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**Principles,**

**Criteria,**

**Protocol and**

**Competencies**

**required for the designation**

**CHARTERED MEDIATOR**

*The ADR Institute of Canada, Inc. (ADRIC) owns the trademarks for the designations:*

*Chartered Mediator, C.Med,*

*Médiateur Certifié, Médiatrice Certifiée, Méd.C.*

*Médiateur Agréé, Médiatrice Agréée, Méd.A,*

*All other groups and individuals are prohibited from adopting or using any of these marks*

*or any marks that might be mistaken for these marks without the consent of the ADRIC.*

# PART I

## INTRODUCTION

The Chartered Mediator designation recognizes a superior level of generalist competence, the goal being to assist those requiring mediation services in finding highly experienced and skilled mediators. The C.Med designation is awarded to mediators who meet the qualifications set out and is not
dependent on any specific or prescribed mediator style[[1]](#footnote-1).

To ensure that a high and consistent set of standards is met by those entitled to use this designation, ADR Institute of Canada (ADRIC) has established general principles, a set of criteria and a protocol to be used in assessing the eligibility of an applicant for the designation and for the granting of the
designation.

ADRIC is national in scope and is represented throughout Canada by seven Regional Affiliates which process applications from their membership for ADRIC designations in their respective regions. They then make recommendations to ADRIC for the award of successful applicants.

# PART II

## GENERAL PRINCIPLES

A member of ADRIC who meets the standards required of a Chartered Mediator may apply for the designation on the form prescribed by ADRIC.

The following process is used to qualify an applicant for the designation:

1. Satisfactory completion of the educational and practical experience and skills assessment requirements;
2. Review and recommendation by a Regional Chartered Mediator Accreditation Committee (RCMAC) and ratification by the Regional Board of Directors;
3. ADRIC review and approval of the application and all reviewer forms and assessments. (Any application that is not complete and in the prescribed format will be returned to the RCMAC);
4. Policy issues unrelated to an applicant’s skills assessment will be forwarded to the National Audit and Appeal Committee (NAAC) which will review and make policy and process recommendations for consideration by the ADRIC Board of Directors. The Board of Directors will make all policy decisions and send the application back to the RCMAC for decision.
5. Where an RCMAC does not recommend an applicant, the applicant may appeal the decision to the NAAC.
6. On receipt of the RCMAC recommendation, and on confirmation that the application and all requirements are complete, ADRIC will inform the applicant whether the C.Med designation has been awarded.

The designation is awarded by ADRIC and is subject to renewal or revocation in accordance with its established rules. The certificate presented to a successful applicant remains at all times the
property of ADR Institute of Canada.

# PART III

## DEFINITIONS:

NATIONAL AUDIT AND APPEAL COMMITTEE: is appointed by ADRIC to:

1. Hear appeals from RCMACs;
2. Audit a percentage of applications from each affiliate at random to ensure consistency and adherence to standards.

The Committee shall be comprised of no fewer than 3 Chartered Mediators.

REGIONAL CHARTERED MEDIATOR ACCREDITATION COMMITTEE: is appointed in each region by ADRIC's regional affiliate and will be comprised of no fewer than 3 Chartered Mediators.

COMPETENCY ASSESSMENT PROGRAM: is a program designed to assess the competencies of
mediation practitioners as set out in chart below.

## CRITERIA

An applicant must meet the following criteria and conditions:

### EDUCATION

1. Completion of at least 80 hours mediation theory and skills training in mediation training programs approved by ADRIC or acceptable to the RCMAC.

and

1. Completion of 100 hours of study or training in dispute resolution generally, the psychology of dispute resolution, negotiation, public consultation, mutual gains bargaining, communication, management consulting, conflict management, or specific substantive areas such as law, psychology, social work, counselling, etc. The specific requirements for this additional 100 hours shall be left to the discretion of each RCMAC.

### PRACTICAL EXPERIENCE

The applicant must have conducted at least 15 mediations[[2]](#footnote-2) as the sole mediator or the mediation chairperson[[3]](#footnote-3) and all 15 of the mediations must have been fee paid[[4]](#footnote-4).

In the context of meeting the practical experience requirement, letters of reference are not applicable.

### SKILLS ASSESSMENT

The applicant must demonstrate competency in mediation as per the competency process outlined in the chart below, which shall be determined through:

1. Observation and approval of the applicant conducting a mediation as a sole mediator by at least three Chartered Mediators[[5]](#footnote-5) approved by RCMAC (“Assessors”), to occur within two years before or after the date of the C.Med application, through one or more of the following: the applicant conducting an actual mediation, mediation role play, or other processes approved by the NAAC in advance of the assessment.

