

Information Booklet

For

Chartered Mediator - C.Med.®

Qualified Mediator - Q.Med.®

**National Designations granted by the ADR Institute of Canada
in coordination with and upon recommendation from Regional Affiliates.**



ADR Institute of Alberta

Affiliate - ADR Institute of Canada

Updated September 2021

Introduction

Mediation is a problem-solving process in which two or more parties voluntarily work together to resolve their differences with the assistance of a trained mediator who is an impartial third party.

The mediator assists disputing parties in voluntarily reaching their own mutually acceptable settlement of issues by structuring and managing the mediation process, maintaining channels of communication, assisting each party to articulate the issues, identify their needs, and create alternative ideas to resolve the dispute.

ADR Institute of Canada (ADRIC) has obtained recognition under the *Trade-marks Act* for the designations Chartered Mediator®, C.Med.®, Médiateur Certifié^{MD}, Médiatrice Certifiée^{MD}, Med.C.®, and Qualified Mediator®, Q.Med.®, Médiateur Qualifié^{MD}, Médiatrice Qualifiée^{MD}, and Méd. Q.^{MD}. All other groups and individuals are prohibited from adopting or using any of these marks or any marks that might be mistaken for these marks without the consent of ADRIC.

ADRIC is national in scope and is represented throughout Canada by its regional affiliates who administer and regulate the designations C.Med. / Méd. C. and Q.Med / Méd. Q. in their respective regions. They then make recommendations to ADRIC for the award of successful applicants. The ADR Institute of Alberta (ADRIA) is the Alberta regional affiliate.

In order to ensure that a high, consistent, set of standards is met by the persons entitled to use these designations, the Board of Directors of ADRIC has established general principles, a set of criteria and a protocol to be used in assessing the eligibility of a candidate for a designation and for the granting of a designation. Standards set by ADRIC are minimum national standards. Regional affiliates may set additional local standards.

The designations are awarded by ADRIC and are subject to renewal or revocation in accordance with its established rules. The certificate presented to a successful applicant remains at all times the property of ADR Institute of Canada.

ADRIC and ADRIA acknowledge that mediators do not need to be chartered in order to provide mediation services.

Chartered Mediator and Qualified Mediator Designations

Chartered Mediators and Qualified Mediators are skilled professionals committed to personal career development and standards of ethical conduct. The designations are awarded to mediators who meet the qualifications set out, and is not dependent on any specific or prescribed mediator style¹ The Chartered Mediator designation is the more advanced designation.

Chartered Mediator

The Chartered Mediator designation recognizes a superior level of generalist competence, the goal being to assist those requiring mediation services in finding highly experienced and skilled mediators. ADRI recognizes that specific additional skills and competencies may be necessary for mediation in specific areas such as family and multi-party mediation.

The Chartered Mediator designation identifies the holder as a professional in the field of appropriate dispute resolution who:

- has advanced dispute resolution training (a minimum of 80 hours basic and 100 hours additional ADR training);
- demonstrated competencies through a Formal Mediation Assessment assessed in accordance with field assessment approved by the MDSAAC and the ADRIA Designations Committee;
- has significant broad-based experience in the field of dispute resolution;
- remains current with up to date practices and advances in the practices of the profession;
- is recommended by clients and peers for his/her skills and knowledge based upon practice; and
- has a broad-based understanding and access to information and experience at these levels invaluable in dealing with highly sensitive situations.

Qualified Mediator

The Qualified Mediator designation recognizes members who have completed sufficient mediation and related dispute resolution training to begin to practice as mediators. The credential will assist the public in selecting a mediator who has been reviewed to determine if they are qualified to conduct mediations cases of low to moderate complexity.

The Qualified Mediator designation identifies the holder as an appropriate dispute resolution professional who:

- has dispute resolution training (a minimum of 80 hours basic training);
- has become qualified through training and must also demonstrate competency;
- has some experience and is seeking to gain more experience by volunteering, being mentored, co-mediating and co-facilitating;
- participates in ongoing training and opportunities to learn, often in a specialized practice area or working within a workplace or one organizational setting (for example, in Human Resources);
- is acknowledged by clients and peers for his abilities and skills in practical settings; and
- has a base of understanding and access to information regarding resolving disputes in some areas; and
- may use the Q.Med designation as an intermediate step leading to a C.Med designation.

