



Training Syllabus and Certification System

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Training Syllabus

1.		
Module title: Code of conduct and mediation styles		
Module description: <i>The module refers to general standards of mediation practice as stated in the European Code of Conduct for Mediators and similar documents as well as mediation styles that mediators might find useful in their practice. The module consists of two lessons. The first lesson focuses on ethical standards in mediation, taking into account rules and frames on the individual, organizational, national and European level. The second lesson concentrates on differences in mediation styles or models of practice, including evaluative, facilitative and transformative approach.</i>		
Study hours: 6		
Topic	Title	Reading/materials
1	Code of conduct and ethical standards	<p>European Code of Conduct for Mediators</p> <p>European Code of Conduct for Mediation Providers</p> <p>Dr Felix Steffek, Mediation in the European Union: An Introduction https://e-justice.europa.eu/fileDownload.do?id=b3e6a432-440d-4105-b9d5-29a8be95408f</p> <p>Film material: Mediator Ethics: The Best of MEAC</p> <p>Implicit Bias in Mediation presented by Phyllis Pollack of PGP</p> <p>Mediation for Will Work For Food</p> <p>Mediator Code of Disclosure: Daniel Rainey & Ana Goncalves @Cyberweek 2020 https://www.youtube.com/watch?v=Xu0Dup_h-Nk</p>
2	Mediation styles	<p>Mediator Self-Reflection Treasury https://www.vacourts.gov/courtadmin/aoc/djs/programs/drs/mediation/resources/treasury.pdf</p>

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		<p>Types of Mediation: Evaluative, Facilitative, and Transformative, ADR Times 2021 https://www.adrtimes.com/types-of-mediation/</p> <p>Types of Mediation: Choose the Type Best Suited to Your Conflict - Program on Negotiation Daily Blog (Harvard Law School) https://www.pon.harvard.edu/daily/mediation/types-mediation-choose-type-best-suited-conflict/</p> <p>Katina Foster, A Study in Mediation Styles: A Comparative Analysis of Evaluative and Transformative Styles, 2003 https://www.mediate.com/articles/fosterk1.cfm</p>
Teaching methods; forms of learner engagement		
self study (video course, suggested reading and additional materials), intervision group, final MedLab activities		
Learning outcomes		
Country Codes	Description	
Knowledge		
	describes The European Code of Conduct for Mediators and the European Code of Conduct for Mediation Providers	
	describes characteristics of different mediation styles (evaluative, facilitative and transformative)	
	describes the potentials and limitations of each style in a given situation	
Skills		
	contracts mediation according to The European Code of Conduct for Mediators and the European Code of Conduct for Mediation Providers	
	applies mediation principles in a culturally sensitive manner	
Social competencies		
	reflects upon the challenges of applying mediation principles in international setting	
	reflects upon own mediation practice in relation to European mediation standards	
	reflects upon own mediation style, the rationale behind it and its potentials and limitations in intercultural setting	
	is aware of the need of professional development and existing possibilities in this respect	
Assessment methods and criteria		
Theoretical test - passed/ not passed		
Intervision group involvement - yes/no plus reflection note provided		

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Med-Lab active involvement - yes/ no

2.

Module title: Co-mediation

Module description:

The module refers to the process of establishing creative cooperation between co-mediators. In the first lesson we will look at a natural dynamic of cooperation which is irrespective of the mediators' competence and personality. In the next lesson we will try to show how the potential of co-mediation depends on the complementary professional competences of the mediators, as well as the compatibility of their personal characteristics. In the third one we will focus on practical aspects of establishing cooperation between co-mediators.

Study hours: 6

Topic	Title	Reading/materials
1	Developing collaboration between mediators	<p>Foley K., To Co-Mediate or Not to Co-Mediate – That is the Question, "Bond Law Review", vol. 29, issue 1, 2017 http://www5.austlii.edu.au/au/journals/BondLawRw/2017/7.pdf</p> <p>Joe Epstein and Susan Epstein on Co-mediation, the Colorado Lawyer, vol. 35, no.6, 2006 https://crs-adr.com/wp-content/uploads/06JuneADRf.pdf</p> <p>Nancy Kramer, Co-mediating - Giving It a Chance, New York Law Journal Special Report, vol. 261, no. 51, 2019. https://www.jamsadr.com/files/uploads/documents/articles/kramer-newyorklawjournal-co-mediating-giving-it-a-chance-2019-03-18.pdf</p> <p>Scottish Community Mediation Centre Briefing Papers: Co-Mediating https://www.scmc.sacro.org.uk/sites/default/files/resource/SCMC_14_CoMediating.pdf</p>
2	Personal and cultural compatibility in co-mediation	<p>Love L.P., Stulberg J.P., Practice Guidelines for Co-Mediation: Making Certain that "Two Heads are Better than One", 13 Mediation Q. 179 (1996) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2349751</p>

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3	Models of cooperation and organizing co-mediation	Co-mediation evaluation forms http://www.nyed.uscourts.gov/forms/co-mediator-evaluation https://www.va.gov/adr/Docs/CO_MEDIATOR_EVALUATION.pdf Mason S.J.A, Kassam S., <i>Bridging Worlds: Culturally Balanced Co-Mediation</i> (2011) https://doi.org/10.3929/ethz-a-006936670
Teaching methods; forms of learner engagement		
self study (video course, suggested reading and additional materials), intervision group, final MedLab activities		
Learning outcomes		
Country Codes	Description	
Knowledge		
	describes the benefits and challenges of co-mediation in cross-border and intercultural settings	
	describes at least one model of mediators' collaboration development	
	describes the challenges to effective co-mediation at a given stage of collaboration development	
	describes different aspects of mediators' complementation (for ex. model grounded in Wroclaw Declaration, personality matching)	
	describes different aspects of collaboration to be addressed while negotiating ground rules with co-mediator	
	differentiates between general and case-specific rules of co-mediation	
	describes different models for sharing roles in co-mediation	
	describes criteria of evaluating collaboration relating to different aspects of satisfaction (substantive, psychological and procedural)	
	describes feedback models for mediators' collaboration	
Skills		
	agrees on ground-rules with co-mediator	
	Is able to recognize the development stage of his/her cooperation with co-mediator	
	Is able to act appropriately at different cooperation stages to aim for effective collaboration and overcome stumbling blocks	
	adopts an adequate model for sharing roles in co-mediation (case-suitable or partner-suitable)	
	adopts criteria relating to different aspects of satisfaction (substantive, psychological and procedural) to evaluating co-mediation experience	
	applies effective feedback methods to his/her co-mediator	
Social competencies		

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	Is open and flexible towards his/her co-mediator through the development of their cooperation
	provides feedback respectfully
	adopts feedback with openness and understanding
Assessment methods and criteria	
Theoretical test - passed/ not passed	
Intervision group involvement - yes/no plus reflection note provided	
Med-Lab active involvement - yes/ no	

3.		
Module title: Mediation techniques		
Module description: <i>The module refers to techniques that mediators might find useful in international practice. It consists of three lessons. The first lesson focuses on reflexivity in mediation, taking into account assumptions and cultural lenses. The second lesson concentrates on the initial phases of mediation (including preparation) and varying expectations as well as ways of communicating and working with culturally diverse parties. The third lesson focuses on some specific techniques useful throughout the mediation process, including clarification, identifying vicious circles and working with the value square model.</i>		
Study hours: 6		
Topic	Title	Reading/materials
1	Reflexivity in mediation	Brigg M., Mediation, Power and Cultural Difference, <i>Conflict Resolution Quarterly</i> , vol. 20, no.3, 2003 https://www.nottingham.ac.uk/research/groups/ctccs/projects/translating-cultures/documents/journals/mediation-power-and-cultural-difference.pdf
2	Initial phases of mediation	How to Deal with Cultural Differences in Negotiation – Program on Negotiation Daily Blog, Harvard Law School https://www.pon.harvard.edu/daily/business-negotiations/how-to-deal-with-cultural-differences-in-negotiation/ How to Resolve Cultural Conflict: Overcoming Cultural Barriers at the Negotiation Table – Program on Negotiation Daily Blog, Harvard Law School https://www.pon.harvard.edu/daily/conflict-resolution/a-

