

TMTR Standards for Continuing Education in Mediation

These standards were developed by the Texas Mediation Trainer Roundtable in 2004 to promote the quality of continuing education in the field of mediation.

Definition

Continuing education is the vehicle by which professionals develop and maintain the necessary knowledge and skills needed to keep pace with the demands of an every changing society as they carry out their professional duties.

The purpose of continuing education in the area of mediation is to maintain and improve the quality of professional mediation services provided to the public and maintain mediators' knowledge of current research, techniques, and practice; and provide other resources which will improve skill and competence in professional mediation.

Qualifications of Continuing Education Trainers

Individuals providing continuing education must have training and experience in the area of the continuing education topic. In most cases, trainers must be trained and experienced mediators. However, some specific continuing education topics might be provided by individuals with training and experience in other areas, such as family dynamics, family law, financial planning, etc.

Advertising Continuing Education

Continuing education courses and training sessions should clearly state the intended learning outcomes for participants in the training.

Continuing Education Credit/Certificates of Completion

Continuing education providers are responsible for providing each participant with a CEU certificate. Certificates for completion of continuing education courses and training sessions should accurately reflect the time on a one-for-one basis with one clock-hour of credit for each clock-hour spent in the continuing education activity.

Types of Acceptable Continuing Education

Acceptable continuing education may be participation in programs (institutes, seminars, workshops, conferences, or academic courses) directly related to mediation.

Methodology

It is recommended that continuing education programs in mediation include a variety of training methodology, including but not limited to, lecture, discussion, role play, videos, and demonstration. Training agenda should reflect activities that reflect best practices in adult learning.

Content

All continuing education training programs must focus on increasing knowledge and building skills of mediators. While the following topics would qualify as suitable material, the list is not meant to be complete and other topics meeting the criteria would be acceptable.

Conflict Resolution Theory

- Sources of conflict
- Responses to conflict
- Learning styles theory

Mediation as a Profession

- History of mediation
- How to establish a successful mediation program
- Legislation impacting mediation
- Professional organizations
- Mentoring new mediators
- Coaching
- Trainer feedback for participants
- Advertising
- Court-annexed vs. private mediation
- Ombudsman position

Role of the Mediator

- Mediator self-awareness
- Characteristics of successful mediators
- Co-Mediation

Mediation Process

- Stage processes
- Transformative mediation
- Caucus
- Pre-Mediation/Convening/Enhancing the ability to mediate
- Post-mediation activities
- Interests-based negotiation
- Attorney-Non-attorney

Mediation Techniques and Skills

- Non verbal communication and its impact upon a mediation
- Asking questions
- Summarizing
- Acknowledging emotions
- Reframing
- Separating positions from interests

Special Topics

- Impasse
- Intractable conflict
- Cultural diversity; cross cultural issues & themes
- Gender issues
- Disability issues
- Dynamics of apology
- Hierarchical imbalance in workplace mediations
- Non-violent communication
- Psychological barriers to settlement
- Fiscal barriers to settlement
- Persuasion/Influence theories
- One set of facts are right vs. everyone's facts are okay
- Reciprocity norm that often drives bargaining and collaboration
- Emotional intelligence

Special Settings – The application of mediation to specific settings

Family
Employment
Education
Truancy
Environment
Public Policy
Governmental
Real Estate

Ethics

See also TMTR recommended standards for ethical training.
Raising awareness of ethics
Ethical dilemmas

Activities Unacceptable as Continuing Education

- (a) Education incidental to the regular professional activities of a mediator such as learning occurring from experience or research.
- (b) Organizational activity such as serving on committees or councils or as an officer of a professional organization.
- (c) Meetings and activities not related to the practice of mediation which are required as part of one's job.
- (d) Teaching or consultation which is part of one's job.
- (e) An experience which does not fit the recommended continuing education content or methodology.