¹ “Style refers to fundamental mediator approach, e.g., facilitative, evaluative, transformative, narrative, etc. Regardless of a mediator’s style, the competencies listed in Appendix A must be demonstrated for a mediator to qualify for the C. Med designation.

Protocol

ADRIC has adopted the following protocol for these applications.

1. Regional affiliates invite/accept applications from those members who believe they possess the standards required of a Chartered Mediator or Qualified Mediator designation.
2. The regional affiliates will establish procedures to evaluate applicants in accordance with the requirements established by ADRIC.
3. The ADRIA Designations Committee or Regional Chartered Mediator Accreditation Committee (RCMAC) shall consider and unanimously approve those candidates it deems meeting the criteria. Ratification by the Regional Board of Directors is required.
4. ADRIC reviews applications to ensure the application is complete and the requirements established by ADRIC have been met. Any application that is not complete and in the prescribed format will be returned to the regional Designations Committee.
5. Once ADRIC determines an application to be complete and requirements have been met, the Manager of Designations will inform the applicant that the application has been approved. ADRIC will forward the certificate to the applicant.
6. Where approval of an applicant is not unanimous and the lack of unanimity is unrelated to policy or process, the Designations Committee's decision will be final. The Designations Committee's decision in relation to the skills assessment and demonstration of competencies is not subject to appeal.
7. Where the Designations Committee does not approve an applicant, it will so notify the applicant, providing reasons and recommendations, along with information about appeal processes.
8. Right to appeal to the National Appeal and Audit Committee is only based on issues related to application of policy or procedure.
9. The National Appeal and Audit Committee will audit a percentage of applications from each affiliate at random to ensure consistency and adherence to standards.

ADRIC members are held accountable to practice standards that include a Code of Conduct for Mediators (Appendix B) and a National Code of Ethics (Appendix C).

Who Can Apply

Professionals who are members of ADRIC through ADRIA and who believe they possess the qualifications and meet the criteria for Chartered Mediator or Qualified Mediator status may apply for the designations.

Form of Application

Applicants must complete the required application form and submit the form, and supporting documentation, with the appropriate application fees to the ADR Institute of Alberta office.

Timing of Application

The Designations Committee will review applications three times per year; Applications are accepted in March, June, and October. Applications can take up to 180 days to process, from start to finish.

Application Fees

Application Fees for Chartered Mediator

- Application fee for Chartered Mediator \$200.00 plus GST

Application Fee for Qualified Mediator

- Application fee for Qualified Mediator \$200.00 plus GST

There are additional fees for the skills assessment and supervised mock mediations depending on the method selected

Summary Application Requirements for C. Med.[®] and Q. Med.[®]

	Chartered Mediator	Qualified Mediator
Education	<ul style="list-style-type: none"> Completion of at least 80 hours mediation theory and skills training in mediation training programs approved by ADRIAC or acceptable to ADRIA Designations Committee; AND Completion of 100 hours of study or training in dispute resolution or related field¹. 	<ul style="list-style-type: none"> 40 hours mediation training⁹ approved by ADRIA or ADRIAC; AND 40 hours specialized training¹⁰; AND 6 hours ADR ethics training
Experience	Conducted at least 15 mediations ² as the sole mediator or the mediation chairperson ³ and all 15 of the mediations must have been fee paid ⁴	Conducted at least three mediations <ul style="list-style-type: none"> One Actual Mediation¹¹ One Supervised Mock Mediation¹² One additional Actual Mediation or Supervised Mock Mediation
Skills Assessment	Observation and approval of an applicant conducting a sole mediation, to occur within 12 months before the date of the application, through one or more of the following: <ul style="list-style-type: none"> A Formal Mediation Skills Assessment Role-play⁵ Video recorded Actual Mediation⁶ 	Not required but the Designations Committee may require a skills assessment upon review of your application.
Waiver	Education requirements may be waived where the ADRIA Designations Committee determines applicant has satisfied or exceeded the education requirements above through proven skills, competency, & longevity in practice as recognized and recommended by peers ⁷ .	Not applicable
Letters of Reference	Provide three Letters of Recommendation ⁸ (one character/personal and two professional) of your services as a mediator.	Provide three Letters of Recommendation ⁸ (one character/personal and two professional) of your services as a mediator.
Membership	Must be a Full Member with ADRIA	Must be a Full Member with ADRIA
Pledge	The applicant must pledge to comply with ADRIAC's Code of Ethics and Code of Conduct.	The applicant must pledge to comply with ADRIAC's Code of Ethics and Code of Conduct.
CEE Points	Must acquire 33 points/year. If reporting every 3 years (contact ADRIAC for form). Must accumulate 100 points for CEE in three years.	Must acquire 20 points/year. If reporting every 3 years (contact ADRIAC for form). Must accumulate 60 points for CEE in three years.
INSURANCE (Exemption Form see website)	Errors and Omissions insurance with a limit of at least \$1 million aggregate	Errors and Omissions insurance with a limit of at least \$1 million aggregate