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		cross-cultural-negotiation-example-how-to-overcome-cultural-barriers/ Managing Cultural Differences in Negotiation – Program on Negotiation Daily Blog, Harvard Law School https://www.pon.harvard.edu/daily/international-negotiation-daily/managing-cultural-differences-negotiation-2/
3	Specific techniques in the mediation process	Videos: Resolution Through Mediation: Solving a Complex International Business Problem https://www.youtube.com/watch?v=xTbj-eHwX-w Understanding justice project videos Spain / UK (interpreting and translating in civil justice proceedings) - chosen: https://www.understandingjusticeproject.com/#videos
Teaching methods; forms of learner engagement		
self study (video course, suggested reading and additional materials), intervision group, final MedLab activities		
Learning outcomes		
Country Codes	Description	
Knowledge		
	describes attribution errors and how to deal with them in international mediation	
	understands the notion of cultural lenses and how they can affect mediation	
	describes positive connotation technique	
	describes culturally sensitive methods of building trust in mediation	
	describes different communication styles addressing cultural preferences	
	describes different behavioral patterns in negotiation and mediation	
	describes the vicious circle model and value-development square model by Schultz von Thun	
	describes the meta-dialogue method	
Skills		
	applies positive connotation technique	
	applies culturally sensitive methods of building trust in mediation	
	applies culturally appropriate mediation techniques	
	conducts the international mediation process taking into account different behavioral patterns in negotiation and mediation	
	identifies vicious circle mechanisms and value-development square in a given case	

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	applies the vicious circle model and value-development square model in international mediation
	provides clarification in the mediation process
	applies the meta-dialogue method when appropriate
Social competencies	
Assessment methods and criteria	
Theoretical test - passed/ not passed	
Intervision group involvement - yes/no plus reflection note provided	
Med-Lab active involvement - yes/ no	

4.		
Module title: Conflict Analysis		
Module description: Each conflict is unique in its form and character and a sound analysis of the nature of the conflict is essential for finding a resolution. This module will start with the basic concepts and definitions of conflict analysis. The reason for conducting a conflict analysis and the various steps involved will be described. In the next lesson, participants will become acquainted with tools to conduct conflict analysis. Here the significance of asking questions, the categories of questions and the order of asking questions will be described. Participants will also benefit from new concepts of viewing the conflict in this section. Finally, a narrative about new perspectives on conflict analysis - 'Killing the Play', by author A C Whelan - will sum up the lesson.		
Study hours: 6		
Topic	Title	Reading/materials
1	Basic concepts and classical methods for conflict analysis	"Handbook Of Conflict Analysis And Resolution' By Sean Byrne "Conflict Analysis and Mediation Entry Points" Peace Mediation and Mediation Support Fact Sheet Practitioners" Guide: Conflict Analysis, by Method Finder
2	Tools to conduct conflict analysis	"Some remarks on conflict analysis" by Zdzisław Pawlak

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3	Learning and practising conflict analysis	Hollenbeck, J. R., Klein, H. J., O’Leary, A. M., & Wright, P. M. (1989). Investigation of the construct validity of a self-report measure of goal commitment. Journal of Applied Psychology, 74, 951-956.
Teaching methods; forms of learner engagement		
Self-study (video course, suggested reading and additional materials), intervision group, final Mediation Lab activities		
Learning outcomes		
Country Codes	Description	
Knowledge		
	Knowledge of key concepts and definitions of conflict analysis	
	Identification of steps in a conflict analysis	
	Understanding of the usual structure of a conflict analysis	
	Understanding of the significance of asking questions - particularly the types of questions to analysis the dispute	
	Developing various approaches to conflict analysis - with focus on the frames of reference for perspective building	
Skills		
	Structured manner of approaching a conflict analysis	
	Adequate techniques to developing conflict hypotheses	
	Identifying and evaluating the different variables that play a role in the conflict	
	Using Questions correctly as a tool to analysis the conflict	
Social competencies		
	Mediator will develop sensitivity to the perceptions of the conflict parties with the help of ‘frame of reference’ concept.	
	Mediator will develop the skills of asking the right types of questions.	
	Mediator wil learn to view the conflict from different lenses.	
Assessment methods and criteria		
Theoretical test - passed/ not passed		
Intervision group involvement - yes/no plus reflection note provided		
Med-Lab active involvement - yes/ no		

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5.

Module title: Culture and Communication

Module description:

Our cultural backgrounds provide us with a sense of identity and belonging, and ultimately shape the lens through which we see the world. Culture is subject to change throughout our lives and influences the ways we send and receive communication. Deepening awareness of our values, beliefs and perceptions; and investigating how these link to our environment, strengthens our ability as mediation practitioners and serves to benefit parties in conflict in myriad ways. Mediating across cultures requires a varied toolkit, such as provided by this module, which recognises diversity and appreciates nuance.

Study hours: 6

Topic	Title	Reading/materials
1	Understanding Culture	Identity and Values Exercise - Trainer's own material http://mediationblog.kluwerarbitration.com/?s=culture Ubuntu: The Essence of Being Human - https://www.youtube.com/watch?v=44xbZ8MN1uk
2	Hofstede's Cultural Dimensions	https://geerthofstede.com/ https://geerthofstede.com/culture-geert-hofstede-gert-jan-hofstede/6d-model-of-national-culture/
3	Perception, Context and Time	https://erinmeyer.com/ Getting to Yes Across Cultures - https://www.youtube.com/watch?v=iSPeLrKJLYo https://hbr.org/video/embed/5476393165001/how-cultures-across-the-world-approach-leadership Low Context vs High Context Societies - https://www.youtube.com/watch?v=r-uUUMxt390
4	Cultural Mediation Models	4Bs Mediation Model - www.mikk.com

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5	Communication in Mediation	<p>“Rapport: The four ways to read people” by Emily and Laurence Alison https://www.youtube.com/watch?v=RGfEWeSO82g</p> <p>The Center for Nonviolent Communication</p> <p>“Time to Think: Listening to Ignite the Human Mind” https://www.timetothink.com/media/</p>
Teaching methods; forms of learner engagement		
Self-study (video course, suggested reading and additional materials), intervision group, final Mediation Lab activities		
Learning outcomes		
Country Codes	Description	
Knowledge		
	Reflection on personal identities and the values which guide mediators in the personal and professional contexts.	
	Understand the dimensions which emerged from Hofstede’s research, considering how these translate into the work of mediators.	
	Examining how differing cultural experiences presume inherent bias in perceptions.	
	Explore the significant impact various communication methods have upon the mediation process	
	Introduce prevailing cultural theories and relevant case studies	
Skills		
	Knowledge of dynamic approaches’ organizations are employing in their commitment to provide holistic, culturally sensitive mediation services to a diverse client base.	
	Tools for practice towards becoming culturally-sensitive mediators	
Social competencies		
	Mediator is aware of communication strategies to facilitate healthy negotiations.	
	Mediator ensures that the negotiation takes place in a comfortable, trust-enhancing setting.	
	Mediator is aware of their professional responsibilities as mediators working across cultures and borders	
Assessment methods and criteria		
Theoretical test - passed/ not passed		
Intervision group involvement - yes/no plus reflection note provided		
Med-Lab active involvement - yes/ no		