Options for Skills Assessments during the recommended social distancing period (some
affiliates may offer these options under any circumstances):

1. The candidate is offered the option to delay their assessment until sometime in the future when participants feel safe to hold an in-person skills assessment.
2. The candidate is offered a physical distancing option for the
Assessment. This would depend on each affiliate’s assessment policy and
provincial guidelines regarding COVID-19.
3. The candidate is offered the option of an online Assessment provided they
attest to having the technological requirements (bandwidth, microphone,
camera, etc.), and comfort with the technology being used. (Please see Online Skills Assessments Guidelines at the end of this document.)

or

1. Another means of assessing an applicant's mediation competency that meets the goals and standards proposed:
* to the RCMAC by the applicant, along with reason for the proposal, or
* by the RCMAC, (An applicant’s RCMAC-approved proposal or an RCMAC proposal shall be submitted to NAAC for its approval.

### PLEDGE

The applicant must pledge to comply with ADRIC's Code of Ethics and Code of Conduct.

### MEMBERSHIP

An applicant and a Chartered Mediator must be a member of good standing of ADRIC which includes being and remaining a member in good standing of a regional affiliate.

### ANNUAL FEES

C.Med renewal fees are set by ADRIC and are payable directly to ADRIC. These fees are separate from the application fee and are payable immediately on award of the designation. (Annual membership fees payable to a regional affiliate are also separate.)

### CONTINUING EDUCATION AND ENGAGEMENT (CEE)

Every three years, Chartered Mediators are required to acquire a minimum of 100 points as per the Continuing Education and Engagement Program and submit a report with applicable fee.

### INSURANCE

Chartered Mediators are required to sign and submit the Declaration of Insurance form, indicating that they maintain Errors and Omissions Insurance with a limit of at least $1 million aggregate or check the appropriate box for an exemption of the requirement.

# PART IV

## PROTOCOL

1. Regional Affiliates invite/accept applications from members who believe they possess the
standards required of a Chartered Mediator.
2. The Regional Affiliates will establish their own process to evaluate applicants in accordance with the requirements established by ADRIC.

## APPLICATION FORM

All applicants will use the standard application and evaluations forms prescribed by ADRIC.

##  APPLICATION AND APPROVAL PROCESS

1. Where the RCMAC unanimously recommends an applicant, the RCMAC will forward the
application to the Manager of Designations at ADRIC.
	1. ADRIC will review the application and forms to ensure the application is complete and the requirements established by ADRIC have been met.
	2. Where ADRIC considers an application to be complete, the Manager of Designations will inform the applicant and his or her RCMAC that the application has been approved. The RCMAC will notify the Regional Affiliate of the approval. On receipt of the annual fee, ADRIC send the C.Med certificate to the applicant.
	3. Where ADRIC finds the application incomplete, the Manager of Designations will return the application to the RCMAC to be completed.
2. Where recommendation of an applicant is not unanimous and the lack of unanimity is unrelated to policy or process, the RCMAC’s decision will be final. The RCMAC’s decision in relation to the skills assessment and demonstration of competencies is not subject to appeal.
3. Where a decision is made to deny or a decision to recommend is not unanimous and is related to or raises policy or procedure issues, the application will be forwarded to NAAC which will review the policy or procedure issues and prepare recommendations for the Board of Directors. The Board of Directors will make final decisions on policy and procedure. Once the policy or procedure has been confirmed by the Board of Directors, the application will be sent back to the RCMAC for processing.

**Right to Appeal**

1. Where the RCMAC does not recommend an applicant, it will so notify the applicant, providing reasons and recommendations, along with information about appeal processes.
2. The decision of the RCMAC is final, but for the right of appeal to the NAAC by a failed applicant based on issues related to application of policy or procedure.

**Audit and Quality Control**

1. A percentage of applications will be sent by the Manager of Designations to the NAAC for review.
2. The NAAC will review applications sent to it for review to ensure all documentation is in order and the prescribed process has been followed. Concerns of the NAAC will be directed to the Manager of Designations, the ADRIC Board of Directors, and the appropriate RCMAC to ensure future
applications are correctly processed and reviewed. The decision of the RCMAC on a particular
application will remain final notwithstanding the comments of the NAAC.

## VOTING

Any member of an RCMAC or Regional Affiliate Board of Directors who has voted on any application at that level must not vote on that application as a member of the NAAC or the ADRIC Board of
Directors.

