



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

ACB Foundation: Conflict Management Research Center

IMI MEDIATION ADVOCACY QUALIFYING ASSESSMENT PROGRAM (MAQAP)

I. GENERAL REQUIREMENTS

Any MA-QAP must meet the following general criteria in order to be able to qualify professionals for IMI Mediation Advocacy Certification:

A. Methodology

All MA-QAPs must implement an assessment methodology for assessing whether each applicant's performance meets each of the Substantive Criteria in Section 2 below.

Comment: The assessments may be based on written material, role-play or live action evaluations, other suitable methods, or any combination, and may include videotaped and online assessments such as web dramas, self-assessments, interviews, peer reviews, user feedback and other in-practice skill evaluations. Assessors must be experienced in representing clients in mediations and/or teaching/assessing mediation advocacy skills.

The assessment is based on a detailed interview based on prior submitted written materials and dilemmas and strategic choices for mediation advocates/advisors. The materials include a case study consisting of a general description and confidential background information for the party that the applicant has represented, including a mediation representation plan, a mediation briefing for the mediator, a draft opening statement for the applicant and his/her client, as well as a (draft) settlement agreement. The assessment is also based on a self-evaluation of the advocate/advisor's role and competency for this case.

1. The mediation advocate/advisor should submit a case study prepared by them, describing an actual mediation case in which this applicant was involved in, or prepare a case study based on several mediations combined. The case study should

consist of a minimum of 2 pages: minimum of 1 page with general information and minimum 1 page of confidential information for the party that is represented. The case study should clearly describe the parties involved, the setting, the issues, the interests and positions of each party, the parties' constituency, as well as any other relevant information.

2. The case study and other materials will be reviewed by a mediation advocate/advisor assessor and there will be a follow-up interview of 45-60 minutes between the assessor and the applicant.
3. The applicant should send a self evaluation of their mediation advocacy skills based on at least 5 actual cases or 50 hours of mediation advocacy: Strengths, Areas for improvement, Opportunities and Threats.
4. The applicant should also submit a logbook. The logbook should state the months and year, amount and duration of mediation sessions, duration of the mediation (the start is calculated from the date of first contact with the parties, the end is the date of concluding the mediation or signing the settlement agreement), subject matter, type of parties, and others involved in the mediation, what kind of counsel/mediation advocate/advisor was representing the other party, the number of participants and whether or not settlement (in part) was reached.
5. The applicant should submit a strategy and reasoning of how to approach this particular case, what challenges, special areas of attention and opportunities are connected to this case. The applicant must describe how they will prepare for and initiate this case and how to design an appropriate process and what dilemmas and strategic choices they will probably be faced with or have faced. The applicant must also describe what is necessary to effectively prepare the client and manage this process with these parties, what factors may be influencing the process including how to adapt the process accordingly and design appropriate interventions. The above (5) can be submitted separately or as a part of the mediation representation plan, a mediation briefing for the mediator, a draft opening statement for the applicant and his/her client, and/or as a (draft) settlement agreement.

The applicant must get a positive evaluation by the assessor in both the written (1, 3, 4, 5) and the oral part (2) of the examination.

B. Transparency

The substantive criteria (i.e. assessment benchmarks applied by an approved MA-QAP) must be published and be openly accessible on the organization's website.

Comment: Details of all approved MA-QAPs will be listed on the IMI web portal www.IMImediation.org and will include a direct link to each credentialing organization's website for that program.

The program and the criteria are published on ACB Foundations website (www.acbfoundation.nl) as well as Toolkit Company's website (www.toolkitcompany.com).

C. Integrity

Each Assessor must have substantial experience of mediation advocacy and/or teaching/assessing mediation advocacy competency.

ACB Foundation does not offer mediator training programs, the foundation assesses the performance of mediators independent of a specific own mediator training program, mediation style, mediation advocacy approach, etc. The ACB assessors will be trained by ACB and hired on a case-by-case basis as independent contractors. Assessors need to sign an integrity declaration for each assessment stating:

"To the best of my knowledge, this mediation advocate/advisor has been assessed in line with my professional integrity, according to the ACB standards and requirements for professional assessments and on an equal base (independent of personal preferences, a specific mediation style or approach, training, or training institutes, professional affiliation, region, gender, race, sexual orientation, religion, or other personal characterizations or affiliations). I hereby attest that all marks were placed independently and to the best of my ability. Also I ascertain confidentiality of and privacy for the documents, information gathered as part of this assessment as well if applicable any video materials."

D. Ongoing Monitoring of Programs

The MA-QAP must include a process for the ongoing monitoring of the performance and practice of the Assessors. IMI will liaise closely with all recognised program organizers to maintain a sustainable quality control system.

ACB's assessment task force, chaired by ACB Foundations President, will monitor the work of the assessors and IMI audit is welcome. ACB's assessors are trained by Toolkit Company and the assessors are invited to join Toolkit Company's social learning environment to prepare and review Personal Development Plans and receive 360 degree feedback.

