



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

University Carlos III de Madrid (UC3M)

IMI QUALIFYING ASSESSMENT PROGRAM

Introduction & Background

The [Foundation MEDAR Carlos III for Conflict Resolution](#) (MEDAR Foundation – *Fundación MEDAR Carlos III para la Resolución de Conflictos*) is a non-profit entity linked to the [University Carlos III de Madrid](#) (UC3M), a Spanish public university offering both online and onsite undergraduate and postgraduate mediation training.

The UC3M is a pioneer in the field of Mediation and Alternative Dispute Resolution in Spain. It has implemented a comprehensive system of mediation [training](#), certification and [practice](#).

The MEDAR Foundation is destined to promote conflict resolution and to safeguard the smooth development of the mediator profession in Spain. Within its auspices, mediators may seize the opportunity for assessment of their performance in line with international quality standards.

Applicants may seek a **general mediator certification**, or any of the three **specific certifications** offered (1. Mediator specialized in family matters, 2. Mediators specialized in criminal matters, 3. Mediator specialized in civil and commercial matters).

Once certified, UC3M MEDAR mediators will be given a certification number corresponding to their number of Register. UC3M MEDAR certified mediators shall abide by the [European Code of Conduct for Mediators](#).

1. Mediator Experience

The Qualifying Assessment Program (QAP) must include a methodology for ensuring that Applicants have demonstrated to the satisfaction of the Program's Assessors a substantial

level of experience as a mediator. The QAP must include clearly identified criteria on this requirement.

In order to obtain the mediator certificate by the UC3M and be eligible for IMI Certification, applicants must demonstrate that they have acquired a satisfactory level of practical experience, allowing them to exercise the profession of mediator maintaining the level of quality of service.

This requirement can be **accredited** through the provision of documents certifying that the applicant has intervened as a mediator or co-mediator in 20 complete mediation processes, or that he/she has attained a minimum of 200 hours of mediation. It is recommended that applicants provide the MEDAR Foundation, where possible, with an evaluation of their mediation performance.

Applicants need to provide **official documents** issued by entities or institutions legally able to perform or coordinate mediation processes, and who have a significant or promising record in the field of mediation (articles 11-12 of the UC3M *Regulation for the Certification of Mediators*).

2. Mediation Knowledge

The QAP must include a methodology for determining that Applicants have demonstrated a strong understanding of general mediation theory and practice which may be based on written tests, essays, reports, theses interviews and/or other testing platforms.

In order to be eligible for IMI certification, applicants to UC3M mediator certification must demonstrate that they have a thorough knowledge of the general theory of mediation, as well as a good understanding of its practice.

Such knowledge shall comprise an advanced understanding and assimilation of the following points:

- General theory of conflict and conflict resolution.
- Legislation on mediation.
- Principles of mediation.
- Mediation techniques.
- Mediation processes.

- Court-connected, court-annexed and other mediation systems.

Applicants shall also demonstrate a thorough knowledge of the **specificities of all fields:** civil and commercial, family and criminal, in order to be eligible for general mediator certification by the UC3M (as specified in articles 9-10 of the UC3M *Regulation for the Certification of Mediators*).

Required knowledge may be accredited through successful participation in a mediation **Course of at least 60 hours**, with the possibility for the MEDAR Foundation to submit candidates to an additional exam, in case the Course studied is not exclusively targeted to experienced mediators.

The Assessors of the UC3M MEDAR certification program will evaluate the **accredited knowledge** by granting the grade of “pass” to applicants that have successfully participated in a mediation course which deals in an adequate manner with all the topics included as required knowledge in the UC3M Certification Regulation (articles 9-10 of the UC3M *Regulation for the Certification of Mediators*).

The title obtained must have been organized and carried out by an entity or institution whose level or prestige guarantees the quality of the accredited level of knowledge; the teaching team participating in the Course of conferment of the academic title must be composed by professionals with proven experience in the mediation field and/or in teaching it; and, as to the evaluation of the knowledge acquired by the participants during the Course, written exams, research assignments, elaboration of projects and dissertations, oral presentations of assignments or knowledge, and/or role plays must have been used, among others, to ensure deep understanding of the knowledge acquired.

As mentioned, the Assessors of the UC3M MEDAR certification program may, as well, call applicants to a **theoretical exam** on the general theory of mediation, in order to test their advanced level of knowledge.

3. Mediator Skills

The QAP must include a methodology for the evaluation of candidates' performance in terms of the occurrence and effectiveness of mediation process and mediation techniques, against high competency benchmarks. The Evaluations/Assessments may be based on roleplay 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.