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6.		
Module title: Negotiation		
Module description: Negotiation is a vital part of any dispute resolution mechanism. A mediator should also have the right techniques to conduct a negotiation, in order to bring clarity of the individual needs and cooperation between the parties on a negotiation table. In this module, essential skills required for a successful negotiation are discussed. The importance of communication and perception development, basics of negotiation, different negotiating styles and the aspects of international negotiations are explained.		
Study hours: 6		
Topic	Title	Reading/materials
1	Basics of communication and perception	Negotiation - Techniques and skills by Dr. Reiner Ponschab Steinbeis Beratungszentrum Wirtschaftsmediation
2	Basic conditions of negotiation	Setting the Stage for productive Negotiations - Guhan Subramaniam https://www.youtube.com/watch?v=aHhPh5aKG0U&ab_channel=PONHLS
3	Building blocks for a successful negotiation	Mock negotiation scenario - Purchase of a car: negotiations between dealer and buyer
Teaching methods; forms of learner engagement		
Self-study (video course, suggested reading and additional materials), intervision group, final Mediation Lab activities		
Learning outcomes		
Country Codes	Description	
Knowledge		
	Highlights the significance of communication and perception in negotiations	
	Helps the negotiator analyze if the basic conditions are met - including a match between the negotiator and the scenario	
	Describes the foundations for a successful negotiation	
	Describes the various negotiation styles - including the Harvard Konzept	
	Describes nuances of international negotiations	

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	Presents reasons for unsuccessful negotiations - do's and don'ts
Skills	
	Recognizes the significance of proper communication and the role of perspectives
	Learns to identify whether basic conditions of negotiation are being met
	Is able to identify objectively whether they are suited for the negotiation scenario
	Is able to navigate negotiations involving multi-national parties
	is able to spot deficiencies in a negotiation that is likely to be unsuccessful
Social competencies	
	Mediator is aware of communication strategies to facilitate healthy negotiations.
	Mediator ensures that the negotiation takes place in a comfortable, trust-enhancing setting.
	Mediator is aware of social nuances and customs for international negotiations.
Assessment methods and criteria	
Theoretical test - passed/ not passed	
Intervention group involvement - yes/no plus reflection note provided	
Med-Lab active involvement - yes/ no	

7.

Module title: Alternative Dispute Resolution

Module Description: *The goal of this module is to provide participants with knowledge and understanding of the EU regulatory system for Alternative Dispute Resolution and gain familiarity with the main EU legal initiatives aimed at promoting the use of out-of-court mechanisms to resolve cross-border civil and commercial disputes.*

Study hours: 6

Topic	Title	Readings /Materials
1	The European Union (EU) Legal Framework for Alternative Dispute Resolution (ADR)	<ul style="list-style-type: none"> 98/257/EC: Commission Recommendation of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31998H0257 Directive 2008/52/EC on Civil and Commercial Mediation (OJ L 136/3). https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32008L0052
2	The New Alternative Dispute	<ul style="list-style-type: none"> Directive 2013/11/EU on Alternative Dispute Resolution for Consumer Disputes and Amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on

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	Resolution (ADR) Framework for Consumer Disputes	<p>Consumer ADR) (OJ L 165/63). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0011</p> <ul style="list-style-type: none">European Commission Report COM(2019) 425 on the application of Directive 2013/11/EU of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and Regulation (EU) No 524/2013. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2019:425:FIN
3	The Online Dispute Resolution (ODR) Regulation for Consumer Disputes and the ODR Platform	<ul style="list-style-type: none">Regulation (EU) No 524/2013 on Online Dispute Resolution for Consumer Disputes (OJ L 165/1). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R05243rd Report on the Functioning of the Online Dispute Resolution Platform. https://ec.europa.eu/info/sites/default/files/odr_report_2020_clean_final.pdf
Teaching methods; forms of learner engagement		
Self-study (videos, suggested readings, and additional materials), Group Discussions, Final MedLab activities.		
Learning outcomes		
Country Codes	Description	
Knowledge		
	Demonstrate knowledge and understanding of the EU Legal Framework on ADR and Mediation	
	Be familiar with EU legislative measures aimed at improving access to the civil justice system and promoting the use of ADR in cross-border civil and commercial disputes	
	Critically assess the strengths and weaknesses of EU laws as a means of regulating ADR and ODR	
Skills		
	Apply knowledge of EU legislation on ADR when dealing with cross-border civil and commercial disputes	
	Prepare opinions, advice, or recommend action (orally or in writing) in respect to legal issues concerning alternative dispute resolution and online dispute resolution	
	Apply skills of legal analysis and reasoning	

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Social competencies	
	Reflect on the need for EU legislation on ADR and ODR
	Reflect on the challenges EU consumers may find when using ADR/ODR especially in cross-border disputes
	Reflect on ways to improve the effectiveness of cross-border ADR
Assessment methods and criteria	
Participants are expected to fulfill the following course assignments:	
<ul style="list-style-type: none">• Participation in Group Discussions (30%)• Med-Lab: Simulations and Mock Mediations (40%)• Final Test/Exam (30%)	
The one online written exam will last approximately two hours and may have a variety of questions and question types.	
The following grading system will be observed:	
0 - 59 = F , 60 - 69 = D , 70 - 72 = C- , 73 - 76 = C , 77 - 79 = C+ , 80 - 82 = B- , 83 - 86 = B , 87 - 89 = B+ , 90 - 92 = A- , 93 - 100 = A	

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8.

Module Title: Online Dispute Resolution

Module Description: *The goal of this module is to provide participants with a general overview of online dispute resolution, specifically e-negotiation, online arbitration, and online mediation. In this module, we will also discuss the advantages and disadvantages of using video-conferencing platforms for online mediation and offer some tips for preparing and conducting mediation in a virtual space.*

Study hours: 6

Topic	Title	Reading/materials
1	Online Dispute Resolution (ODR) as a Solution to Cross-Border Disputes	<ul style="list-style-type: none"> • Rule, C. (2020). Online Dispute Resolution and the Future of Justice. Annual Review of Law and Social Science, 16, 277-292. http://www.colinrule.com/writing/future.pdf • RABINOVICH-EINY, Orna and Katsh, Ethan, Artificial Intelligence and the Future of Dispute Resolution: The Age of AI-DR (2021). Orna Rabinovich-Einy and Ethan Katsh, "Artificial Intelligence and the Future of Dispute Resolution: The Age of AI-DR" in Online Dispute Resolution: Theory and Practice (Mohamed Abdel Wahab, Daniel Rainey & Ethan Katsh, eds.) Eleven International Publishing, (forthcoming, 2021).
2	Main forms of Online Dispute Resolution	<ul style="list-style-type: none"> • Schmitz, Amy J., Ordering Online Arbitration in the Age of Covid ... and Beyond (September 2, 2021). University of Missouri School of Law Legal Studies Research Paper No. 2021-21, Available at SSRN: https://ssrn.com/abstract=3916406 • Qutieshat, E. (n.d.). Online Dispute Resolution. https://www.researchgate.net

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3	Online Mediation	<ul style="list-style-type: none">Vilalta, Aura Esther, The Effect of Electronic Mediation Outcomes (September 10, 2016). Electronic Mediation and E-Mediator Proposal for the European Union. Ed. Comares, p. 151-155, Available at SSRN: https://ssrn.com/abstract=2914923Conforti, O. F. (2020). Transforming Conflicts Online in Cross-border Disputes. Revista de Mediacion, 13(1), 1-9.
Teaching methods; forms of learner engagement		
Learning outcomes		
Country Codes	Description	
Knowledge		
	Develop an understanding of Online Dispute Resolution and its modalities.	
	Familiarize with ODR processes: E-Negotiation, Online Mediation, and Online Arbitration.	
	Identify and understand applications designed for online mediation	
	Acquire skills for conducting online mediations	
Skills		
	Apply knowledge of ODR when advising clients in cross-border disputes	
	Use communication skills in digital settings	
	Apply negotiation skills to online mediation	
	Preparing and conducting a mediation using a video-conferencing platform	
Social competencies		
	Reflect on the role ODR processes may play in resolving cross-border disputes	
	Reflect on the advantages and challenges of online mediation	
	Reflect on the issues relating to communication in a digital enviroment	
Assessment methods and criteria		

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Participants are expected to fulfill the following course assignments:

- Participation in Group Discussions (30%)
- Med-Lab: Simulations and Mock Mediations (40%)
- Final Test/Exam (30%)

The one online written exam will last approximately two hours and may have a variety of questions and question types.