E. Diversity

The MA-QAP must be accessible on an equal basis to applicants regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. This should be clearly stated on each MA-QAP's website.

There are no barriers for applicants to enroll in ACB certification, the option of submitting written materials combined with a video-conference interview makes it possible for all mediators around the world to obtain IMI Mediation Advocacy certification without having to be part of a specific organization, having to have gone through a specific training or to live in a certain part of the world or having to travel to a specific country to be assessed. Also the ACB assessors will sign an integrity declaration for each assessment stating that:

“To the best of my knowledge, this mediation advocate/advisor has been assessed in line with my professional integrity, according to the ACB standards and requirements for professional assessments and on an equal base (independent of personal preferences, a specific mediation style or approach, training, or training institutes, professional affiliation, region, gender, race, sexual orientation, religion, or other personal characterizations or affiliations). I hereby attest that all marks were placed independently and to the best of my ability. Also I ascertain confidentiality of and privacy for the documents, information gathered as part of this assessment as well if applicable any video materials.”

2. Substantive Criteria

Any program qualifying candidates for IMI Mediation Advocacy Certification must meet the following minimum substantive criteria with respect to all applicants:

A. Experience of the Mediation Process

The MA-QAP must include a methodology for ensuring that Applicants have demonstrated to the satisfaction of the Program's Assessors experience of mediation as a client representative in at least five mediations. The QAP must include clearly identified criteria on this requirement.

Exemptions: IMI Certified Mediators

Mediators having acted as sole mediators in at least 10 cases/200 hours (in countries where there are no Qualifying Assessment Programs for IMI Certification).

The applicant must describe a case study based on an actual case or cases that the applicant took part in as a mediation representative and submit a self evaluation of their performance in at least 5 cases or 50 hours of mediation advocacy.

B. Knowledge of Mediation Advocacy

The MA-QAP must include a methodology for determining that Applicants have demonstrated a strong understanding of general mediation advocacy theory and practice.

Written tests, essays, reports, theses and interviews may be used to determine such knowledge. Applicants are expected to be tested on and exhibit a comprehensive understanding of Mediation Advocacy theory derived from the leading international textbooks on the subject (as listed in the annotated bibliography at <https://www.imimmediation.org/>).

MA-QAPs may use the listing of Core Competency Knowledge Elements set out in Annex 1.

The applicant should submit a written self-assessment. The self-assessment should be prepared by the applicant him or herself and be based on at least 5 mediations as a mediation representative or at least 50 mediated hours in past 3 years prior to the assessment. The self-assessment should be a summary of the experience and learning points of those mediations, including what went well, what the mediation advocate could have done differently and why, as well as a list of the applicant's strong skills and areas of development. Besides submitting many written materials, as part of the assessment procedure the assessor will hold a 45-60-minute interview with the mediation advocate. The candidate needs to successfully pass part 1 of the interview with the assessor, dealing with theory and background knowledge to establish sufficient understanding of mediation-, conflict- and negotiation theory and especially mediation advocacy theory.

C. Practical Mediation Advocacy Skills

The MA-QAP must include a methodology for the assessment of performance as a mediation advocate against a variety of benchmarks that together demonstrate mediation advocacy competency. The assessed benchmarks may be based on role-play or live action assessments, and may include videotaped and online assessments such as web dramas, self-assessments, interviews, peer reviews, user feedback and other in-practice skill evaluations. The ISC expects that the methodology used by MA-QAPs will address all the Practical Skills sections and sub-sections in Annex 2 and will be sufficiently detailed (in the view of the ISC) to attest to an applicant's demonstrated high level of competency as a Mediation

Advocate/Advisor. However, it is not expected that all detailed Practical Skills listed in Annex 2 will be assessed in the same depth, and MAQAPs will be free to assess other practical skills not listed in Annex 2. The ISC will take these issues into account when deciding whether to approve MA-QAP applications.

The applicant must describe how they will prepare for and initiate this case, including finding the mediator; design an appropriate process; what dilemmas and strategic choices they might be faced with.

The applicant must describe what is necessary to effectively keep this process with these parties on track, what factors may be influencing the process including how to adapt the process accordingly and design appropriate interventions as a mediation representative.

During the interview the assessors will discuss dilemmas and strategic choices that the applicant has made or could/should have made as well as test and discuss how the practical skills listed in annex 2 have been applied by the mediation advocate.

ACB foundation proposes to offer the title 'IMI Certified Mediation Advocate/ ACB accredited Mediation Advocate for those having a legal background and/or having fully completed a legal university education (lawyers, judges, notaries, law students, corporate counsel, etc.).

The title 'IMI Certified Mediation Advisor /ACB accredited Mediation Advisor will be offered to everybody else (Managers, financial experts, psychologists, etc.). Those who can fall into both categories are allowed to use both titles interchangeably.