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GUIDELINES FOR MEDIATION TRAINERS

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The **InMEDIATE** project, funded by the European Commission, aims to strengthen mediation skills in Europe. To this end, a common European standard needs to be developed and a certification system created for the field of mediation and conflict management in Europe.

The **main goal of the project** is to establish a common European vocational profile of the International Mediator, tackling the lack of uniformity in mediation training standards among EU countries and ensuring reliability and quality of performance in the cross-border civil mediation practice. This goal will be achieved by designing and implementing a learning outcomes-oriented training curriculum for mediation practitioners, aimed at providing a comprehensive set of specialized knowledge, technical competences and intercultural skills, enabling trainees to act as international mediators in cross-border civil disputes.

These Methodological Guidelines aim supporting mediation trainers and providing mediation training tools.

The InMEDIATE training model is designed as a structured set of weighted learning modules (in respect of ECVET principles) which can be combined in a flexible way to match initial competence profiles.

The “blended” **formula** adopted to deliver the course (e-learning and face-to-face training) allows to:

- A. optimize the learning outcomes of the trainees through a flexible approach matching the work-study balance of professionals;
- B. split the theoretical part of the training program, that is delivered through a digital platform, from the practical sessions based on an interactive and learn-by-doing approach. Quality control and monitoring measures are in place to ensure appropriate contents and provision of the training. Video lessons and face-to-face training are led by active mediators, with extensive experience as trainers/educators in the international mediation sector.

The training is based on INNOVATIVE FEATURES

- *Learning objectives and topics:*

the combination of different perspectives, methods and approaches in the mediation sector and the special attention given to intercultural issues and communication skills allow to properly and efficiently train a professional mediator capable to act in cross-border contexts

- *Interactive, participatory and learner-focused approach:*

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building upon the diverse backgrounds and experiences of the learners, a special attention will be paid to peer-learning approach, based on the exchange of knowledge and experiences between the trainees, who will be split in smaller groups and involved in web-based Intervention meetings with the support and guidance of an expert mediator in order to discuss mediation cases or specific issues arising from the online training modules. The Intervention format is an important trigger for experiential learning. The interactive environment of the training course will be also ensured through the group work sessions of the Mediation Lab.

Number and Profile of the participants

36 trainees (12 trainees from each involved country) were selected according to the criteria and procedures set out by the partner organizations.

STRUCTURE OF THE TRAINING

The training is divided into three parts:

a) Preparatory course (3-day face-to-face introductory course)

This face-to-face course will take place before participants start the online training course.

Contents: information arrangements; preparation of training materials and tools for participants; coordination activities; logistics.

Goals of the activity:

- 1) allow trainees with different cultural backgrounds to know each other and to share their professional experiences, ideas and perspectives on mediation practice, styles and methods;
- 2) introduce participants to the structure, organization and methodological framework of the training program;
- 3) pave the way for the creation of a EU network of international mediators.

Results of the activity:

- 1) enhanced ability of the participants to act and work within international environments and with professionals having very different backgrounds;
- 2) trainees will gain a clear overview of the methodological framework, the objectives, the learning outcomes, the assessment process, the certification procedures underlying the training curriculum
- C. and the potential impact of this certification on professional mobility and career enhancement at EU level;
- D. providing clear, fair and transparent processes and criteria for validating the learners' achievements will contribute to building a relationship of trust and confidence between trainers and trainees;
- E. contribute to the creation of a community of mediation practitioners specialized in the field of cross-border civil mediation.

Below is the organizational outline of the preparatory course:

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	What?	3-day preparatory course for participants of InMEDIATE		Workshop 1	"United in our diversity - Cross-border mediation in practice"			
	Where?	Leipzig, Germany		Workshop Group 2	"Moral, values and stereotypes in conflict - impulses and exchange"			
	When?	24 - 26 January 2022		Workshop Group 3	TBD			
	Who?	36 participants + 6 trainers (2 each of Resolutia, Mediatorzy and S&B)				LAPTOPS NEEDED (50 % at least)		
	Day 1			Day 2		Day 3		
	08:00 - 09:30	Breakfast		08:00 - 09:30	Breakfast + Meet-and-Greet		08:00 - 09:30	Breakfast + Meet-and-Greet
	09:30 - 10:00	Registration and organisation		10:00 - 12:00	Group 1 Participants 1- 12 Trainer 3		09:30 - 12:30	Scenario Play http://www.smileurbo.com/en/ Part 2 - Part 2 2nd round 2:15 (30 min coffee break)
	10:00 - 12:00	Welcome and Introduction Round		(30 min coffee break)		Group 2 Participants 13- 24 Allison Malkin		
bowlaf a	(15 min coffee break)	Participants will be welcomed to the project. This will be followed by a round of introduction and get to know you games. Participants will be asked to spontaneously gather in groups of 4 or 6 and get to know each other. Trainers may also join in the groups. A song will be sounded every 15 minutes, and the participants will regroup to meet other (new) people.				Group 3 Participants 25 - 36 Trainer 2		
STEINBERG	12:00 - 12:30	Welcome to the Preparatory Course						
random		Participants will learn the purpose for the event. There are 4 guiding principles: Build networks, Collect experiences, Reflect on the collective experiences, Work collectively on project goals & beyond						
	12:30 - 13:30	Lunch Break		12:00 - 13:00	Lunch Break		12:30 - 13:30	Lunch Break
	13:30 - 15:30	Group 1 Participants 1- 12 Allison Malkin		13:00 - 14:00	Intervision Group forming and Q&A		13:30 - 15:30	Scenario Play http://www.smileurbo.com/en/ round 3: 2 hours + reflection (joining groups) full c
	(30 min coffee break)	Group 2 Participants 13- 24 Trainer 2					(30 min coffee break)	
		Group 3 Participants 25 - 36 Trainer 3						
		(30 min coffee break)						
	15:45 - 17:45	Group 1 Participants 1- 12 Allison Malkin						
	(30 min coffee break)	Group 2 Participants 13- 24 Trainer 2						
		Group 3 Participants 25 - 36 Trainer 3						

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

Duration: each module (6 h) takes into consideration: i) 1 h of recorded video lessons; ii) 3 h of self-study and self-assessment; iii) 2 hours of online Intervention meetings among small groups of participants.
See the following scheme:

Lead Partner	Resolutia	Mediato rzy	SBZ	SBZ	SBZ	Resolutia	Mediatorz y	Media torzy	Resoluti a
Module No.	1	2	3	4	5	6	7	8	9
Topic	Legal framework & Mediators' Responsibility	Mediation Style & Code of Conduct	Culture & Communication	Conflict Analysis	Negotiation Techniques	The Mediation Process	Communication & Mediation Techniques	Co-mediation	ODR
<p>Structure:</p> <p>1 hr Recorded Video Lesson</p> <p>3 hrs Self Study and Self-assessment</p> <p>2 hrs Online group discussions through Intervention Meetings</p>									

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Contents of the modules:

Resolutia Training Modules

<p>ADR Legal Framework & Mediator's Responsibility</p>	<p>General Overview on ADR and ADR Law EU Initiative: Directive 2008/52/EC on Mediation in Civil and Commercial matters; Directive 2013/11/EU on ADR in Consumer Disputes; Regulation 524/2013 on ODR for Consumer Disputes; Regulation 1150/2019 art. 12 & 13.</p> <p>Methodology: Four 15-minute lectures (one for each topic).</p> <p>Group Discussion: Asynchronous and facilitated by the instructor through “provoking” questions.</p> <p>Resources: Journal Articles, Textbooks, Legal Texts, Case Studies.</p> <p>Learning Outcomes: Participants will demonstrate knowledge and understanding of the EU Legal Framework on ADR and Mediation.</p>
<p>The Mediation Process</p>	<p>4-stage mediation process:</p> <ul style="list-style-type: none"> ● Opening ● Exploration ● Negotiation ● Conclusion <p>Methodology: Four 15-minute lectures (one for each stage).</p> <p>Group Work: Online mock mediations with peer evaluation and instructor's feedback. Case scenarios provided by the instructor. Students will video record mediation sessions and share them in the group discussion.</p>

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	<p>Resources: Journal Articles, Textbooks, Case Studies.</p> <p>Learning Outcomes: Participants will acquire practical knowledge of a four-stage mediation process.</p> <p>Recommendation: During the design development phase, the instructor should coordinate with the instructors of the Co-Mediation and Pre-Mediation Modules.</p>
Online Dispute Resolution (ODR)	<p>General Overview of ODR ODR modalities: Asynchronous vs. Synchronous and types of ODR Online Mediation Skills Online Mediation Platforms</p> <p>Methodology: Four 15-minute lectures (one for each topic).</p> <p>Group Work: Practical simulations using online mediation platforms.</p> <p>Resources: Journal Articles, Textbooks, Case Studies.</p> <p>Learning Outcomes: Participants will develop an understanding of ODR and become familiar with applications designed for online mediation.</p>