The following **grading system** will be observed:

0 - 59 = **F**, 60 - 69 = **D**, 70 - 72 = **C-**, 73 - 76 = **C**, 77 - 79 = **C+**,
80 - 82 = **B-**, 83 - 86 = **B**, 87 - 89 = **B+**, 90 - 92 = **A-**, 93 - 100 = **A**

9.

Module title: The Mediation Process

Module Description: *This module provides participants with an overview of the mediation process and its main stages, with a particular emphasis on the cultural and legal issues involved in cross-border mediation.*

Study hours: 6

Topic	Title	Readings /Materials
1	The Pre-mediation Phase	<ul style="list-style-type: none"> • UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation, 2018 (amending the UNCITRAL Model Law on International Commercial Conciliation, 2002) https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/annex_ii.pdf • DIRECTIVE 2008/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

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		<ul style="list-style-type: none"> • Surma, L. (2018). Principles of Mediation as the Basis of this Process. ASEJ Scientific Journal of Bielsko-Biala School of Finance and Law, 3(1), 38-41. http://31.186.81.235:8080/api/files/view/556277.pdf • Fach Gomez, Katia, The Role of Mediation in International Commercial Disputes: Reflections on Some Technological, Ethical and Educational Challenges (July 11, 2019). Mediation in International Commercial and Investment Disputes, Oxford University Press, 2019. https://ssrn.com/abstract=3418648 • Nudelman, S. A., & Johnson, J. (2014). Premediation Preparation: A Key Component to Successful Dispute Resolution. The Brief Winter, 43(2), 1-6.
2	The Mediation Process: The Opening Session	<ul style="list-style-type: none"> • Berlin, R. (2019, August 5). Sample mediator's opening statement. Mediate.com - Find Mediators - World's Leading Mediation Information Site. https://www.mediate.com/articles/berlinB1.cfm • Skinner, A. (n.d.). The Evolution of the Opening Statement in Mediation. AlabamaADR.org: Alabama Center for Dispute Resolution. https://alabamaadr.org/web/CLE/files/2015-10 Opening Statement - Allison Skinner.pdf • Wright, W. (n.d.). CULTURAL ISSUES IN MEDIATION: A PRACTICAL GUIDE TO INDIVIDUALIST AND COLLECTIVIST PARADIGMS. https://attorney-mediators.org/Resources/Documents/Cultural Issues In Mediation - A Practical Guide to Individualist and Collectivist%252
3	The Exploration Phase	<ul style="list-style-type: none"> • Ben-Zvi, D., & Vincent, C. (2015, January 23). Joint sessions: More arrows in the mediation advocacy quiver. Mediate.com - Find Mediators - World's Leading

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		<p>Mediation Information Site. https://www.mediate.com/articles/BenZviD3.cfm</p> <ul style="list-style-type: none"> • Galton, E., & Allen, T. (2014). Don't Torch the Joint Session. IPOS Mediation. https://mediate.co.uk/wp-content/uploads/2017/06/Dont-torch-the-joint-session.pdf • Carroll, E. (2021, June 24). The value of joint sessions in mediation. CEDR. https://www.cedr.com/the-value-of-joint-sessions-in-mediation/ • Leigh, S. (2018, March 22). Caucus: An aid in mediation. Mediate.com - Find Mediators - World's Leading Mediation Information Site. https://www.mediate.com/articles/leighs2.cfm • Calkins, R. M. (2006). CAUCUS MEDIATION— PUTTING CONCILIATION BACK INTO THE PROCESS: THE PEACEMAKING APPROACH TO RESOLUTION, PEACE, AND HEALING. Drake Law Review, 54, 259-320. https://lawreviewdrake.files.wordpress.com/2015/07/lrvol54-2_calkinsps.pdf
4	The Negotiation and Closing Session	<ul style="list-style-type: none"> • How to resolve cultural conflict: Overcoming cultural barriers at the negotiation table. (2020, October 1). PON - Program on Negotiation at Harvard Law School. https://www.pon.harvard.edu/daily/conflict-resolution/a-cross-cultural-negotiation-example-how-to-overcome-cultural-barriers/ • Interest-based negotiation: In mediation, focus on your goals. (2021, June 14). PON - Program on Negotiation at Harvard Law School. https://www.pon.harvard.edu/daily/mediation/when-dealing-with-difficult-people-focus-on-your-goals/

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		<ul style="list-style-type: none">• Deason, E. (2015). Enforcement of Settlement Agreements in International Commercial Mediation: A New Legal Framework? American Bar Association.• Niek, P. (2019). The enforcement of mediation agreements and settlement agreements resulting from mediation. Corporate Mediation Journal, (1-2), 13-19.• Singaporeconvention.org. (2021). Convention text. Singapore Convention on Mediation.• SINGAPORE INTERNATIONAL DISPUTE RESOLUTION ACADEMY. (2020). A HANDBOOK ON THE SINGAPORE CONVENTION ON MEDIATION.
Teaching methods; forms of learner engagement		
Self-study (videos, suggested readings, and additional materials), Group Discussions, Final MedLab activities.		
Learning outcomes		
Country Codes	Description	
Knowledge		
	Familiarize with a mediation process designed to facilitate cross-border disputes	
	Understand mediator’s major tasks	
	Demonstrate competence in mediation and ability to differentiate various mediation stages	
	Understand the importance of process design when mediating cross-border disputes	
	Provide information about the mediation process	
	Evaluate the impact of culture in cross-border mediation	
	Understanding the benefits of co-mediating in a cross-border context	
	Demonstrate ability to use communication and negotiation techniques	
Skills		
	Design strategies for the pre-mediation phase	
	Identify and describe mediator’s major tasks	
	Describe the scope and principles of mediation	
	Apply communication skills to facilitate discussion between parties in a cultural context	
	Apply negotiation skills and techniques	
	Applying skills and knowledge when drafting a mediation agreement in cross-border disputes	
Social competencies		
	Reflect on the ability to evaluate the impact of culture in cross-border disputes	

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	Reflect on the advantages and challenges of co-mediation in cross-border disputes
	Reflect on ways to improve communication in cross-border intercultural mediation
Assessment methods and criteria	
Participants are expected to fulfill the following course assignments:	
<ul style="list-style-type: none"> • Participation in Group Discussions (30%) • Med-Lab: Simulations and Mock Mediations (40%) • Final Test/Exam (30%) 	
The one online written exam will last approximately two hours and may have a variety of questions and question types.	
The following grading system will be observed:	
0 - 59 = F , 60 - 69 = D , 70 - 72 = C- , 73 - 76 = C , 77 - 79 = C+ ,	
80 - 82 = B- , 83 - 86 = B , 87 - 89 = B+ , 90 - 92 = A- , 93 - 100 = A	

Certification System

The paper below provides an evaluation of the InMediate cross-border mediation training program. It is a multi-part program developed by an international team of trainers and conducted on a group of European mediators. Program evaluation will be performed mainly in terms of learning outcomes, verification criteria according to the ECVET system and European Qualifications Framework.