## COMPETENCY ASSESSMENT PROGRAM:

The following areas will form the basis of the skills assessment.

* Part One consists of 9 required skills/competencies, meaning that unless all skills in Part One are rated Meets or Exceeds, the applicant will fail on the skills assessment. All skills in this section must be observed and rated.
* Part Two consists of 12 additional skills, at least 6 of which must be rated Effective. If 7 or more of the Part Two skills are rated either Less than Effective or Not Applicable/Didn’t Observe, this shall constitute a fail on the part of the applicant.
* Skills will be assessed at a high standard.

## Part One:

|  |  |  |  |
| --- | --- | --- | --- |
| **Skills, to be assessed regardless of style or approach used** | **Meets or Exceeds** | **Not Competent** | **Did Not Observe** |
| 1. Ability to establish and describe to the disputants key mediation processes and ground rules, such as confidentiality, role of the mediator, caucusing, authority to settle, and respectful behaviour
 |  |  |  |
| 1. Ability to work with strongly felt ideas or values of the disputants
 |  |  |  |
| 1. Ability to separate the mediator's personal values from issues under consideration
 |  |  |  |
| 1. Ability to work with the parties effectively to get the facts, issues and perceptions clearly out on the table
 |  |  |  |
| 1. Ability to treat the parties and to run the mediation process in a fair, impartial, respectful and dignified manner
 |  |  |  |
| 1. Ability to ensure that all parties have an opportunity to participate in the process
 |  |  |  |
| 1. Ability to preserve parties' autonomy in decision-making
 |  |  |  |
| 1. Ability to uncover parties’ needs and interests
 |  |  |  |
| 1. Ability to address ethical issues in mediation in a manner consistent with the Code of Conduct, through discussion of an Ethical Dilemma
 |  |  |  |

## Part Two:

|  |  |  |  |
| --- | --- | --- | --- |
| **Skills, to be assessed regardless of style or approach used** | **Effective** | **Less Than Effective** | **Not Applicable or Did Not Observe** |
| 1. Ability to listen actively
 |  |  |  |
| 1. Ability to organize and structure complex factual material effectively for the parties
 |  |  |  |
| 1. Ability to understand the negotiation process and the elements of effective negotiation
 |  |  |  |
| 1. Ability to earn trust and develop rapport
 |  |  |  |
| 1. Ability to assist parties to invent creative options
 |  |  |  |
| 1. Ability to assist the parties to identify principles and criteria that will guide their decision-making
 |  |  |  |
| 1. Ability to assist the parties to assess their non-settlement alternatives
 |  |  |  |
| 1. Ability to assist the parties to make their own informed choices
 |  |  |  |
| 1. Ability to analyze problems, identify and separate the issues involved, and frame these issues for resolution or decision-making
 |  |  |  |
| 1. Ability to deal with strong emotion
 |  |  |  |
| 1. Ability to assist the parties to evaluate their options effectively and impartially, in a way that respects the parties’ autonomy, using BATNA’s and reality checks
 |  |  |  |
| 1. Ability to help the parties maintain focus and forward momentum in the mediation
 |  |  |  |

# COMPETENCIES GUIDELINES

*Amended December 2010.*

This is not an exhaustive list of competencies and is intended as a guideline of generally recognized desirable qualities for competent mediators.

## ADMINISTRATIVE SKILLS

### General Definition:

The ability to organize and conduct the practice of mediation in an efficient and effective manner.

1. Ability to organize and maintain office systems
2. appointment system
3. correspondence system
4. engagement file system with monitoring feature
5. time log, billing and disbursements receivable system
6. Ability to work within the system/rules governing the accepting and handling of engagements
7. records details of appointment (terms, conditions and fee)
8. confirms appointment in writing (engagement letter or contract)
9. ensures all pertinent correspondence, sent and received, is provided to both parties
10. demonstrates a clear understanding of the applicable Rules and Ethics
11. Ability to allocate time, effort and other resources
12. expeditiously reviews and deals with documents and information received
13. develops an overall perspective of the engagement
14. draws up timetable for dealing with preparatory matters and conduct of the mediation
15. Ability to organize the required needs of the mediation
16. adequacy of session room to accommodate the parties and others
17. capability to provide privacy for consultations and caucusing
18. suitability of the location in terms of minimizing external distractions or interruptions
19. capability of session facility to meet special needs of participants
20. Ability to bring the engagement to completion
21. has a good understanding of closure techniques and the settlement process
22. understands the importance of working co-operatively to draft the memorandum of understanding/settlement agreement
23. submits fee billing in accordance with terms of engagement or within a reasonable time

