



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Institute for Dispute Resolution At New Jersey City University

IMI QUALIFYING ASSESSMENT PROGRAM

Introduction & Background

The Institute for Dispute Resolution (IDR) is an organization that promotes appropriate dispute resolution in commercial and financial transactions, both nationally and internationally, including cross border and investor-state disputes. The IDR is affiliated with the School of Business of New Jersey City University (NJCU). NJCU, founded in 1929 in Jersey City, New Jersey, offers 41 undergraduate, 27 Master of Arts, and 2 doctoral degree programs. The IDR is at the center of the stimulating, multi-national and academic environment within the international commercial hub of the greater New York metropolitan area. The mission of the IDR is to promote international trade and commerce through implementation of dispute resolution mechanisms for businesses small and large from a business school perspective. The IDR draws from a selective pool of highly trained and experienced attorneys, retired judges, mediators, neutrals, government officials, intergovernmental and nongovernmental organizations, international organizations, career diplomats, private sector specialists, and academicians. The IMI Qualifying Assessment Program focuses on IDR mediators. Additional requirements for Arbitrators are contained in separate IDR rules and procedures. **The IDR is committed to submitting at least one new IMI certified mediator per year.**

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.

Applicants seeking IMI Certification by IDR must demonstrate substantial mediation experience with completion of at least 25 mediated disputes with a minimum of 200 hours of in-person mediation experience.

Additionally, Applicants must submit completed feedback forms signed by the participants (attorneys and/or parties) to 10 of these mediations that will be reviewed by the Assessor and the

IDR evaluations committee. An affidavit detailing the mediations completed, including the type of case, whether resolved or not, the number of hours spent and whether or not feedback forms were completed must be submitted by the Applicant. Alternatively, a reference from an appropriate program, court, clinic, organization or entity may be submitted to the IDR Assessor which verifies the Applicant's mediation experience.

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.

As a prerequisite to applying for IMI Certification through the IDR QAP, Applicants must provide proof they have received at least 40 hours of basic mediation training which included mediation theory and skills, ethics and role play. In addition, IDR will require all applicants to take an advanced mediation course of 6 hours, which will be taught by experienced and recognized mediation trainers and educators.

Applicants are also required to take and pass a written, multiple-choice exam consisting of 50 questions on mediation theory and practice which will be given on the day of the advanced mediation training course. In the alternative, the Applicant may submit an essay or publication on mediation showing sufficient mediation knowledge.

All requirements for the initial IMI Certification by IDR must be completed within 18 months of the submission of the application for IMI Certification.

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 will be observed and evaluated for their mediation skills, performance and general competence by an IDR Assessor while conducting an in-person mediation session or role play for at least one hour. Mediations may also be conducted via Zoom or other teleconferencing methods and can be pre-recorded and submitted to the Assessor for evaluation on tape. All participants

and parties to an actual mediation will be required to sign a Release in order to allow for the Assessor's observation and evaluation. The Applicant may also conduct the mediation through an IDR approved program or clinic.

Applicants will be provided at least one feedback form from each of the observed mediations conducted. If the mediation session takes place through an IDR approved program or clinic, the distribution, collection, and review of written feedback forms will be performed by the IDR Assessor. The review form will be sent when requested directly from IDR.

The Assessor will observe and methodically analyze the mediation session and check off the areas where the candidate has shown proficiency. The Assessor may also take constructive notes of areas that the candidate should strengthen. Applicants will also provide the Assessor with a self-assessment of the mediation conducted in accordance with the Assessors' checklist of criteria which can be found on the IDR website(<https://www.njcu.edu/academics/schools-colleges/school-business/institute-dispute-resolution-idr/idr-mediation-transdisciplinary-education-certifications>). Upon completion of all prerequisites, the Assessor will tally the number of areas passed, and notify the candidate if s/he has passed. If the candidate does not pass s/he will be provided with a detailed list of those areas needing improvement. IDR will offer the candidate a suggested plan to follow to achieve the improvement necessary to become IMI certified (This may be subjected to additional fees). The Assessor's written or recorded evaluation will be provided to the candidate. The quality of the feedback is paramount within this process and the IDR strives to provide the highest and most effective feedback to each candidate.

The benchmarks that assessors will be reviewing each applicant will be surrounding the following topics:

- 1) Mediator's Preparedness
- 2) Mediator's Communication Skills
- 3) Mediator's Objectivity
- 4) Mediator's Collaboration Skills
- 5) Mediator's Negotiation Skills
- 6) Mediator's Process Management Skills

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 criteria to become IMI Certified can be viewed at the IDR website (<https://www.njcu.edu/academics/schools-colleges/school-business/institute-dispute-resolution-idr/idr-mediation-transdisciplinary-education-certifications>)

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.

IDR Assessors will be chosen by the Board of IDR based on their high degree of experience and competence in mediation and in assessing and/or teaching mediation skills. The Assessors will all be IMI certified and familiar with the QAP Certification process. At least one Assessor will be appointed by the Board of IDR who is independent of the QAP. Additionally, the faculty of the required advanced mediation course under the IDR program will not be permitted to be the Assessor of any applicant that they have instructed.

6. Ongoing Monitoring of Program

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.

The Assessors will be monitored by the IDR Certification Committee who will annually evaluate the performance and practice of the Assessors using the following criteria: (i) responsiveness, (ii) timeliness, (iii) thoroughness, and (iv) objectivity. While continuing to maintain the highest standards of quality, integrity, and excellence in mediation, the IDR Certification Committee will invite Assessors and participants to provide feedback for ways to improve the QAP.

The IDR will adhere to an IMI audit.

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.

The IDR is committed to diversity and provides equal access of the QAP to all experienced, qualified mediators on an equal basis regardless of their gender, race, ethnicity, age, religion, sexual orientation, socio-economic status, professional affiliations or other personal characterization.

8. Fee Schedules

The fees and schedules for the class and enrolment in 2020, including the initial and ongoing monitoring fees, can be viewed at the IDR website <http://www.njcu.edu/IDR>