1. Assessment of the methodological framework and Learning Outcomes achieved by the trainees

Assessment of learning results is a vital aspect of any education or training program, and mediation programs are no exception. In the context of education and training, a methodological framework is used to guide the development and implementation of a program or curriculum. It outlines the steps and procedures that should be followed to ensure that the program is effective and efficient in achieving its learning outcomes.

A methodological framework with clear learning outcomes as a foundation is essential in developing a program that is effective in achieving its objectives and is beneficial to the learners. In this way, it provides a guide for the development, implementation and evaluation of the program, and the assessment of the learning outcomes achieved by the learners.

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Beneath we summarize main learning outcomes achieved in InMediate training programme.

With regard to the Knowledge the training INMEDIATE let the trainees acquire learning outcomes as follows:

- Knowledge of key concepts and definitions of conflict analysis
- Identification of steps in a conflict analysis
- Understanding of the usual structure of a conflict analysis
- Understanding of the significance of asking questions - particularly the types of questions to analysis the dispute
- Reflection on personal identities and the values which guide mediators in the personal and professional contexts.
- Understand the dimensions which emerged from Hofstede's research, considering how these translate into the work of mediators.
- Examining how differing cultural experiences presume inherent bias in perceptions.
- Explore the significant impact various communication methods have upon the mediation process
- Introduce prevailing cultural theories and relevant case studies
- Highlights the significance of communication and perception in negotiations
- Helps the negotiator analyze if the basic conditions are met - including a match between the negotiator and the scenario
- Describes the foundations for a successful negotiation
- Describes the various negotiation styles - including the Harvard Konzept
- Describes nuances of international negotiations
- Presents reasons for unsuccessful negotiations - do's and dont's
- describes The European Code of Conduct for Mediators and the European Code of Conduct for Mediation Providers
- describes characteristics of different mediation styles (evaluative, facilitative and transformative)
- describes the potentials and limitations of each style in a given situation

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- describes the benefits and challenges of co-mediation in cross-border and intercultural settings
- describes at least one model of mediators' collaboration development
- describes the challenges to effective co-mediation at a given stage of collaboration development
- describes different aspects of mediators' complementation (for ex. model grounded in Wroclaw Declaration, personality matching)
- describes different aspects of collaboration to be addressed while negotiating ground rules with co-mediator
- differentiates between general and case-specific rules of co-mediation
- describes different models for sharing roles in co-mediation
- describes criteria of evaluating collaboration relating to different aspects of satisfaction (substantive, psychological and procedural)
- describes feedback models for mediators' collaboration
- describes attribution errors and how to deal with them in international mediation
- understands the notion of cultural lenses and how they can affect mediation
- describes positive connotation technique
- describes culturally sensitive methods of building trust in mediation
- describes different communication styles addressing cultural preferences
- describes different behavioral patterns in negotiation and mediation
- describes the vicious circle model and value-development square model by Schultz von Thun
- describes the meta-dialogue method

With regard to Skills the training INMEDIATE let the trainees acquire learning outcomes as follows:

- Structured manner of approaching a conflict analysis
- Adequate techniques to developing conflict hypotheses
- Identifying and evaluating the different variables that play a role in the conflict
- Using Questions correctly as a tool to analysis the conflict

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- Knowledge of dynamic approaches' organizations are employing in their commitment to provide holistic, culturally sensitive mediation services to a diverse client base.
- Tools for practice towards becoming culturally-sensitive mediators
- Recognizes the significance of proper communication and the role of perspectives
- Learns to identify whether basic conditions of negotiation are being met
- Is able to identify objectively whether they are suited for the negotiation scenario
- Is able to navigate negotiations involving multi-national parties
- is able to spot deficiencies in a negotiation that is likely to be unsuccessful
- contracts mediation according to The European Code of Conduct for Mediators and the European Code of Conduct for Mediation Providers
- applies mediation principles in a culturally sensitive manner
- agrees on ground-rules with co-mediator
- Is able to recognize the development stage of his/her cooperation with co-mediator
- Is able to act appropriately at different cooperation stages to aim for effective collaboration and overcome stumbling blocks
- adopts an adequate model for sharing roles in co-mediation (case-suitable or partner-suitable)
- adopts criteria relating to different aspects of satisfaction (substantive, psychological and procedural) to evaluating co-mediation experience
- applies effective feedback methods to his/her co-mediator
 - applies positive connotation technique
- applies culturally sensitive methods of building trust in mediation
- applies culturally appropriate mediation techniques
- conducts the international mediation process taking into account different behavioral patterns in negotiation and mediation
- identifies vicious circle mechanisms and value-development square in a given case
- applies the vicious circle model and value-development square model in international mediation

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- provides clarification in the mediation process
- applies the meta-dialogue method when appropriate

With regard to Competence the training IMMEDIATE let the trainees acquire learning outcomes as follows:

- Mediator will develop sensitivity to the perceptions of the conflict parties with the help of 'frame of reference' concept.
- Mediator will develop the skills of asking the right types of questions.
- Mediator will learn to view the conflict from different lenses.
- Mediator is aware of communication strategies to facilitate healthy negotiations.
- Mediator ensures that the negotiation takes place in a comfortable, trust-enhancing setting.
- Mediator is aware of their professional responsibilities as mediators working across cultures and borders
- Mediator is aware of communication strategies to facilitate healthy negotiations.
- Mediator ensures that the negotiation takes place in a comfortable, trust-enhancing setting.
- Mediator is aware of social nuances and customs for international negotiations.
- reflects upon the challenges of applying mediation principles in international setting
- reflects upon own mediation practice in relation to European mediation standards
- reflects upon own mediation style, the rationale behind it and its potentials and limitations in intercultural setting
- is aware of the need of professional development and existing possibilities in this respect
- Is open and flexible towards his/her co-mediator through the development of their cooperation
- provides feedback respectfully
- adopts feedback with openness and understanding

2. Assessment of the training program in terms of criteria and procedures adopted to align the training curriculum with ECVET principles and national qualifications framework

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Aligning a training curriculum with the principles of the European Credit System for Vocational Education and Training (ECVET) and national qualifications frameworks (NQF) can be a complex process, but it is essential for ensuring that the training provided is of high quality and meets the needs of the learners, employers and society.

When aligning a training curriculum with the ECVET principles, several criteria and procedures should be adopted. One important criterion is that the training curriculum must be based on learning outcomes, which are defined as the knowledge, skills, and competences that a learner should be able to demonstrate upon completion of the training. The learning outcomes should be clearly stated and should be aligned with the objectives of the training program.

Another important criterion is that the training curriculum must be designed to be flexible and modular, which means that the learner should be able to take part in the training in a way that suits their individual needs. The training should be divided into smaller units, known as learning units, which can be combined in different ways to provide a more flexible and tailored learning experience.

To ensure that the training curriculum is aligned with national qualifications frameworks (NQF), it is necessary to establish a clear link between the learning outcomes defined in the training curriculum and the competences and qualifications described in the relevant NQF.

Procedures for alignment includes;

- mapping the learning outcomes of the training curriculum to the competences and qualifications described in the relevant NQF,
- relating the training program to the ECVET principles and NQF levels
- Identifying relevant external quality assurance mechanisms, such as accreditation and certification, that can be used to demonstrate the quality of the training program.

3. Verification, validation and recognition of learning outcomes

One of the key features of ECVET is the use of points, which are assigned to different learning units (such as modules or units of a training program) to help learners and training providers understand the relative value of the learning. Assigning points to a training program is an important step in aligning the program with the ECVET principles, as it helps to ensure that the program is of high quality and that the learning outcomes are clearly defined and measurable. In the table below, we present the ECVET points that we suggest to assign to the modules of InMediate training program. The table provides basic information about each module, including the general learning outcomes in terms of Knowledge, Skills and Competence, and the number of points assigned. The points have been assigned using the criteria and procedures outlined in the ECVET framework, and are based on factors such as the level of difficulty of the learning and the amount of time required to complete the module.