## PROCEDURAL SKILLS

### General definition:

Ability to recognize the nature of the dispute and establish clear understandings concerning the process with and between the parties

1. Ability to determine if mediation is appropriate to the particular situation:
2. reviews contracts between the parties (if they exist)
3. ensures the issues in dispute are covered by the mediation clause or are suitable for mediation
4. determine that he/she possesses adequate knowledge of the business or issues encompassing the dispute
5. ensures there is no reason for parties to challenge the appointment
6. ensures that the appointment is consistent with applicable laws or institutional rules
7. Ability to establish clear understandings
8. clearly explains the role of the mediator
9. clearly defines and explains the mediation process
10. emphasizes the mutually agreed solution principle
11. emphasizes the right of the parties to withdraw
12. emphasizes the confidentiality principle and explains its limitations
13. determines that participants have sufficient authority
14. reviews the engagement letter/agreement to mediate
15. ensures unrepresented parties have addressed legal and expert advice issues
16. in cooperation with the parties, estimates time that will be required for the mediation
17. formalizes the engagement in writing
18. Ability to supervise the preliminary meeting
19. supervises conduct of the meeting
20. explains the purpose and content of the meeting
21. brings the parties to agreement on procedural matters
22. Ability to deal with preliminary matters
23. holds preliminary meeting if required or requested
24. provides assistance to the parties in preparing for the mediation
25. determines if legal counsel, witnesses, experts or other parties will be involved
26. ensures all parties have a clear understanding of how the mediation session will be conducted and settlement effected
27. ensures all necessary procedural steps have been completed

## RELATIONSHIP SKILLS

### General Definition:

The ability to instil and maintain a positive relationship and good communication

1. Ability to maintain a positive relationship
2. acts with courtesy, respect and patience and encourages the parties to do the same
3. separates mediator's personal values from issues of the mediation
4. earns trust
5. builds rapport
6. compliments progressive behaviour
7. indicates empathy for the issues
8. does not pre-judge the parties on the issues
9. is modest in attitude held towards others
10. works with strongly held values of the disputants, including ethnic, gender and cultural differences
11. devotes appropriate care and attention towards the parties
12. Ability to listen effectively
13. listens to both parties in an passive and active manner
14. exhibits an understanding of the importance of body language to the listening process
15. intervenes selectively to obtain clarification, assist in understanding or maintain order
16. exhibits patience and does not interrupt except in the most serious circumstances
17. Ability to speak effectively
18. uses clear diction and collateral body language
19. asks succinct questions when necessary
20. is direct but not intimidating
21. speaks in a clear audible voice
22. uses simple language
23. utilizes terminology that is common to the parties' industry
24. Ability to maintain an atmosphere conducive to communication
25. uses civil language
26. permits humour which is beneficial to the process
27. displays understanding of the factual material and submissions
28. puts parties and witnesses/collaborating presenters at ease
29. avoids distracting body movements or facial expressions
30. discourages an excessively adversarial climate
31. shows empathy

## FACILITATION SKILLS

### General definition:

Ability to conduct the mediation session using fair, flexible and effective procedures, skills and techniques

