

ADRIC National Course Accreditation Program – Schedule 4
Course Accreditation Application Form and Checklist: 40 Hour Facilitative Mediation Course

After reading the Course Accreditation Policy, please complete the following and submit, with your curriculum and application fee (\$750 for independent trainers and \$1500 for institutions¹ plus applicable taxes) to: education@adric.ca (You may send cheque to following address or call the office with a credit card.)

ADR Institute of Canada
 407 - 234 Eglinton Avenue East
 Toronto, ON, Canada M4P 1K5
Attn: Education Program Coordinator

By providing the information in the numbered sections below, please highlight how your course addresses important mediation skills including:

- **Facilitation skills** to conduct the mediation session using fair, flexible and effective procedures, skills and techniques
- **Relationship skills** to instill and maintain a positive relationship and good communication to bring the engagement to completion
- **Procedural skills** to recognize the nature of the dispute and establish clear understandings concerning the process with and between the parties
- **Administrative skills** to organize and conduct the practice of mediation in an efficient and effective manner to bring closure and achieve settlement

Please complete the following against your curriculum (attach additional numbered pages if necessary):

1. SUBSTANTIVE KNOWLEDGE BASE (min. 8 hours total)

1.1. Nature of conflict and conflict management theory and principles, including ADR definitions and in particular definitions of negotiation, mediation and arbitration processes; choosing the correct process and the pros and cons of each.

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

¹ Based on maximum four trainers/instructors. Extra fees may apply where there are additional trainers.

1.2. Principles of Interest Based Negotiation

Understanding of the negotiation process and the elements of effective negotiation

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

1.3. The Mediation Process: A Model

Key mediation process and ground rules, such as confidentiality, role of mediator, caucusing, authority to settle and respectful behaviour

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

2. CORE TRAINING (min. 3 hours each)

2.1. Information Gathering Skills and Knowledge

Determine effective and efficient way to utilize the data to complement the mediation process

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

Some Suggested Topics Include:

2.1.1. Clients:

- 2.1.1.1. Intake procedures
- 2.1.1.2. Screening for appropriateness- determine if issues are covered by mediation
- 2.1.1.3. Contracting for service and ensuring that the appointment is consistent with applicable laws or institutional rules

2.1.2. Preparing pre-mediation plan

Clarify how the mediation session will be conducted and settlement effected. Identify what parties and experts will be involved.

- 2.1.2.1. Making sure that individuals with full settlement authority will be present
- 2.1.2.2. Role of counsel or other professionals in ADR processes

2.1.3. Issues:

Develops an overall perspective of the engagement **and** reconstructs the issues for clarity and understanding by parties.

- 2.1.3.1. Questioning
- 2.1.3.2. Setting agenda / prioritizing issues
- 2.1.3.3. Identifying and screening issues -isolate non-mediabile and less relevant issues
- 2.1.3.4. Exploring client interests and concerns effectively for facts, issues and perceptions
- 2.1.3.5. Recording and retaining data
- 2.1.3.6. Dealing with complex factual materials

2.2. Relationship Skills and Knowledge

Skills to earn trust and develop an atmosphere conducive to communication and resolution

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

Some Suggested Topics Include:

- 2.2.1. Establishing neutrality and impartiality – treat the parties fairly and to run the mediation process in an impartial, respectful and dignified manner
- 2.2.2. Forming relationships / building rapport
- 2.2.3. Establishing trust
- 2.2.4. Setting a cooperative tone
- 2.2.5. Empowering parties- preserve parties' autonomy in decision-making, and allow all parties to make objections and respond fully to objections
- 2.2.6. Encouraging opportunities for recognition- ensure all parties have an opportunity to participate in the process
- 2.2.7. Remaining non-judgmental- separate mediator's personal values from issues under consideration

2.3. Communication Skills and Knowledge

Effective listening and speaking skills to build an atmosphere of trust and respect to encourage participation, disclosure, creativity by the parties to take a decision towards settlement

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

Some Suggested Topics Include:

- 2.3.1. Identifying areas of consensus and disagreement
- 2.3.2. Paraphrasing-rephrase statements into an assertive manner for clarity
- 2.3.3. Confronting
- 2.3.4. Attending to non-verbal communication/ importance of body language
- 2.3.5. Reframing
- 2.3.6. Clarifying
- 2.3.7. Balancing communication
- 2.3.8. Being respectful of the parties
- 2.3.9. Assertiveness skills e.g. using "I statements" and encourage parties to be assertive
- 2.3.10. Active listening and questioning

