



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

ADR Institute of Canada

IMI QUALIFYING ASSESSMENT PROGRAM

Introduction & Background

The ADR Institute of Canada Inc. ([ADR Canada](#)) is a national non-profit organization that provides national leadership in the development and promotion of dispute resolution services in Canada and internationally. In concert with seven regional affiliates across the country, we represent and support professionals who provide dispute resolution services and the individuals and organizations that use those services. Our membership includes over 1,700 individuals and 60 business and community organizations from across Canada. Our standards and programs reflect our commitment to excellence.

ADR Canada has established a regulatory framework that includes standards for education and practice including a [Code of Ethics](#) and a [Mediator's Code of Conduct](#). This framework (which includes a [Discipline and Complaint Procedure](#)), provides the public with an important measure of protection. ADR Canada is a self-regulating and highly respected professional institution.

ADR Canada provides recognized practice designations. Highly experienced members can apply for "Chartered Mediator" (C.Med) or "Chartered Arbitrator" (C.Arb) designations. These designations are known and respected across Canada and internationally and are the most senior designation offered by ADR Canada. Mediator members with extensive training and some practice experience can apply for the "Qualified Mediator" (Q.Med) designation that indicates they have been judged to be practicing at an intermediate level. These designations assist the public to choose a practitioner who is practicing at a specific level and whose qualifications have been reviewed by ADR Canada for enhanced quality assurance.

ADR Canada implements standards via a National Chartered Mediator Accreditation Committee (NCMAC) appointed by the ADR Canada Board of Directors. The NCMAC's role is to review and approve recommendations for accreditation as a Chartered Mediator by the Regional Accreditation Committees and to review and approve mediation training and competency assessment programs to ensure national consistency. The Regional Chartered Mediator Accreditation Committees (RCMACs) are appointed by ADR Canada's regional affiliates.

ADR Canada publishes [National Mediation Rules](#) and [National Arbitration Rules](#) that are widely accepted throughout Canada for the resolution of commercial disputes. Members of the public, lawyers and other professionals in need of ADR services, regularly consult ADR Connect or call our office for assistance in sourcing the ADR professional best suited to their needs according to practice area, skill level, location or other criteria. In selecting a practitioner who is a member of the Institute, users are selecting someone who is a member of an established and recognized professional institution, are assured of the member's commitment to upholding the Institute's Code of Conduct and Code of Ethics, and have an avenue of redress should standards of practice fall below a certain standard. Users find further assurance in selecting a member who has the Qualified Mediator, Chartered Mediator or Chartered Arbitrator designation. These designations indicate the practitioner's degree of skill and experience as a professional in the field.

The ADR Canada C.Med Competency Assessment Criteria are available on the ADR Canada website at: <http://adric.ca/resources/professional-designations/c-med-application/>

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.

At present, the C.Med Criteria require mediators to have conducted at least 10 mediations with the applicant having been the sole mediator or the mediation chairperson in at least 5 of those mediations. Furthermore, at least 5 of the mediations conducted must have been fee paid mediations (i.e. the mediator has been remunerated either by fee or by salary for services rendered as mediator). Almost all C.Med mediators actually have considerably

more experience than the minimum indicated and ADR Canada is therefore currently considering increasing these minimum experience levels.

In order for a C.Med mediator to be qualified by ADR Canada as IMI Certified, we will require the mediator to provide evidence that applicants have a level of experience exceeding 15-20 mediations covering more than 150-200 hours.

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.

ADR Canada's [Competency Assessment Criteria](#) require a candidate for C.Med certification to complete at least 80 hours of mediation theory and skills training in mediation programs approved by ADR Canada, plus at least 100 hours of study or training in dispute resolution generally, covering 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 training details are decided by each Regional Chartered Mediator Accreditation Committee (RCMAC) as explained in the ADR Canada Competency Assessment Criteria.

Although RCMACs can deem mediation knowledge by virtue of an applicant's proven competency, practice longevity and peer recognition, mediators who qualify for C.Med via that route will not also qualify for IMI Certification unless, in certain exceptional cases, ADR Canada seeks the ISC's approval to qualify such individual mediators for IMI Certification where mediation knowledge to C.Med standards can be proved.

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.

Skills assessment criteria are set out in Part III, Section III of the ADR Canada Competency Assessment Criteria and the requirements are set out in Appendix "A".

ADR Canada submits that mediators who demonstrate competency in the process of mediation in the areas outlined in Appendix “A” as determined through (a) observation and approval by a Qualifying Mediator through one or more of the following: co-mediation, practicum, role playing, video taped mediation or other processes approved by ADR Canada, or (b) successful completion of a competency assessment program approved by ADR Canada, may be considered as having met the Mediator Skills criteria established by IMI.

In certain exceptional cases, ADR Canada may seek the ISC’s approval to qualify individual mediators for IMI Certification where skills assessment to C.Med standards can be proved through an interview between the applicant and the RCMAC or by other means of assessing an applicant’s competency in the process of mediation, proposed by the applicant or the RCMAC and approved by ADR Canada.

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.

As indicated above, ADR Canada’s Competency Assessment Criteria, as well as the assessment requirements set out in Appendix “A”, are available for public scrutiny and can be downloaded from the ADR Canada website.

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.

Assessments for the C.Med designation are monitored by the NCMAC, described above. The NCMAC comprises of no fewer than three C.Med mediators, all of whom are independent and none of whom are employees of ADR Canada. The RCMACs comprise of no fewer than three C.Med mediators, with balanced representation from qualified practitioners, academics and researchers and at least one independent mediation trainer. All are independent and none is an employee of ADR Canada.

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.

Under the ADR Canada Competency Assessment Criteria, Part III, Section IV, the “Chartered Mediator” designation must be renewed every three years. This requires (a) completion of a Renewal Application and (b) a renewed Pledge. The “Chartered Mediator” designation will not be renewed where the applicant has breached the Pledge. Since January 2009, holders of the C.Med designation are required to document their education and engagement activities in the field on the provided reporting form and return it three years from the date the designation is granted. The Instruction Form contains the points awarded for a comprehensive list of activities. Practitioners holding the C.Med designation are required to acquire 100 points over a three year time period. Mediators not meeting the minimum education and engagement requirements lose their C.Med status, and if they are IMI Certified on the strength of their C.Med status, they would also lose that designation.

ADR Canada will monitor Feedback for the mediators it qualifies for IMI Certification, requiring Reviewers to provide copies of all completed forms on a spot-check basis to enable ADR Canada to monitor and verify the consistency of the Feedback Digest with the IMI Guidelines.

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.

Canada is one of the world’s most diverse multi-cultural societies, with approximately 20% of the population believed to be born outside Canada. In common with all leading professional organizations in the country, ADR Canada invites applications for its C.Med and other designations from all sectors of society, regardless of gender, race, ethnicity, age, religion, sexual orientation and personal characterization. Membership of ADR Canada is open to all mediators of good standing.