1. Ability to conduct a fair session
2. maintains neutrality and impartiality
3. understands the nature of power imbalances and how to deal with them
4. treats parties fairly and equally
5. preserves party autonomy
6. allows each party an opportunity to examine witnesses/collaborating presenters
7. allows parties to make objections and respond fully to objections
8. allows parties adequate time to deal with surprises
9. deals expeditiously with questions on procedural matters
10. keeps interruptions to a minimum
11. imparts and encourages courtesy and respect
12. accepts criticism in a constructive manner
13. Ability to promote an assertive tone
14. speaks in an assertive manner
15. encourages the parties to conduct themselves in an assertive manner
16. assists the deliberations by rephrasing accusatory or aggressive statements into an assertive form
17. Ability to deal with high emotion
18. recognizes the need for and advantage of venting
19. calls a recess, when appropriate, to diffuse negative circumstances of high emotion
20. holds a caucus to deal with severe negative circumstances of high emotion
21. Ability to organize and analyze data
22. develops an overall perspective of the engagement
23. understands the sequence and nature of events contributing to the dispute
24. exhibits the ability to deal with complex factual material
25. organizes data into a logical library format
26. determines the most effective and efficient way to utilize the data to complement the mediation process
27. utilizes ancillary tools such as flip charts and white boards to assist understanding
28. Ability to deal with the issues
29. possesses an adequate knowledge of the business/industry related to the dispute
30. assists the parties to clarify and identify the issues
31. isolates those issues that are of no or little relevance
32. separates the parties’ claims and issues
33. assists the parties to establish an objective methodology to evaluate claims
34. reconstructs the issues in terms that will assist understanding
35. screens out non-mediable issues
36. Ability to surface needs and interests
37. exhibits an understanding of the importance of surfacing needs and interest and
38. conveys this importance to the parties
39. exhibits an ability to identify symptoms
40. asks probing questions directed to uncover potential needs and interests
41. asks open ended questions directed to uncover potential needs and interests
42. encourages candid responses
43. holds caucuses focused on uncovering needs and interests
44. Ability to advance the process
45. empowers the parties to own and actively participate in the process
46. separates the people from the problem
47. assists the parties to maintain focus and momentum
48. assists the parties to evaluate submissions and the relevant material
49. is open to suggestions and ideas presented by the parties
50. assists the parties to generate creative options
51. assists the parties to evaluate their positions using BATNAs and reality checks
52. assists parties to make their own informed choices
53. utilizes appropriate tools and techniques to break impasse, achieve understanding and steer the process to settlement
54. Ability to bring closure and achieve settlement
55. recognizes the optimum moment when the parties express a desire to deal/compromise
56. assists the parties to bargain a solution
57. utilizes appropriate tools and techniques to achieve closure
58. assists the parties to move from closure to settlement
59. assists the parties to assess whether proposed settlement terms can be implemented
60. assists the parties/their advisors to draft a memorandum of understanding or settlement agreement

**ONLINE SKILLS ASSESSMENT GUIDELINES**

1. The candidate is offered the option of an online C.Med Assessment provided they attest to having: the technological requirements (bandwidth, microphone, camera, etc.), comfort with the technology and the video conferencing platform (Zoom, Webex, Microsoft Teams or any other platform as agreed
upon by the assessment committee and the candidate), and comfort with being assessed online. In
addition to the candidate, the role players and assessors selected should be comfortable with an online format.
2. The online skills assessment process will not deviate from the in-person process, except as required to accommodate the fact of it being online.
3. The competencies and requirements as laid out in the protocols and application continue to be the core of the assessment. The assessment criteria for a C.Med assessment are based on competencies and are not based on demonstration of a particular mediation style or model. By that extension, they are not based on particular medium (in-person vs. online) and would not prevent a candidate from demonstrating the competencies identified;
4. Committee members will not insert any bias regarding the candidates' capacity to use the
videoconferencing platform during the assessment;
5. Committee members in attendance at the skills assessment will have the responsibility of managing the videoconferencing platform and its functions, NOT the candidate.



1. “Style” refers to fundamental mediator approach, e.g. facilitative, evaluative, etc. Regardless of mediator style, the competencies listed in Appendix A must be demonstrated for a mediator to qualify for the C.Med designation. [↑](#footnote-ref-1)
2. A “mediation” is a discreet event contracted for by the parties. A situation where a person helps two subordinates resolve a conflict is not considered a mediation. However, if the full or part time duties of an applicant specifically include the conducting of structured mediations, these would count toward the C.Med. Where a person is conducting mediations with staff members who do not report to that person, these may count as mediations provided the person was specifically identified as an impartial mediator, and the mediation was structured and conducted as a mediation, not as an informal meeting to resolve a problem. [↑](#footnote-ref-2)
3. The applicant must clearly have been the lead mediator, not simply a co-mediator. While there is no hard and fast determination, criteria for being lead mediator in a co-mediation may include some of the following indicators: The applicant chaired the mediation; The applicant took a primary role is running the session; The applicant organized the process during the mediation by actively guiding the discussions, delegating time to the other mediator and/or the parties, and having primary voice during the session; It will be the responsibility of the applicant to describe and establish that they were the lead mediator in a co-mediation for it to count toward the required number of mediations. [↑](#footnote-ref-3)
4. A “paid mediation” is a mediation where the mediator receives a salary, payment or reasonable honorarium specifically for mediation services. The amount received by the mediator is not subject to any specific minimum amount, provided it is a legitimate and reasonable amount in the context within which the mediation took place. In exceptional circumstances described in writing, where an un-paid mediation is demonstrably complex and involved, the RCMAC may, at its discretion, accept an unpaid mediation toward the total of 15. [↑](#footnote-ref-4)
5. In exceptional circumstances where only two Assessors are available, they may proceed with an assessment. In such cases, the recommendation for approval must be a consensus. [↑](#footnote-ref-5)