IMI Certification in E-Mediation

Annex 1

E-Mediation (EM) Core Competency Knowledge Elements

The following areas of knowledge and understanding are required for effective use of mediation integrated with ICT (Information and Communication Technology). This list is intended as guidance to e-Mediation QAPs in designing knowledge assessments. It is not necessarily exhaustive or mandatory.

Situational Awareness

1. Knowing when the online environment may not be a suitable way to conduct the mediation process;

2. Determining when ODR approaches are likely to add value to the process;

3. Staying abreast of developments in ICT, ODR schemes, various ODR platforms and general issues related to Online Dispute Resolution (ODR);

4. Knowledge about the impact of ICT on the practice of mediation.

Basic Knowledge

5. Understanding the principles of text based, video based, audio based communication (or a combination) and ability to identify the most appropriate one for a mediation or for phases of the mediation process;

6. Understanding of the role of a mediator, and how the mediator's approach and practice are adaptable or not to the online environment;

7. Knowledge and adherence to ethical standards;

8. Knowledge of the dynamics of online negotiation;

9. Knowledge of relevant laws affecting mediation practice in the online environment (if any): enforceability of online mediation agreements (where relevant), confidentiality and privilege;

10. Knowledge of the various laws affecting the structure and enforceability of online mediation agreements, particularly across jurisdictions;

Platform/Technology

11. Ability to select the appropriate ICT platform that meets the needs of the parties;

12. Knowledge about which features of the ICT platform to use in a mediation (functions, security, access, complexity, others);

13. Knowledge (as applicable) in Technology (hardware and software) (i) Devices needed to perform the mediation using ICT (ii) Telecommunications technology (iii) Information technology (iv) Required electronic records;

14. Knowledge about possible technology issues and breakdown.

Process/Impact

15. Understanding of the emotional, social and cognitive advantages and disadvantages of using ICT in a conflict resolution process and the ability to measure and manage the impact and effects on third parties;

16. Ability to move between different communication channels based on the nature of the relationship and task at hand; (e.g. use of email to coordinate a call, use the phone before going to a face to face meeting and then shift back to phone before writing again a final email);

17. Understanding of biases related to ICT use and impact on parties and third parties' performance in mediation;

18. Knowing how to use relevant procedures and techniques for facilitating online communication including (i) management of asynchronous communication, (ii) balancing limitations of each ICT towards the needs of each party;

19. Familiarity with the impact of the online environment in techniques like listening, questioning, paraphrasing, summarizing and concurrent caucusing.

Communication with Parties

20. Understanding and explaining to the parties policies, procedures and protocols relevant to conduct the mediation using ICT. Including but not limited to:
    20-1-Ethical and legal issues (i) Consent, privacy, confidentiality, security (ii) Limitations of technology;
    20-2-Documentation (i) Scheduling and follow-up (ii) Accountability /responsibility; (iii) enforceability;

21. Understanding of technological challenges and ability to identify them for each participant, including but not limited to literacy, acceptance, and compatibility;

22. Knowing how to use techniques for adequately supporting technologically challenged participants and address possible imbalances between parties;

23. Knowledge of cultural bias related to the use of technologies in mediation practice.