SBZ Training Modules

Negotiation Technique	<ul style="list-style-type: none">● Basics of communication and perception:<ul style="list-style-type: none">○ The process of communication;○ The Importance of perception: How real is reality?● Basic conditions of negotiation<ul style="list-style-type: none">○ Which conditions have to be met?
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	<ul style="list-style-type: none"> ○ What should a successful negotiator know and be able to do? ○ Am I the right partner for this negotiation? ● Five building blocks for a successful negotiation ● Different negotiating styles ● International negotiations ● Why negotiations (often) fail? <p>Methodology: 1-hour lecture covering all topics</p> <p>Group Discussion: Inter-cultural dimensions or cultural aspects in Negotiations AND /OR Manipulation and Deceit in Negotiations (2 hours). 6 groups of 6 members each. Guiding questions will be provided. Half-standardised discussion with minimum supervision of trainers.</p> <p>Resources: Material sourced from Mikk, Game Theory for cultural dilemmas (Elionor Ostrom), BATNA learning resources, Asynchronous Negotiation, distributive vs. integrative negotiation (3 hours)</p> <p>Learning Outcomes: Participants will learn/revisit negotiation literature, exchange ideas on prerequisites for successful negotiations and learn different negotiation styles.</p>
Conflict Analysis	<ul style="list-style-type: none"> ● Basic concepts and classical methods for conflict analysis ● Tools to conduct conflict analysis ● Learning and practicing conflict analysis <p>Methodology: 3 20-min lectures.</p> <p>Group Work: 6 groups of 6 members each. Guiding questions will be provided. Half-standardized discussion with minimum</p>

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	<p>supervision of trainers. Topic will be set according to the module.</p> <p>Resources: Material from Mikk and Friedrich Glasl</p> <p>Learning Outcomes: Participants will analyze conflict assessment in intercultural settings and learn to conduct stakeholder analysis.</p>
Culture and Communication	<ul style="list-style-type: none"> ● Understanding Culture ● Hofstede's Cultural Dimensions ● Dealing with Perception, Context and Time ● Cultural Mediation models ● Communication in Mediation <p>Methodology: 1 hour lecture covering all topics</p> <p>Group Work: 6 groups of 6 members each. Guiding questions will be provided. Half-standardized discussion with minimum supervision of trainers. Topic will be set according to the module.</p> <p>Resources: Typical stereotypes of cultures and nationalities, Notes from Nadja Alexander and Mikk</p> <p>Learning Outcomes: Participants will learn to recognize and deal with cultural stereotypes and how to work with the knowledge in mediations and conflict management.</p>

Mediatorzy Training Modules

Ethics and Standards	<p>Topics:</p> <p>Code of Conduct</p> <p>Neutrality and impartiality – why bother with the difference?</p>
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	<p>Mandatory vs voluntary mediation or confidentiality</p> <p>Self-study: Resources: Journal Articles, Textbooks, Case Studies, national and transnational codes of conduct</p> <p>Learning outcomes: Participant have knowledge on main principles addressed in the different codes of conduct, are able to communicate their principles to the clients and have adequate skills to act according to the adopted code of conduct</p> <p>Remarks:</p> <ul style="list-style-type: none">• Close cooperation with Resolutia required• Singapore Convention to be addressed in the legal module• Med-arb or other nationally specific regulations concerning mediator's responsibility (for ex. mandatory mediation, confidentiality) to be addressed in the legal module
Mediation Styles	<p>Topics:</p> <ul style="list-style-type: none">• Main mediation models• How they might affect mediation practice (techniques used) <p>Self-study: Resources: Journal Articles, Textbooks, Case Studies</p> <p>Proposed questions: How would you describe your mediation style/ with what mediation style do you identify with? Why do you find it adequate? Why do you find other styles less useful? How do you understand the goal of mediation? How do you understand the mediator's role? What do you feel is beyond the scope of your intervention? What do you find</p>

