

Carleton University
GRADUATE CERTIFICATE IN CONFLICT RESOLUTION
Laws 5709 Mediation Skills Assessment Form
© Graduate Certificate in Conflict Resolution
Revised November 2009

Student Name: _____ Assessment Date: _____

Grading Scale

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| 1-2 | Demonstrates potential to achieve competency as shown through self-reflection; poor or no use of skill. |
| 3-4 | Demonstrates strong potential to achieve competency; use of skill understood but still not sufficiently developed. |
| 5 | Demonstrates competency through integrated use of skills. |

Section I: MANAGING THE MEDIATION PROCESS

1. Attending to Process (Stage 1)

[Score: 1 2 3 4 5 points]

Was the mediator inviting and welcoming? Did the mediator set a good tone, adequately clarify procedural information, roles for the mediator and disputants, confidentiality, protocols, time-frames, decision-making, and expectations? Did the mediator answer questions from disputants clearly, fully and respectfully? Did mediator begin to build rapport? Was there evidence of pre-planning in the room – water, food, chairs, etc.?

2. Broadening Understanding (Stage 2)

[Score: 1 2 3 4 5 points]

Was each party invited to share what they had come to mediation to talk about and what would be different if they are able to have that conversation in mediation? Did the mediator use the parties' answers to broaden information about threats to cares. Were they given an opportunity to talk about what mattered to them before responding to the other party's accusations? Did each party have sufficient uninterrupted time? Did the mediator accurately and appropriately restate, reflect and summarize? Did the mediator speak confidently and concisely?

3. Discovering Cares and Threats (Stage 3)

[Score: 1 2 3 4 5 points]

Did the mediator ask "curious" questions that helped parties explore the threats to their cares? Did the mediator attempt to discover and help parties make sense of behaviours that seemed non-sensible to the other? Were the questions layered so that they followed from each other and went more deeply into things that mattered?

Deepening Insights (Stage 3)

[Score: 1 2 3 4 5 points]

Did the mediator seek to gain insight into each party's views and experiences of the conflict situation, and why the issues matter to them? Was the mediator encouraging and empathetic? Did the mediator elicit each party's reactions to the other's cares and concerns and seek to discover how these are threatening to their cares? Were expressions of emotions appropriately and respectfully handled? Did the mediator probe for what these feelings were about? Was there evidence of deepening work?

Linking and De-linking

[Score: 1 2 3 4 5 points]

Did the mediator attempt to discover how present feelings and behaviours might be linked to an individual's background, culture, past experience, and their perception of future outcomes? Did the mediator seek to find out if one person's cares must necessarily be a threat to the other's (de-linking)? Did the mediator seek to de-link past "feelings" with the present and future situation?

6. *Explore Possibilities (Stage 4) OR Closure (Stage 5)* [Score: 1 2 3 4 5 points]

Did the mediator invite participants to suggest possible strategies for pursuing what is important to them together? Did the mediation facilitate productive brainstorming? Were all parties encouraged to participate in generating options without evaluation? Did the mediator facilitate the discussions to ensure possible solutions and tentative offers were clearly understood and alternatives realistically explained? Were options examined impartially and framed to address the cares of disputants? Did the mediator encourage parties to take individual responsibility for realistically dealing with potential options? Did the mediator use techniques of reality testing to test options for workability? Did the mediator close the session and plan for the next one?

OR

Closure (Stage 5)

Did the mediator provide a definite conclusion to the session that conveyed the necessary information regarding completion and follow-up? Do parties know what was expected of them in relation to each other and what will happen next? If appropriate, was another session scheduled? Did the mediator provide a clear summary of progress and of agreement or lack thereof? If appropriate, was the mediator able to write up an agreement? Did s/he confirm clarity with respect to future interactions, meetings, relationships, and interim arrangements? If appropriate, did the mediator know when to end a mediation that was no longer appropriate?

7. *Engaging Conflict and Working “in the Moment”* [Score: 1 2 3 4 5 points]

Did the mediator encourage the expression of emotions, allow parties to express strong emotion, and engage in helpful exchange of emotional reactions? Did s/he work with parties “in the moment” by encouraging them to share or expand upon comments, gestures or expressions? Did the mediator inquire as to which issues were most pressing for individual parties to discuss? Did the mediator set expectations that helped to empower parties to make their own decisions?

8. *Tone of Proceedings and Process Flow* [Score: 1 2 3 4 5 points]

Were the mediator's interventions timely and appropriate? Was time managed effectively so that transitions were clear and balanced, and was forward movement acknowledged? Was time apportioned relatively equally between parties? Was there clear movement toward clarifying the next step? Were all relevant issues covered? Did the mediator help the parties to re-prioritize as more issues were put on the table? Did the mediator help keep the dialogue focused, and help the parties stay on track? Was there some future-oriented discussion? Did the mediator (if appropriate) use props such as a flip chart or white board to help parties see progress or keep track of issues?

9. *Ethical Behavior and Personal Interaction* [Score: 1 2 3 4 5 points]

Was the mediator impartial? Did the mediator refrain from giving advice, offering an opinion or judgment indicating bias, prejudice, partiality, or statements of preference regarding the law, facts or parties? Was the mediator's tone professional demonstrating warmth and respect for all parties? Was there overall rapport between the mediator and the parties? Did the mediator exhibit comfort with process and project an air of confidence that contributed to a reduction of tension and a sense of balanced perspective on the discussions?

10. *Reflective Practice* [Score: 1 2 3 4 5 points]

Did the mediator accurately and comprehensively describe what happened in the mediation? Was the mediator able to offer realistic and useful alternate strategies if s/he had the chance to do the mediation over again? Did the mediator understand and accept feedback from the role players and the assessors?