Application Fee	\$200 plus GST (additional fee for skills assessment, contact ADRIA for details)	\$200 plus GST (additional fees for supervised mock mediations, contact ADRIA for details)
Annual Designation fee	See ADRIA/ADRIC website for current fee	See ADRIA/ADRIC website for current fee

¹ Dispute resolution generally, psychology of dispute resolution, negotiation, public consultation, mutual gains bargaining, communication, management consulting, conflict management or other related training that has been approved by ADRIA or ADRIC to meet the C.Med educational requirements.

² A “mediation” is a discreet event contracted for by the parties. A situation where a person helps two subordinates resolve a conflict is not considered a mediation. However, if the full or part time duties of an applicant specifically include the conducting of structured mediations, these would count toward the C.Med. Where a person is conducting mediations with staff members who do not report to that person, these may count as mediations provided the person was specifically identified as an impartial mediator, and the mediation was structured and conducted as a mediation, not as an informal meeting to resolve a problem.

³ The applicant must clearly have been the lead mediator or chairperson, not simply a co-mediator. While there is no hard and fast determination, criteria for being lead mediator in a co-mediation may include some of the following indicators: The applicant chaired the mediation; The applicant took a primary role in running the session; The applicant organized the process during the mediation by actively guiding the discussions, delegating time to the other mediator and/or the parties, and having primary voice during the session; It will be the responsibility of the applicant to describe and establish that they were the lead mediator in a co-mediation for it to count toward the required number of mediations.

⁴ A “paid” mediation” is a mediation where the mediator receives a salary, payment or reasonable honorarium specifically for mediation services. The amount received by the mediator is not subject to any specific minimum amount, provided it is a legitimate and reasonable amount in the context within which the mediation took place. In exceptional circumstances described in writing, where an un-paid mediation is demonstrably complex and involved, the RCMAC may, at its discretion, accept an unpaid mediation toward the total of 15.

⁵ **A Formal Mediation Skills Assessment Role-play** with an assessor and role-players chosen from an ADRIA roster of approved assessors and role-players who hold C.Med designations. This assessment is conducted separately and apart from any classroom evaluation occurring as part of the students’ mediation training, either at ADRIA or another approved mediation program. There is a cost associated with this assessment. This assessment must be completed within 12 months of applying for a C.Med designation. The Mediation Skills Assessment Role-play can be conducted in person or online. There is a cost associated with this assessment. Please see application form for further details.

⁶ Video recorded actual mediation assessed by at least three assessors chosen from an ADRIA roster of approved assessors, at least two of whom hold a C.Med. designation. There is a cost associated with this assessment.

⁷ Where the Designations Committee agrees by majority that the applicant has satisfied or exceeded the education requirement the educational requirement may be waived. The decision of the ADRIA Designations Committee must be supported by documented reasons for the recommendation.

⁸ Letters of Recommendation should speak to the candidates’ industrious abilities, accomplishments, seriousness of purpose and capacity as a mediator. Include any information that may not be readily apparent from education, skills assessments, test scores, transcripts or even in an interview. The letter should speak to the candidates’ character (integrity, ethics and leadership qualities). The referee must explain their connection to the candidate, including how long they have known the candidate. The letters can be from someone the candidate co-mediated with, colleagues who have seen their work, someone from a Roster Program, and others who could speak from their experience of seeing the candidate mediate.

⁹ Interest-based mediation process and skills, training that has been approved by ADRIA or ADRIC and meets the requirements of basic mediation training. For courses that have not received pre-approval from ADRIC or ADRIA, please contact the office

for information on obtaining equivalency.