2.4. Problem-Solving Skills and Knowledge

Analyze problems, identify and separate the issues involved, and frame issues for resolution or decision-making

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

Some Suggested Topics Include:

- 2.4.1. Identifying and analyzing problems and needs - uncover parties' needs and interests
- 2.4.2. Converting positions into interests
- 2.4.3. Framing and narrowing issues
- 2.4.4. Identifying principles and criteria to assist in decision making
- 2.4.5. Designing and testing plans and arrangements
- 2.4.6. Developing and evaluating options / brainstorming
- 2.4.7. Dealing with impasses by utilizing appropriate tools and techniques and steer the process to settlement
- 2.4.8. Reality testing using appropriate reality checks
- 2.4.9. Assisting parties to identify and evaluate alternatives to a negotiated agreement (BATNA)
- 2.4.10. Questioning -using succinct questions to clarify issues

2.5. Knowledge of Ethical Values and Ethical Decision-Making

Address ethical issues in mediation in a manner consistent with the Mediation Code of Conduct

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

Some Suggested Topics Include:

- 2.5.1. Understanding the ADR Canada Code of Ethics and Code of Conduct for Mediators and other mediation standards of practice
- 2.5.2. Avoiding personal opinions or value judgments and maintain neutrality and integrity
- 2.5.3. Ensuring voluntariness of participation and agreements
- 2.5.4. Sensitivity to parties' values and culture and recognize disputants' differences with regard to ethnicity, gender and culture
- 2.5.5. Establishing and maintaining parties' right to self-determination
- 2.5.6. Encouraging genuine recognition between the parties
- 2.5.7. Ensuring parties' ability to negotiate for themselves
- 2.5.8. Establishing a mutual commitment to honest disclosure
- 2.5.9. Confidentiality and caucusing- emphasizes the confidentiality principle and explains its limitations
- 2.5.10. Recognizing responsibilities to non-present parties
- 2.5.11. Dealing with common ethical dilemmas
- 2.5.12. Managing power appropriately

2.6. Professional Skills and Knowledge

Organize the required needs of the mediation including terms, conditions, fees and systems for office, correspondence, engagement file system with monitoring features, time logs, and billing systems

Location in agenda: _____ Total hours allocated: _____

Manual Page #s or Section headings:

Some Suggested Topics Include:

- 2.6.1. Drafting progress notes, minutes of settlement, and other memoranda (engagement letter or contract, memorandum of understanding/settlement agreement)
- 2.6.2. Working with experts effectively
- 2.6.3. Case management -review documents and information received, timetable for dealing with preparatory matters and conduct of the mediation, bring the engagement to completion and achieve settlement
- 2.6.4. Competence and knowing when to refer cases
- 2.6.5. Knowing community services, legal, financial, and other resources
- 2.6.6. Setting up a practice
- 2.6.7. Contracting

3. ROLE PLAYS (minimum 14 hours)

Please attach role play scenarios. Indicate in your agenda when each will be introduced, and describe how each is incorporated into your training (e.g. demo, small group participatory activity).

4. EVALUATIONS

Attach evaluation rubric.

5. TRAINING MATERIALS

All material excerpted or copied from copyrighted materials (or from someone else's materials) must be properly acknowledged and permission obtained.

4.1 Manual must include:

- 5.1.1. Table of Contents
- 5.1.2. Stages of the mediation process
- 5.1.3. Definition of negotiation, mediation, arbitration, and litigation
- 5.1.4. ADRIC Code of Ethics and Code of Conduct for Mediators
- 5.1.5. A current bibliography
- 5.1.6. Biographies of the trainers and coaches

4.2 ADRIC recommends that the following be included:

- 5.2.1. Sample forms for practice
- 5.2.2. Sample Agreement(s) to Mediate
- 5.2.3. Sample Minutes of Settlement or other Memoranda
- 5.2.4. Information about choosing the correct process for a given dispute
- 5.2.5. Sample Mediation Brief
- 5.2.6. Sample Letter Confirming Mediation Conference

6. TRAINERS and COACHES

Trainers must be C.Med or the equivalent and Coaches must be Q.Med or equivalent and have experience in instruction of similar material. Completed application form, résumés / CVs and references or reviews must be provided. Skills assessment may be required.