TOTAL POINTS IN SECTION I: _____ [maximum is 50]

Section II: Communication Skills, Mediation Techniques, and Reflective Practice

1. Non-verbal and Verbal Communication

[Score: 1 2 3 4 5 points]

Did the mediator look for and comment upon non-verbal messages and gestures? Did s/he use clear and appropriate language? Did the mediator speak confidently and knowledgeably?

2. Reflective Listening

[Score: 1 2 3 4 5 points]

Did the mediator encourage, clarify, restate, reflect, summarize, and validate? Did the mediator summarize at various points to help parties move forward or keep on track?

3. Effective Questioning

[Score: 1 2 3 4 5 points]

Did the mediator use open-ended, "curious" questions? Did he or she use bridging to link listening and questioning? Was the mediator able to discover cares and threats through the use of broadening and layered questions? Did the mediator use an elicitive approach?

4. Organizing & Strategic Development

[Score: 1 2 3 4 5 points]

Was there evidence of pre-planning in room set-up and use of visual aids? Did the mediator have a strategy for overcoming impasse and helping parties organize their issues? Did the mediator link cares and threats to remembering and imagining? Did the mediator adjust the process and enable parties to make wise decisions and productive interaction?

5. Fostering Learning

[Score: 1 2 3 4 5 points]

Did the mediator foster learning and insights by drawing out the meaning of behaviours, words and inconsistencies? Did the mediator help parties understand each other's conflict narrative? Did the mediator do deepening work?

6. Creating Empathy

[Score: 1 2 3 4 5 points]

Did the mediator show understanding for the concerns and feelings of each party? Was the mediator able to help parties "walk in each other's shoes"? Did the mediator create a climate that helped to make it safe for the parties to try and understand each other?

7. Working in the Moment and with High Emotion

[Score: 1 2 3 4 5 points]

Did the mediator use the skills of immediacy or confronting to reflect what was happening in the moment? Did s/he handle emotional outbursts appropriately? Did s/he appear to be comfortable dealing with high emotion? Did s/he appear to be comfortable with his or her own emotions?

8. Empowerment of Parties

[Score: 1 2 3 4 5 points]

Did the mediator de-link incorrect narratives so that parties saw their role in the conflict and its resolution? Were opportunities provided for parties to be self-determining and show empathy? Did the mediator acknowledge movement, recognize destructive power tactics, and deal with power imbalances?

9. Impartiality

[Score: 1 2 3 4 5 points]

Did the mediator appear non-judgmental, listen and speak in an unbiased way using positive language? Was the mediator sensitive to cultural, class, gender or other social-based influences? Did the mediator balance interactions between parties in an equitable way?

10. Reflective Practice

[Score: 1 2 3 4 5 points]

In debrief, did the mediator have a sense of him or herself in the role of mediator and in the mediation triad? Was the mediator able to explain strategies employed in the mediation? Was s/he able to suggest alternate ones? Did the mediator demonstrate awareness of his or her strengths and challenges? Was s/he open to feedback? Did s/he demonstrate critical thinking skills?

TOTAL POINTS IN SECTION II: _____ [maximum is 50]
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Section III: OBSERVATIONS AND COMMENTS

In the space below or on a separate sheet of paper, comment on the student's strengths and weaknesses, his or her readiness to mediate as a sole practitioner or in co-mediation, and suggestions for the development of his or her skills. It is most helpful when you provide specific instances to exemplify your points. Also, please comment on the student's reflective thinking skills. For example, in the debrief session did he or she give evidence of critical thinking? How open were s/he to the assessors and role players' feedback? How aware were s/he of what went well and what s/he might do different in the future?

WRITTEN COMMENTS ATTACHED (please check) ☐

TOTAL POINTS FROM SECTIONS I AND II: _____ **(Out of 100)**

ASSESSOR'S RECOMMENDATION: After carefully assessing the knowledge, abilities, skills and other attributes of this student, I recommend the following grade.

☐ **Distinction** (80 or more points from Sections I and II)

Innovative and of high quality. Student has demonstrated sound understanding of the mediation process and shown *competency* in the use of generic mediation and communication skills and techniques. In debrief, the student demonstrated good awareness of his or her strengths and weakness as a mediator along with critical thinking skills. Student is ready to mediate as a sole practitioner.

☐ **Satisfactory** (66 to 79 points from Sections I and II)

Satisfactory work. Student has demonstrated an understanding of the mediation process and shown some competency as well as the *potential for competency* in the use of generic mediation and communication skills and techniques. Attempts were made to move from positions to interests and to work toward understanding. In debrief, the student demonstrated awareness of his or her strengths and weakness as a mediator and some critical thinking skills. It is recommended that student work in a co-mediation or supervised setting before working as a sole practitioner.

☐ **Satisfactory** (50 to 65 points from Sections I and II)

Satisfactory with minimal competency. Student has demonstrated an understanding of the mediation process and shown the *potential for competency* in the use of generic mediation and communication skills and techniques. In debrief, the student demonstrated awareness of his or her strengths and weakness as a mediator and some critical thinking skills. It is strongly recommended that student undertake additional training and work only in a co-mediation or supervised setting.

☐ **Unsatisfactory** (49 or less points from Sections I and II)

Unsatisfactory or incomplete work. Student has not demonstrated sufficient potential for competency in the use of generic mediation and communication skills and techniques. Little strategic thinking was evidenced, interventions led the conflict to escalate and the parties to stay positional. In the debrief session, student demonstrated little awareness of his or her strengths and weakness as a mediator and little critical thinking skills. Significantly more training and practice is required before student is ready to be engaged in client work even in a supervised setting.

Assessor's Signature

Date