- 10** Courses in conflict resolution, negotiation, communication, advanced mediation, ethics in dispute resolution, multiparty negotiation strategies, how to start a mediation business, designing systems for conflict management in organizations, when and how to use mediation case development, influence of culture on conflict resolution approaches, and resolving difficult workplace issues. The courses must be approved by ADRIA or ADRIC and meet the requirements of specialized training. For courses that have not received pre-approval from ADRIC or ADRIA, please contact the office for information on obtaining equivalency.
- 11 One Actual Mediation** (live, with real parties, not a role-play) paid or unpaid, and must provide a description of each mediation. If a co-mediation, the applicant must clearly have been the lead mediator, not simply a co-mediator. While there is no hard and fast determination, criteria for being lead mediator in a co-mediation may include some of the following indicators: The applicant chaired the mediation; The applicant took a primary role in running the session; The applicant organized the process during the mediation by actively guiding the discussions, delegating time to the other mediator and/or the parties, and having primary voice during the session; It will be the responsibility of the applicant to describe and establish that they were the lead mediator in a co-mediation for it to count. Please see application form for further details.
- 12 One Supervised Mock Mediation** either booked through the ADRIA office, or set up and video recording by the candidate. See Supervised Mock Mediation Guidelines. The candidate must complete all four stages of the model in the mock (role-play) mediation. There will be instructions for role players on how to role play to ensure the candidate has an opportunity to demonstrate skills. Candidates must meet a specific set of standards to be deemed competent. The Supervised Mock Mediation is conducted separately and apart from any classroom evaluation occurring as part of the students' mediation training, either at ADRIA or another approved mediation program. The Supervised Mock Mediation can be conducted in person or online. There is a cost associated with this review. Please see application form for further details.

Additional Documentation – available on ADRIA's website,

Appendix A - COMPETENCIES GUIDELINES

Amended December 2010

This is not an exhaustive list of competencies and is intended as a guideline of generally recognized desirable qualities for competent mediators.

ADMINISTRATIVE SKILLS

General Definition: The ability to organize and conduct the practice of mediation in an efficient and effective manner.

1. Ability to organize and maintain office systems
 - appointment system
 - correspondence system
 - engagement file system with monitoring feature
 - time log, billing and disbursements receivable system
2. Ability to work within the system/rules governing the accepting and handling of engagements
 - records details of appointment (terms, conditions and fee)
 - confirms appointment in writing (engagement letter or contract)
 - ensures all pertinent correspondence, sent and received, is provided to both parties
 - demonstrates a clear understanding of the applicable Rules and Ethics
3. Ability to allocate time, effort and other resources
 - expeditiously reviews and deals with documents and information received
 - develops an overall perspective of the engagement
 - draws up timetable for dealing with preparatory matters and conduct of the mediation
4. Ability to organize the required needs of the mediation
 - adequacy of session room to accommodate the parties and others
 - capability to provide privacy for consultations and caucusing
 - suitability of the location in terms of minimizing external distractions or interruptions
 - capability of session facility to meet special needs of participants
5. Ability to bring the engagement to completion
 - has a good understanding of closure techniques and the settlement process
 - understands the importance of working co-operatively to draft the memorandum of understanding/settlement agreement
 - submits fee billing in accordance with terms of engagement or within a reasonable time

PROCEDURAL SKILLS

General definition: Ability to recognize the nature of the dispute and establish clear understandings concerning the process with and between the parties

6. Ability to determine if mediation is appropriate to the particular situation:
 - reviews contracts between the parties (if they exist)
 - ensures the issues in dispute are covered by the mediation clause or are suitable for mediation
 - determine that he/she possesses adequate knowledge of the business or issues encompassing the dispute
 - ensures there is no reason for parties to challenge the appointment
 - ensures that the appointment is consistent with applicable laws or institutional rules
7. Ability to establish clear understandings
 - clearly explains the role of the mediator
 - clearly defines and explains the mediation process
 - emphasizes the mutually agreed solution principle
 - emphasizes the right of the parties to withdraw
 - emphasizes the confidentiality principle and explains its limitations
 - determines that participants have sufficient authority
 - reviews the engagement letter/agreement to mediate
 - ensures unrepresented parties have addressed legal and expert advice issues
 - in cooperation with the parties, estimates time that will be required for the mediation
 - formalizes the engagement in writing
8. Ability to supervise the preliminary meeting

- supervises conduct of the meeting
 - explains the purpose and content of the meeting
 - brings the parties to agreement on procedural matters
9. Ability to deal with preliminary matters
- holds preliminary meeting if required or requested
 - provides assistance to the parties in preparing for the mediation
 - determines if legal counsel, witnesses, experts or other parties will be involved
 - ensures all parties have a clear understanding of how the mediation session will be conducted and settlement effected
 - ensures all necessary procedural steps have been completed