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We assessed the credit points basing on the following factors:

The number of hours of learning: Credit points should be based on the total number of hours of learning, including both formal and informal learning, required to achieve the learning outcomes.

The level of difficulty of the learning: Credit points should be based on the complexity of the learning content and the level of difficulty of the learning tasks.

The level of learning: Credit points should be based on the level of learning, as defined by the relevant national or international qualifications framework.

Structure of the course

I. Preparatory course (3-day face-to-face introductory course, for a total duration of 24 hours)

II. E-Learning Modules (9 modules, for a total duration of 54 hours)

III. Webinars (3 online webinars)

IV. Mediation Lab and follow-up (3-days face-to-face training, for a total duration of 24 hours)

MODULE	Knowledge	Skills	Responsibility and autonomy	Proposed ECVET CREDITS non-formal education
Preparatory course	Basic concepts of: -Legal Frameworks -Mediation Stages -ODR -Negotiation Techniques -Conflict Analysis -Culture and Communication -Code of Conduct -Mediation Techniques -Co-Mediation	enhanced ability of the participants to act and work within international environments and with professionals having very different backgrounds;	building a relationship of trust and confidence between trainers and trainees; contribute to the creation of a community of mediation practitioners specialized in the field of cross-	1,5

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			border civil mediation.	
M01 Alternative Dispute Resolution: Legal Framework & Mediator's Responsibility	EU regulatory system – EU legal initiatives		Awareness of the importance of legal conditions in mediation.	0,4
M02 Mediation Styles and Code of Conduct.	Standards of mediation practice as stated in the European Code of Conduct for Mediators	Choosing mediation model according to individual style.	Professional development of the mediator	0,3
M03 Culture and Communication.	Knowledge of cultural differences and cultural dimensions.	Various communication methods	Deepening awareness of our values, beliefs and perceptions	0,4
M04 Conflict Analysis.	Conflict analysis	Asking questions	Approaches to conflict analysis	0,7
M05 Negotiation	Various negotiation styles	Conduct a negotiation	Awareness of · of communication and perception	0,6
M06 Mediation Stages.	Cultural and legal issues involved in cross-border mediation	Ability to demonstrate competence, to differentiate various mediation stages	Understands the importance of the preparatory phase in cross-border commercial disputes	1,2
M07 Mediation techniques.		Specific techniques useful throughout the mediation process, including clarification, identifying vicious circles and working with the value square model	Reflexivity in mediation, taking into account assumptions and cultural lenses. Preparation and varying expectations as well as ways of communicating and working with	0,8

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			culturally diverse parties.	
M08 Co-mediation.	Practical aspects of establishing cooperation between co-mediators.	Giving feedback, developing a contract.	Creative cooperation between co-mediators	0,9
M09 Online Dispute Resolution.	Overview of online dispute resolution, specifically e-negotiation, online arbitration, and online mediation. The advantages and disadvantages of using video-conferencing platforms	Preparing and conducting a mediation using a video-conferencing platform		0,4
Webinar 01	U Cross-Border Commercial Mediation: Listening to Disputants – Changing the Frames; Framing the Changes			0,3
Webinar 02	AI – the new tool in the mediator’s toolbox			0,1
Webinar 03	The UN Convention on International Settlement Agreements Resulting from Mediation (The Singapore Convention). Challenges and Futures Perspectives			0,1
MedLab		-improved ability to work within	- mediation practitioners more	2,5

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		international environments and to deal with professionals holding different cultural and linguistic backgrounds - enhanced capacity of mediators to settle cross-border cases and to handle possible risks thanks to the practical approach of the teaching activity	aware about the impact that cultural differences, stereotypes and attributions have on key dispute resolution processes and on conflict generally	
Total				14 Credits

According to the future of application ECVET in EU, we would like to provide some information from the website of The Polish Team of ECVET Experts:

The Council Recommendation of 24 November 2020 on vocational education and training for sustainable competitiveness, social justice and resilience has replaced the ECVET and EQAVET Recommendations.

ECVET principles will continue to function in the educational space. As for the use of the term ECVET itself and further attempts to create a European credit system – one can only speculate that they will probably not continue, or at least the approach will be changed.

The vision of creating a European system of achievements in vocational training has been faced with several objective difficulties that are not wholly insurmountable, and yet no effective recipe has been found to solve them. It is worth mentioning here that the vision of the European achievement system in vocational education and training was inspired by the functioning of the ECTS system in the European Higher Education Area – an area characterized by a much greater coherence and tradition of international cooperation. Because the obstacles to the development of ECVET in Europe are mainly:

- The diversity of vocational education and qualification systems in European countries. These systems are usually linked by similar nomenclature of professions, but they differ in everything else – the structures of schools and qualifications, participation of education in the workplace, competency profiles of qualification holders (only one dimension of differentiation is the distinction between ‘narrow specialization’ and ‘broad profile’), examinations, the scope of general education accompanying vocational education, as well as the value of vocational education in a given labor market and in society, for example expressed in the level of earnings or social prestige.*

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- *Difficulty in comparing learning outcomes and therefore in determining the adequacy of achievements. The ways of describing qualifications and formulating learning outcomes adopted in individual countries differ significantly. Apart from linguistic differences, the level of generality of descriptions and the scope of the indicated aspects also differ (e.g. to what extent they focus on the description of professional tasks, to what extent they describe the necessary knowledge).*
- *Lack of strong traditions of cooperation between vocational training institutions between countries.*

Nevertheless, the above-mentioned Council Recommendation of November 2020 announced the continuation of activities in the field of learning mobility and international cooperation in the spirit of ECVET, perhaps in the coming years this cooperation will bring new ideas for building a credit transfer system.

Compatibility table

The European Qualifications Framework (EQF) has a set of eight reference levels that describe the learning outcomes associated with different types of qualifications. These levels range from basic (Level 1) to advanced (Level 8) and are intended to help make qualifications more comparable and transparent across different countries.

Each level is defined in terms of a set of learning outcomes that a person should be able to demonstrate upon completion of a qualification at that level.

The learning outcomes are defined in terms of:

Knowledge: in the context of EQF, knowledge is described as theoretical and/or factual.

Skills: In the context of EQF, skills are described as cognitive (involving the use of logical, intuitive and creative thinking) and practical (involving manual dexterity and the use of methods, materials, tools and instruments).

Responsibility and autonomy: In the context of the EQF responsibility and autonomy is described as the ability of the learner to apply knowledge and skills autonomously and with responsibility.

The level of the European Qualifications Framework (EQF) at which cross-border mediation should be recognized will depend on the specific learning outcomes and competencies associated with the cross-border mediation training or qualification in question. In general, cross-border mediation skills and competencies are likely to be recognized at Level 6 or Level 7 of the EQF, which correspond to advanced vocational education and training (VET) qualifications and higher education qualifications, respectively. However, it is important to note that the specific level of recognition will depend on the specific learning outcomes and competencies involved, as well as the specific context in which the cross-border mediation training or qualification is being used.

