL.M. students. No prior training or experience required.

In this highly interactive and dynamic in-person training, participants from around the world learn the theory and practice of mediation. The methodology consists of a mixture of discussion, skill building exercises and role play. All participants will have the opportunity to practice multiple times in the client, advocate and mediator roles and will receive personalized feedback and coaching from professional mediators.

We start with the psychology and behavior of people in conflict and the different process choices parties can make when seeking to resolve conflict. We examine the different styles or models of mediation and the implications of those models for the client experience. We then explore and practice every phase of a mediation, from opening and setting the stage, to exploration of interests and issues, negotiating agreements, preparation of settlement documents and closure.

Combined with the practice of these phases, participants build critical communication and process management skills including how to:

- Maintain neutrality
- Balance power
- Select appropriate influencing strategies
- Decide whether, when and how to use private sessions (“caucus”)
- Facilitate the “money dance”
- Conduct a methodical alternatives analysis
- Employ techniques for overcoming impasse
- Convey “difficult” messages
- Use active listening
- Ask questions to move the clients in helpful directions
- Handle difficult behavior and “reframe” problematic statements

Finally, we cover mediator ethics, process confidentiality, working with representatives and co-mediation.

## COMPETENCY FRAMEWORK

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.

### *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 alums 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.

## COMPLAINTS AND APPEALS POLICY

CNDR strives to ensure the highest levels of fairness and competence for the course and the assessment. In the event of any complaints or grievances relating to the course, a trainer/coach/assessor or other participant, or the outcome of an assessment, this Complaints and Appeals Policy will be followed.

### *Definitions*

**Appeal** means a formal request for reconsideration of a Final Determination made on the Complaining Party's Complaint.

**Assessor** means a person whose role is limited to conducting the final assessment.

**Coach** means a person whose role is limited to coaching role plays and exercises.

**Complaining Party** means any Participant who files a Complaint or has an informal complaint or grievance about any of the teaching or assessment staff, any member of the CNDR administration, any other participant in the course, or any aspect of the course.

**Complaint** means the formal complaint filed in Stage 2.

**Course Instructor** means the CNDR-approved lead Trainer for the live (on-line or in-person) segments of the course. The Course Instructor is different from a Trainer, Coach, or Assessor.

**Final Determination** means a decision adjudicating the merits of the Complaint.

**Participant** means someone who is enrolled in the course.

**Trainer** means a person who is involved any or all of the following: presenting information, facilitating discussions and debriefs, supervising or coaching roleplays, providing feedback, and reviewing/assessing work submitted by Participants. Trainers report to the Course Instructor.

### *Stage 1 – Informal Resolution*

- a. The Complaining Party shall first speak directly with the specific trainer/coach/assessor/participant involved to see if the concern can be resolved informally. In some cases, however, informal resolution is not possible, and the Complaining Party may wish to file a Complaint.

### ***Stage 2 – Formal Complaint***

In the event an issue is not resolved via direct communication, the Complaining Party shall submit a Complaint not later than 30 days of the date of the incident or grievance.

The Complaint must be made in writing and e-mailed to the Course Instructor, with a copy to CNDR ([cnldr@uclawsf.edu](mailto:cnldr@uclawsf.edu)) and its Faculty Director ([aragakih@uclawsf.edu](mailto:aragakih@uclawsf.edu)). The Complaining Party must include sufficient objective evidence to substantiate the Complaint, so as to enable a decision to be made and the appropriate action to be taken. The Complaint shall conclude with the following declaration: “I declare under penalty of perjury that the foregoing is true and correct.” The Complaining Party must sign his/her/their name immediately underneath the declaration.

Anonymous Complaints will not be considered. The Complaining Party may include supporting documents or statements from other Participants, but the Complaining Party must submit the Complaint on his/her/their own behalf. Other Participants may not file a Complaint on behalf of or in the name of a Complaining Party.

The Course Instructor shall adjudicate the Complaint by investigating the facts, communicating with the Complaining Party, and receiving input from other relevant parties—all of which may proceed on an *ex parte* basis.

Every effort will be made to render a Final Determination within 30 days of the date of the Complaint.

In the event the Complaint involves allegations about the Course Instructor, CNDR shall, in good faith consultation with the Complaining Party, designate another neutral person to adjudicate the Complaint and render a Final Determination.

### ***Stage 3 – Appeals***

An Appeal must be made in writing and e-mailed to the Faculty Director of CNDR ([aragakih@uclawsf.edu](mailto:aragakih@uclawsf.edu)), with a copy to CNDR ([cnldr@uclawsf.edu](mailto:cnldr@uclawsf.edu)) within 15 calendar days of receipt of the adverse decision. The written Appeal must include the original Complaint and any supporting materials, together with an explanation of why the Final Determination should be changed.

The Faculty Director may further investigate the facts, further communicate with the Complaining Party, and receive further input from other relevant parties—all of which may proceed on an *ex parte* basis.

The Appeal will be decided *de novo* without any deference extended to the Final Determination. Every effort will be made to adjudicate the Appeal within 30 days of the date it was filed. The decision on the Appeal is final.

In the event the Appeal involves allegations about the Faculty Director, CNDR shall, in good faith consultation with the Complaining Party, designate another neutral person to adjudicate the Appeal.