All applicants to UC3M MEDAR mediator certification must demonstrate that they successfully manage the mediation process and mediation techniques. The minimum required skills include the ability of the applicants to structure a mediation process based on interests and to easily guide the parties from one stage to the next; to manage empathy and communication techniques; to be able to respond to specific situations such as multi-party mediation; and to suitably use a caucus; to identify situations where the use of other resources is indicated in order to help resolve the conflict, and to appropriately manage those.

In order to demonstrate the skills required for obtaining the certificate, applicants must pass an **evaluation test** set by the Assessors. Applicants may freely choose between the **online** (videotaped) or **onsite** (live) testing mode, which will in all cases consist in carrying out a **one-hour mediation session and a subsequent self-assessment** (articles 13-15 of the UC3M *Regulation for the Certification of Mediators*), both to be evaluated by the MEDAR Assessors.

Roleplay assessment benchmarks:

One or more Assessors, deciding by majority, will evaluate the candidate's performance across five areas of practical skills:

- 1. Mediation Process:** ability to help the parties move from one phase to the next, assist parties in identifying interests, in generating options and in building a mutually satisfactory agreement.
- 2. Mediation Techniques:** efficient use of verbal and non verbal communication, active listening, empathy, reframing and other mediation techniques, collaborative spirit.
- 3. Management of difficult or special situations:** handle difficult questions, deal with lack of authority or capacity of one of the parties, maintain comfort level before emergencies, detecting conflicts of interest or bias.
- 4. Joint and individual sessions:** adequate choice and use of joint sessions and caucus, respect confidentiality at all times, transparency of mediator conduct, remain impartial.
- 5. Use of other resources:** identification of situations that need to be resolved out of mediation context and referral of such cases to an adequate resolution method.

4. Program Transparency

The benchmarks and criteria applied by the QAP must be published and be openly accessible on the organization's website. Details of all approved programs will be listed on the IMI web portal www.IMImediation.org and will include a direct link to the credentialing organizations' websites.

The **UC3M MEDAR** benchmarks and criteria **for certification, making candidates eligible for IMI Certification**, are contained in its *Regulation for the Certification of Mediators* – in force since 1 October 2012. They will be published and openly accessible through the [Foundation website](#), as well as the website of the [University Carlos III de Madrid](#), upon IMI approval of the QAP.

5. Program Integrity

Each Assessor must have substantial experience of assessing the performance of mediators. At least one of the Assessors on each Program must be independent of the QAP.

MEDAR Assessors shall be appointed for a period of 3 years, renewable upon fulfillment of the designation criteria.

There are two types of MEDAR Assessors, depending to their link with the UC3M and its Court-connected Mediation Program:

- **Internal Assessors:** professional link with the UC3M and/or its Court-connected Mediation Program;
- **External Assessors:** no permanent link with the UC3M and/or the Program.

Assessors will be appointed on the basis of their extensive experience in the evaluation of mediators. Such experience shall be accredited by mediators certifying more than two years of experience as **assessors of mediator candidates** and/or **mediation practice** of at least 5 years, and/or having at least 5 years of **teaching experience** in mediation and conflict resolution.

In order to guarantee independence and neutrality of Assessors, the MEDAR foundation requires them to refrain from participating in the assessment of persons with whom they have or have had a link which puts their impartiality at stake. Assessors under such circumstances will have to immediately inform the Directors of the UC3M MEDAR

Certification Program, who will proceed to the allocation of another Assessor for the specific case (articles 27-30 of the UC3M *Regulation for the Certification of Mediators*).

6. Ongoing Monitoring of Programs

The 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.

In order to ensure the quality of the certification process, Assessors will have to be evaluated by:

- the certification applicants, by means of quality questionnaires filled once the certification process has been completed;
- the Directors of the Certification Program, on the basis of Assessors' **accessibility to communications**, their **adaptation to the needs of applicants**, the **educational character of their assessment comments**, their **compliance with the applicable regulation**.

The MEDAR Foundation will take the necessary measures to ensure the quality, transparency and integrity of the certification process. Particularly, the assessment system will be **evaluated on an ongoing basis** by users, assessors and mediators, through questionnaires, surveys and interviews.

The MEDAR Foundation hereby confirms its agreement to provide all necessary information and accept monitoring from IMI, and **further collaborate with national or international institutions of mediator certification**, with the aim of exchanging good practices, provide and receive and external quality assessment and guarantee the quality of services provided and of the profession of mediator in general (articles 31-32 of the UC3M *Regulation for the Certification of Mediators*).

7. Commitment to Diversity

The QAP must be accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization.

Mediator certification by the UC3M is open to all natural persons fulfilling the certification criteria set by the Foundation, on the basis of objective criteria as well as by equal

opportunities, regardless of sex, race, ethnic origin, age, religion, sexual orientation or any other personal characterization, as stipulated in article 3 of the *UC3M Regulation for the Certification of Mediators*.