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MODULE	Knowledge	Skills	Responsibility and autonomy	Proposed European Qualification Framework Level
Preparatory course	Basic concepts of: -Legal Frameworks -Mediation Stages -ODR -Negotiation Techniques -Conflict Analysis -Culture and Communication -Code of Conduct -Mediation Techniques -Co-Mediation	enhanced ability of the participants to act and work within international environments and with professionals having very different backgrounds;	building a relationship of trust and confidence between trainers and trainees; contribute to the creation of a community of mediation practitioners specialized in the field of cross-border civil mediation.	Knowledge: 6 Advanced knowledge of a field of work or study, involving a critical understanding of theories and principles; Skills: 6 Advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialized field of work or study; Responsibility and autonomy: 6 Manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts; take responsibility for managing professional development of

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				individuals and groups.
M01 Alternative Dispute Resolution: Legal Framework & Mediator's Responsibility	EU regulatory system – EU legal initiatives		Awareness of the importance of legal conditions in mediation.	Knowledge: 6 Advanced knowledge of a field of work or study, involving a critical understanding of theories and principles; Responsibility and autonomy: 6 Manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts; take responsibility for managing professional development of individuals and groups
M02 Mediation Styles and Code of Conduct.	Standards of mediation practice as stated in the European Code of Conduct for Mediators	Choosing mediation model according to individual style.	Professional development of the mediator	Knowledge: 6 Advanced knowledge of a field of work or study, involving a critical understanding of theories and principles; Skills: 6 Advanced skills, demonstrating mastery and

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				innovation, required to solve complex and unpredictable problems in a specialized field of work or study; Responsibility and autonomy: 6 Manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts; take responsibility for managing professional development of individuals and groups.
M03 Culture and Communication.	Knowledge of cultural differences and cultural dimensions.	Various communication methods	Deepening awareness of our values, beliefs and perceptions	Knowledge: 7 Highly specialized knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research. Critical awareness of knowledge issues in a field and at the

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				interface between different fields; Skills: 7 Specialized problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures and to integrate knowledge from different fields; Responsibility and autonomy: 7 Manage and transform work or study contexts that are complex, unpredictable and require new strategic approaches; take responsibility for contributing to professional knowledge and practice and/or for reviewing the strategic performance of teams
M04 Conflict Analysis.	Conflict analysis	Asking questions	Approaches to conflict analysis	Knowledge: 6 Advanced knowledge of a field of work or study, involving a critical understanding of

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				theories and principles; Skills: 6 Advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialized field of work or study; Responsibility and autonomy: 6 Manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts; take responsibility for managing professional development of individuals and groups.
M05 Negotiation	Various negotiation styles	Conduct a negotiation	Awareness of · of communication and perception	Knowledge: 6 Advanced knowledge of a field of work or study, involving a critical understanding of theories and principles; Skills: 6

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				<p>Advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialized field of work or study;</p> <p>Responsibility and autonomy: 6</p> <p>Manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts; take responsibility for managing professional development of individuals and groups.</p>
M06 Mediation Stages.	Cultural and legal issues involved in cross-border mediation	Ability to demonstrate competence, to differentiate various mediation stages	Understands the importance of the preparatory phase in cross-border commercial disputes	<p>Knowledge: 7</p> <p>Highly specialized knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research.</p> <p>Critical awareness of</p>

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				knowledge issues in a field and at the interface between different fields; Skills: 7 Specialized problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures and to integrate knowledge from different fields; Responsibility and autonomy: 6 Manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts; take responsibility for managing professional development of individuals and groups.
M07 Mediation techniques.		Specific techniques useful throughout the mediation process, including clarification,	Reflexivity in mediation, taking into account assumptions and cultural lenses.	Skills: 7 Specialized problem-solving skills required in research and/or innovation in

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		identifying vicious circles and working with the value square model	Preparation and varying expectations as well as ways of communicating and working with culturally diverse parties.	order to develop new knowledge and procedures and to integrate knowledge from different fields Responsibility and autonomy: 7 Manage and transform work or study contexts that are complex, unpredictable and require new strategic approaches
M08 Co-mediation.	Practical aspects of establishing cooperation between co-mediators.	Giving feedback, developing a contract.	Creative cooperation between co-mediators	Knowledge: 6 Advanced knowledge of a field of work or study, involving a critical understanding of theories and principles; Skills: 6 Advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialized field of work or study; Responsibility and autonomy: 6 Manage complex technical or professional

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				activities or projects, taking responsibility for decision-making in unpredictable work or study contexts; take responsibility for managing professional development of individuals and groups
M09 Online Dispute Resolution.	Overview of online dispute resolution, specifically e-negotiation, online arbitration, and online mediation. The advantages and disadvantages of using video-conferencing platforms	Preparing and conducting a mediation using a video-conferencing platform		Knowledge: 7 Highly specialized knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research. Critical awareness of knowledge issues in a field and at the interface between different fields; Skills: 7 Specialized problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures

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				and to integrate knowledge from different fields
Webinar 01	U Cross-Border Commercial Mediation: Listening to Disputants – Changing the Frames; Framing the Changes			Knowledge: 7 Highly specialized knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research. Critical awareness of knowledge issues in a field and at the interface between different fields
Webinar 02	AI – the new tool in the mediator's toolbox			Knowledge: 7 Highly specialized knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research. Critical awareness of knowledge issues in a field and at the interface

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				between different fields
Webinar 03	The UN Convention on International Settlement Agreements Resulting from Mediation (The Singapore Convention). Challenges and Futures Perspectives			Knowledge: 6 Advanced knowledge of a field of work or study, involving a critical understanding of theories and principles
MedLab		-improved ability to work within international environments and to deal with professionals holding different cultural and linguistic backgrounds - enhanced capacity of mediators to settle cross-border cases and to handle possible risks thanks to the practical approach of the teaching activity	- mediation practitioners more aware about the impact that cultural differences, stereotypes and attributions have on key dispute resolution processes and on conflict generally	Skills: 7 Specialized problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures and to integrate knowledge from different fields; Responsibility and autonomy: 7 Manage and transform work or study contexts that are complex, unpredictable and require new strategic approaches; take responsibility for contributing to professional knowledge and practice and/or

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				for reviewing the strategic performance of teams
				General level: 7

The analysis of learning outcomes in the context of the EQF, shows that level 7 is indeed relevant as indicated in the InMediate curriculum, mainly due to the intercultural nature of the competences described. Mediating international civil disputes where conflict dynamics and intercultural issues are at stake seems to be a very demanding challenge.

The following guidelines developed by The Polish Team of ECVET Experts, may be useful for planning the verification of learning outcomes.

To confirm that an individual has achieved specific learning outcomes (individual units / sets or the entire qualification), they must be verified. Verification of learning outcomes is the process of confirming that an individual has met the requirements for a qualification or set of learning outcomes for which they are applying. Verification (from the ECVET perspective and in accordance with the ECVET Recommendation) are methods and processes leading to determining whether a given person has achieved certain learning outcomes, i.e. whether they have acquired knowledge, mastered skills and demonstrate social competences resulting from the description of learning outcomes in a given unit / set or qualification.

To carry out a reliable verification of learning outcomes, it is necessary to define the methods of such verification. The range of methods grew as we raised awareness that we can learn in different contexts, forms, times and places. The most important thing is that the methods are selected according to the learning outcomes to be tested.

The selection of verification methods is influenced by:

- how formulated, the learning outcomes are described (what operative verb is used, e.g. summarizes, assembles, analyzes, explains, prepares) and
- what the learning outcomes concern, the achievement of which will be checked during the verification (what activities, what thematic area, what knowledge, skills or social competences).

The basic principle in well methods is that practical methods are used for practical effects (e.g. preparing, assembling, making). It should be remembered that when checking the ability to perform a specific activity, you need to provide appropriate space and tools. However, for theoretical effects (e.g. lists, describes, characterizes) it is worth using methods involving oral expression, e.g. conversation. Yet another challenge is the verification of universal skills or social competences. Often

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then, innovative methods and a flexible approach are needed, perhaps involving experimental methods.

There is no single, universal and closed catalog of methods of verification of learning outcomes. The most frequently used methods are: observation in real conditions, observation in simulated conditions, test of practical skills, knowledge test, interview, debate, presentation, analysis of evidence and declarations. To confirm that an individual has achieved certain learning outcomes, it is usually possible to use more than one verification method.