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	<p>particularly difficult in your interaction with the parties? Does that relate to your mediation style?</p> <p>Learning outcomes: Participant have knowledge on main mediation models and are aware of the model they adopt in their practice and why</p>
Co-mediation	<p>Topics:</p> <ul style="list-style-type: none"> • Benefits and challenges in cross border co-mediation (modeling parties as co-mediators and meta-dialogue) • How the socio-cultural mediators characteristics may affect the process • Co-mediation models • How to prepare for cross border co-mediation co-mediation check-list (formal rules, finances) <p>Self-study: Resources: Journal Articles, Textbooks, Case Studies (<i>reflecting team</i>). What is my experience with co-mediation? What do I need to feel comfortable with a mediator from another country/ culture/ working with a different mediation model/ approach? Guided description of own co-mediation case as a preparation for intervention discussion</p> <p>Learning outcomes: Participant are able to cooperate with co-mediator to the benefit of their mediation clients work</p> <p>Remarks: Close cooperation with SBZ in the cross-cultural module required</p>

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c) Mediation Lab and follow-up (3-days face-to-face training)

This face-to-face laboratory builds on the theoretical knowledge and technical competencies gained during the online training to provide practical skills through learn-by doing experiences. Not only do cross-border mediators need knowledge, but also far-reaching skills which can only be acquired by interactive, participatory learning. For this reason **trainees will be split into smaller groups of participants to facilitate brainstorming exercises and practical simulations of cross-border mediation cases**. According to the European Judicial Training 2018, “the average number of participants attending a training activity is one possible indicator of quality, since people usually learn more through interaction and participation than by attending lectures and this is easier in smaller groups”.

With regards to methodological aspects, the following elements will be taken into account: **i) work in small groups; ii) practical exercises, case studies and role play**. Small groups can work together on varying tasks in different combinations. Practical exercises are extremely useful in putting what one has learned into immediate practice. **Case studies** afford a realistic view of the challenges that will be facing the future cross-border mediators. And finally, **role play** is an essential element in learning how to mediate international conflicts. Role plays are used for participants to put in practice the wide range of mediation skills in a simulated environment and also for participants to have the benefit of **feedback from an experienced mediator**. Accordingly, role plays should be planned and run to allow the participants the maximum opportunity to learn. Therefore **it is recommended that mediation time slots within role plays should be a minimum of 45 minutes** in order to allow sufficient time for the mediator to practice a range of skills as the mediation develops.

PROFILE OF THE PARTICIPANTS: the course is addressed to the trainees who have already passed the theoretical part of the training program, whose achievements have been assessed through game-based exercises and multiple choice tests delivered through the e-Platform. Working with interdisciplinary groups of mediators from both legal and psychosocial backgrounds means that the participants will be able to learn not only from the trainers but also from each other (peer learning).

GOALS OF THE ACTIVITY: i) empower trainees to put in practice the knowledge and theories acquired during the e-learning session; ii) allow mediators to build on their previous experience and prepare them adequately for working with high conflict cases; iii) improve the capacity of mediators to understand how to assess and manage conflict in cross-border settings; iv) strengthen participants' cooperation and communication skills; v) contribute to the creation of a strong international community of mediation professionals interested in cross-border mediation practice; vi) provide a follow-up of the training experience for further development and discussions in the field: **a session within the course will be dedicated to providing networking opportunities and explaining how the mediation profession works within the jurisdiction and how mediators can market themselves**.

RESULTS OF THE ACTIVITY: i) mediation practitioners more aware about the impact that cultural differences, stereotypes and attributions have on key dispute resolution processes and on conflict generally; ii) enhanced capacity of mediators to settle cross-border cases and to handle possible risks

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thanks to the practical approach of the teaching activity; iii) improved ability to work within international environments and to deal with professionals holding different cultural and linguistic backgrounds.

GENERAL ASSUMPTIONS: The small training groups should include 6 participants (2 from each country) in changing configurations for different activities. For some activities these groups will connect into larger working groups. The beginning and ending of the mediation-lab will be conducted with the whole group (36 participants). During the med-lab all trainees will take part in simulations of cross-border mediation along with feedback and reflection sessions. The simulations will accent chosen elements of the on-line training modules. The mediation-lab will also include a session focused on questions and dilemmas that emerged in the course of the on-line training and in the group discussions accompanying each theoretical module.

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