RELATIONSHIP SKILLS

General Definition: The ability to instil and maintain a positive relationship and good communication

10. Ability to maintain a positive relationship
- acts with courtesy, respect and patience and encourages the parties to do the same
 - separates mediator's personal values from issues of the mediation
 - earns trust
 - builds rapport
 - compliments progressive behaviour
 - indicates empathy for the issues
 - does not pre-judge the parties on the issues
 - is modest in attitude held towards others
 - works with strongly held values of the disputants, including ethnic, gender and cultural differences
 - devotes appropriate care and attention towards the parties
11. Ability to listen effectively
- listens to both parties in an passive and active manner
 - exhibits an understanding of the importance of body language to the listening process
 - intervenes selectively to obtain clarification, assist in understanding or maintain order
 - exhibits patience and does not interrupt except in the most serious circumstances
12. Ability to speak effectively
- uses clear diction and collateral body language
 - asks succinct questions when necessary
 - is direct but not intimidating
 - speaks in a clear audible voice
 - uses simple language
 - utilizes terminology that is common to the parties' industry
13. Ability to maintain an atmosphere conducive to communication
- uses civil language
 - permits humour which is beneficial to the process
 - displays understanding of the factual material and submissions
 - puts parties and witnesses/collaborating presenters at ease
 - avoids distracting body movements or facial expressions
 - discourages an excessively adversarial climate
 - shows empathy

FACILITATION SKILLS

General definition: Ability to conduct the mediation session using fair, flexible and effective procedures, skills and techniques

14. Ability to conduct a fair session
- maintains neutrality and impartiality
 - understands the nature of power imbalances and how to deal with them
 - treats parties fairly and equally
 - preserves party autonomy
 - allows each party an opportunity to examine witnesses/collaborating presenters
 - allows parties to make objections and respond fully to objections
 - allows parties adequate time to deal with surprises
 - deals expeditiously with questions on procedural matters

- keeps interruptions to a minimum
 - imparts and encourages courtesy and respect
 - accepts criticism in a constructive manner
15. Ability to promote an assertive tone
- speaks in an assertive manner
 - encourages the parties to conduct themselves in an assertive manner
 - assists the deliberations by rephrasing accusatory or aggressive statements into an assertive form
16. Ability to deal with high emotion
- recognizes the need for and advantage of venting
 - calls a recess, when appropriate, to diffuse negative circumstances of high emotion
 - holds a caucus to deal with severe negative circumstances of high emotion
17. Ability to organize and analyze data
- develops an overall perspective of the engagement
 - understands the sequence and nature of events contributing to the dispute
 - exhibits the ability to deal with complex factual material
 - organizes data into a logical library format determines the most effective and efficient way to utilize the data to complement the mediation process
 - utilizes ancillary tools such as flip charts and white boards to assist understanding
18. Ability to deal with the issues
- possesses an adequate knowledge of the business/industry related to the dispute
 - assists the parties to clarify and identify the issues
 - isolates those issues that are of no or little relevance
 - assists the parties to establish an objective methodology to evaluate claims
 - reconstructs the issues in terms that will assist understanding
 - screens out non-mediatable issues
19. Ability to surface needs and interests
- exhibits an understanding of the importance of surfacing needs and interest and
 - conveys this importance to the parties
 - exhibits an ability to identify symptoms
 - asks probing questions directed to uncover potential needs and interests
 - asks open ended questions directed to uncover potential needs and interests
 - encourages candid responses
 - holds caucuses focused on uncovering needs and interests
20. Ability to advance the process
- empowers the parties to own and actively participate in the process
 - separates the people from the problem
 - assists the parties to maintain focus and momentum
 - assists the parties to evaluate submissions and the relevant material
 - is open to suggestions and ideas presented by the parties
 - assists the parties to generate creative options
 - assists the parties to evaluate their positions using BATNAs and reality checks
 - assists parties to make their own informed choices
 - utilizes appropriate tools and techniques to break impasse, achieve understanding and steer the process to settlement
21. Ability to bring closure and achieve settlement
- recognizes the optimum moment when the parties express a desire to deal/compromise
 - assists the parties to bargain a solution
 - utilizes appropriate tools and techniques to achieve closure
 - assists the parties to move from closure to settlement
 - assists the parties to assess whether proposed settlement terms can be implemented
 - assists the parties/their advisors to draft a memorandum of understanding or settlement agreement

Appendix B - CODE OF CONDUCT FOR MEDIATORS

This Code of Conduct for Mediators (the “Code”) applies in its entirety to every Mediator who is a member of the ADR Institute of Canada, Inc. (the “Institute”) or any of its Regional Affiliates, or who accepts from the Institute an appointment as Mediator. While Mediators come from varied professional backgrounds and disciplines, every Mediator must adhere to the Code as a minimum. Being appointed as a Mediator confers no permanent rights on the individual, but is a conditional privilege that may be revoked for breaches of the Code.