Good selection of the verification method is extremely important, because a transparent and reliable process of verification of learning outcomes motivates students to learn and develop and facilitates the work of teachers and examiners.

The verification criteria are helpful in the verification. It is recommended that the formulated learning outcomes be supplemented with criteria of verification. They are used to clarify the effects. The criteria help to better understand a given learning outcome, but also a given set and the whole qualification. The criteria should clearly indicate what needs to be checked to conclude that the learning outcome has been achieved. They should indicate what is observable and / or measurable evidence of having specific knowledge, skills and social competences.

Criteria can relate to steps in a process or results of activities. They should be detailed enough to make it clear what is behind the effect – what type and scope of knowledge, skills and social competences are expected. However, they should not be too detailed so as not to hamper the understanding of the unit of learning outcomes and leave some room for flexibility. It is not possible to define in advance how many verification criteria should be assigned to a single learning outcome. This number depends on the complexity and scope of the set / qualification concerned.

Criteria are very helpful for learners by explaining exactly what they should learn and what will be required of them during verification. They are also a valuable source of information for those responsible for planning and carrying out the verification process.

The criteria are widely used in many countries. In Poland, they have been used in vocational education and training since 2019, when the basis for vocational education was modernized. Since the entry into force of the Act on the Integrated Qualifications System, they are also used in market qualifications included in the IQS. Examples of effects and criteria can be found in the qualification descriptions available in the Integrated Qualifications Register.

Examples of learning outcomes detailed by verification criteria applied in learning mobility projects can be found in the publication: Learning outcomes and their verification in learning mobility projects. Catalog of examples (Foundation for the Development of the Education System, 2018).

4. Certification System

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The European Qualifications Framework (EQF) is a reference framework to link different countries' various educational and vocational qualifications systems. It provides a common European reference for qualifications rendering them more comparable and transparent across different countries.

ECVET (European Credit system for Vocational Education and Training) is a credit transfer system that allows individuals learning to be recognized across different countries and educational institutions within the European Union. It is founded on principles of transparency, flexibility, and the recognition of learning outcomes.

In terms of a certification system for an EQF qualification in "International mediation", there is no single certification system that is mandatory in all EU countries, although many countries have developed their own certification systems for different kinds of mediation, based on the EQF principles.

To implement a certification system for an EQF qualification in "mediation", the first step is to identify learning outcomes that the mediator should achieve and then to map them according to the corresponding level of the EQF. This would provide a clear understanding of the knowledge, skills, and competences required for certification at that level. InMediate training is divided into parts and modules with precisely described learning outcomes.

For each module there are assessment methods used to evaluate learners' performance and assess whether they have achieved the required learning outcomes. The certificate is issued on condition of at least 80% attendance of classes, mastery of the study material, and satisfactory completion of practical tasks.

The following guidelines should be followed for alignment of the certification system with ECVET principles and national qualifications frameworks:

1. Define the learning outcomes of the training program in terms of knowledge, skills, and competencies that are clearly linked to national qualifications frameworks or relevant sectoral or occupational standards.
2. Embody a modular structure in the training program, with each module representing a discrete unit of learning that can be accredited separately.
3. Assign credits to each module based on the workload and level of difficulty, using a standard unit of measurement such as the European Credit Transfer and Accumulation System (ECTS).
4. Use assessment methods that are valid, reliable, and transparent, and ensure that they are anchored to learning outcomes from modules.
5. Ensure that the training program is delivered by qualified and experienced trainers, and that the learning environment supports and is conducive to learning.

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6. Provide opportunities for learners to engage in work-based learning or other forms of experiential learning, as appropriate.
7. Establish procedures for the recognition and transfer of credits earned through the training program, in accordance with national qualifications frameworks and ECVET principles.

Ad. 1. InMediate program satisfies this criterion by precisely defining all the learning outcomes in each module (listed in the first part of this document).

Ad. 2. InMediate program consists of 9 modules, 2 workshops and 3 webinars each divided into units. It is recommended that participants' achievements should be recognized for each individual module.

Ad. 3. Each module in the InMediate program is assigned a suitable number of credits. The credits are listed in the table shown in chapter 3.

Ad. 4. The proposed in InMediate program assessment methodology refers to the following:

- a) the consolidation and application of the knowledge acquired by trainees during the theoretical part of the training (online training);
- b) the extent to which desired learning outcomes in terms of knowledge and competences/skills have been achieved. This translates into ability to perform the main international mediation tasks, according to the specific qualitative standards.

Ad. 5. The InMediate program offers recommendations regarding the role of trainers for the purpose of providing support in the learning environment. One of the aims of InMediate program is to foster professional development of mediation trainers through best practices in the sharing and the delivery of specific methodological guidelines.

To ensure the best possible course quality, we recommend that minimum requirements should be set for the competence and experience of trainers engaged for training.

Ad. 6. This is not explicitly stated in the program but the validation process should include recognition of prior learning confirmed by relevant documents if possible. Recognition of prior learning is, however, a challenge owing to a lack of standardization: Different countries and organizations may have different approaches to RPL, which may introduce hurdles to ensuring that learning is recognized in a consistent and comparable way. Also, the problem ensuring high quality assessment of prior learning is an important aspect of RPL, it may lead to difficulty in establishing and maintaining quality assurance processes.

Ad. 7. In line with ECVET's aims, each module of the InMediate program is assigned an appropriate score in terms of credits.

Moreover, the InMediate program refers to the qualifications framework: the training curriculum is designed to reach EQF level 7 in terms of learning outcomes:

- Knowledge: Advanced knowledge of a field of work or study, involving a critical understanding of theories and principles.

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- Competences: Manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts; take responsibility for managing professional development of individuals and groups;
- Skills: Advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialized field of work or study.

A certificate for the InMediate International mediator qualification should include detailed information to ensure clarity, accuracy, and consistency. Details included on a certificate should include:

1. The name of the awarding body: This is the organization or institution that is responsible for issuing the certificate. Usually this will also be the institution that provided the training.
2. The name of the holder: The certificate should include the name of the person who has been awarded the qualification.
3. The title of the qualification: The certificate should clearly state the title of the qualification that has been awarded, and which should be aligned with the learning outcomes. We recommend the qualification title: International mediator.
4. The level of the qualification: The certificate should include the level of the EQF that the qualification corresponds to. We recommend EQF level 7
5. The learning outcomes: The certificate should include a brief statement of the learning outcomes that have been achieved by the holder, this will provide a clear understanding of the knowledge, skills and competences that the holder has obtained. The learning outcomes may be listed in the appendix, here they were included in the first part of the document.
6. The date of issue: The certificate should include the date on which it was issued.
7. The signature of the awarding body: The certificate should be signed by an official from the awarding body, such as a director or president, to indicate that the qualification has been officially recognized.
8. A unique identification number: The certificate should include a unique identification number that is assigned by the awarding body in a given institution.

5. Conclusions

Overall, we rate the training as excellent, promulgating valuable skills and worthy of continuing. We are convinced that every European mediator will benefit from participation in InMediate training. Dissemination of the InMediate training program will be an important contribution to developments in International mediation and raise the quality of these services in European countries.

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In conclusion, the certification system for InMediate International mediation is an important step in ensuring the quality and comparability of mediation training and qualifications across different countries and contexts.

The certification system, founded on EQF principles, and ECVET, maps the learning outcomes for International mediation to the corresponding level of the EQF and provides a clear understanding of the knowledge, skills, and competences that a mediator should have.

The assessment methods used in the certification system are relevant to the learning objectives of the course and provide meaningful, actionable feedback to the trainees. This helps ensure that the training is effective and efficient in achievement of its learning outcomes.

Overall, the certification system for InMediate International mediation is an important tool for advance in the field of mediation, by provision of evidence of the effectiveness of the training methods applied and the competence of trainee International mediators.

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