The Institute and its Regional Affiliates are empowered to investigate alleged breaches of the Code, and may temporarily suspend any Mediator from any of its rosters or from membership in the Institute pending the outcome of an investigation. The Institute is empowered to cancel membership in the Institute or remove any Mediator from any of its rosters if the Mediator is determined by the Institute, either on its own behalf or upon the recommendation of any of its Regional Affiliates, to be in breach of the Code. It is the objective of the Institute to ensure that complaints are investigated fairly.

I. CODE’S OBJECTIVES

I.1 The Code’s main objectives are:

- (a) to provide guiding principles for the conduct of Mediators;
- (b) to promote confidence in Mediation as a process for resolving disputes; and
- (c) to provide protection for members of the public who use Mediators who are members of the Institute.

2. DEFINITIONS

2.1 In the Code:

- (a) “Mediation” means the use of an impartial third party to assist the parties to resolve a dispute, but does not include an arbitration; and
- (b) “Mediator” means an impartial person who is a member of the Institute or accepts from the Institute an appointment as Mediator and who is engaged to assist the parties to resolve a dispute, but does not include an arbitrator unless the arbitrator is acting as a Mediator by consent of the parties.
- (c) “Regional Affiliate” means a regionally based alternative dispute resolution (“ADR”) organization designated by the Institute to provide ADR services in a specific region as requested by the Institute.

3. PRINCIPLE OF SELF-DETERMINATION

- 3.1 It is the right of parties to a Mediation to make their own voluntary and non-coerced decisions regarding the possible resolution of any issue in dispute. Every Mediator shall respect and encourage this fundamental principle of Mediation.
- 3.2 The Mediator shall provide the parties at or before the first Mediation session with information about the Mediator’s role in the Mediation. The Mediator shall discuss the fact that authority for decision-making rests with the parties, not the Mediator.
- 3.3 The Mediator shall not provide legal or professional advice to the parties. The Mediator may express views or opinions on the matters at issue, and may identify evaluative approaches, and where the Mediator does so it shall not be construed as either advocacy on behalf of a party or as legal or professional advice to a party.
- 3.4 The Mediator shall, where appropriate, advise unrepresented parties to obtain independent legal advice. The Mediator shall also, where appropriate, advise parties of the need to consult with other professionals to help parties make informed decisions.

4. INDEPENDENCE AND IMPARTIALITY

- 4.1 Unless otherwise agreed by the parties after full disclosure, a Mediator shall not act as an advocate for any party to the Mediation and shall be and shall remain at all times during the Mediation:
 - (a) wholly independent; and
 - (b) wholly impartial; and
 - (c) free of any personal interest or other conflict of interest in respect of the Mediation.

5. POTENTIAL DISQUALIFICATION

5.1 Before accepting an appointment as Mediator and at all times after accepting such an appointment, a Mediator shall disclose in writing any circumstance that could potentially give rise to a reasonable apprehension of a lack of independence or impartiality in the Mediation of a dispute.

5.2 Any Mediator who makes a disclosure of any circumstance under section 5.1 shall continue to serve as Mediator if all parties to the dispute waive, in writing, the right to object to any reasonable apprehension of a lack of independence or impartiality or conflict of interest that arises as a consequence of that disclosure.

6. CONFIDENTIALITY

6.1 The Mediator shall inform the parties and any experts, advisors, and any other persons who accompany a party to a Mediation session of the confidential nature of Mediation.

6.2 The Mediator, the parties, their experts and advisors, and any other persons who accompany a party to a Mediation session shall keep confidential and shall not disclose to any non-party all information, documents, and communications that are created, disclosed, received, or made available in connection with the Mediation except:

- (a) with the parties' written consent;
- (b) when ordered to do so by a court or otherwise required to do so by law;
- (c) when the information/documentation discloses an actual or potential threat to human life;
- (d) in respect of any report or summary that is required to be prepared by the Mediator;
- (e) where the data about the Mediation is for research and education purposes, and where the parties and the dispute are not, nor may reasonably be anticipated to be, identified by such disclosure; or
- (f) where the information is, or the documents are, otherwise available to the public.

6.3 If the Mediator holds private sessions (including breakout meetings and caucuses) with one or more parties, he or she shall discuss the nature of such sessions with all parties before commencing such sessions. In particular, the Mediator shall inform the parties of any limits to confidentiality that may apply to information disclosed during private sessions.

6.4 The Mediator shall maintain confidentiality in the storage and disposal of Mediation notes, records, files, information, documents and communications.

7. QUALITY OF THE PROCESS

7.1 The Mediator shall make reasonable efforts before Mediation is initiated or at the start of the Mediation to ensure that the parties understand the Mediation process.

7.2 The Mediator shall conduct Mediations in a manner that permits the parties to participate effectively in the Mediation and that encourages respect among the parties.

7.3 The Mediator shall acquire and maintain professional skills and abilities required to uphold the quality of the Mediation process.

7.4 The Mediator shall act professionally at all times, and the Mediator shall not engage in behaviour that will bring the Mediator or the Institute into disrepute.

7.5 A Mediator who considers that a Mediation in which he or she is involved may raise ethical concerns (including, without limitation, the furtherance of a crime or a deliberate deception) may take appropriate action, which may include adjourning or terminating the process.

8. ADVERTISING

8.1 In advertising or offering services to clients or potential clients, the Mediator shall:

- (a) refrain from guaranteeing settlement or promising specific results; and
- (b) provide accurate information about his or her education, background, mediation training and experience, in any oral or written representation or biographical or promotional material.

9. FEES

9.1 The Mediator shall give the parties as soon as practicable after his or her appointment a written statement of a fee structure, likely expenses, and any payment retainer requirements.

9.2 The Mediator's fees shall not be based on the outcome of Mediation, or on whether there was a settlement or (if there was

a settlement) on the terms of settlement.

9.3 The Mediator may charge a cancellation or a late/delay fee within the Mediator's discretion, provided the Mediator advises the parties in advance of this practice and the amount of the fee.

10. AGREEMENT TO MEDIATE

10.1 The Mediator and the parties shall prepare and execute a mediation agreement setting out:

- (a) the terms and conditions under which the parties are engaging the Mediator;
- (b) if the National Mediation Rules of the Institute apply to the Mediation, any of the Rules that the parties agree shall not apply to the Mediation; and
- (c) any additional rules that the parties agree shall apply to the Mediation.

11. TERMINATION OR SUSPENSION OF MEDIATION

11.1 The Mediator may suspend or terminate the Mediation if requested, in writing, by one or more of the parties.

11.2 The Mediator may suspend or terminate the Mediation with a written declaration by the Mediator that further efforts at mediation would not be useful at this time.

12. OTHER CONDUCT OBLIGATIONS

12.1 Nothing in the Code replaces or supersedes any other ethical standard or code that may govern the Mediator. Where there are multiple such standards or codes, the Mediator shall be bound by the stricter or strictest of them.

Appendix C – CODE OF ETHICS

All candidates and designated Chartered Mediators and Qualified Mediators must pledge to uphold and abide by the Code of Ethics. This Code is applicable to all members of ADRIC in their capacity as arbitrators and mediators generally and in their undertaking of an arbitration or mediation appointment specifically.

A member shall:

- uphold and abide by the Rules of Conduct, regulations and other professional requirements adopted by the ADR Institute of Canada.
- not carry on any activity or conduct which could reasonably be considered as conduct unbecoming a member of the ADR Institute of Canada.
- uphold the integrity and fairness of the arbitration and mediation processes.
- ensure that the parties involved in an arbitration or mediation are fairly informed and have an adequate understanding of the procedural aspects of the process and of their obligations to pay for services rendered.
- satisfy themselves that they are qualified to undertake and complete an appointment in a professional manner.
- disclose any interest or relationship likely to affect impartiality or which might create an appearance of partiality or bias.
- in communicating with the parties, avoid impropriety or the appearance of impropriety.
- conduct all proceedings fairly and diligently, exhibiting independence and impartiality.
- be faithful to the relationship of trust and confidentiality inherent in the office of arbitrator or mediator.
- conduct all proceedings related to the resolution of a dispute in accordance with applicable law.