Terms of Reference
ADRIA Education and Designations Standards Task Force

Background

Over the years the ADRIA/AAMS's core education programs have evolved significantly. With mediation, for example, what began as over 200 hours of core and elective training was first reduced to 120 hours, and later to 80 hours to achieve some form of national designation (this now being Qualified versus Chartered status). Arbitration training was similarly reduced from 11 days to five days, as 40 hours of core training became the minimum standard for a Q.Arb designation. As part of this transition, ADRIA retained its Program Certificate in Conflict Leadership, which still requires 180 hours of core & advanced ADR training, and which still complements ADRIC's C.Med requirement of 180 hours of relevant ADR training.

At the heart of an issue facing our professional association today is determining at what point one is considered "qualified" to conduct a solo mediation or arbitration without risk to the public or the profession.

The rationale for change was certainly tied, in a significant way, to ADRIC's national education standards that required 80 hours of evaluated mediation and related training to achieve a Q.Med Designation, or 40 hours for a Q.Arb.

The introduction of ADRIC's Qualified designations has brought at least two (2) issues to the fore, namely:

a) The descriptive word "Qualified" and whether the same is misleading to the public; and
b) The complacency shown by ADRIA members to attain only the "Qualified" designation and to not push forward to obtain the "Chartered" designation.

Concerns have certainly been raised regarding the title of "Qualified", suggesting that the descriptive word "qualified" conveys the wrong message to learners, new practitioners, and the public at large. This begs the question as to how much ADR education and experience should be required, from our perspective as a professional association, for a person to be truly "qualified" as a mediator or arbitrator.

ADRIA students have always had the option of taking further specialty training, and yet the ADRIA electives for mediation that would allow them to achieve the higher Chartered status remain under-subscribed. Currently, there are no specialty training opportunities for Arbitrators through ADRIA. The number of applications for Chartered status has declined as the number of Q-level applications has been consistently high since being introduced. In truth, very few Q-qualified members go on to attain Chartered status. When polled informally, 7 out of 7 persons taking a recent Arbitration course in Edmonton indicated that the primary objective in taking the course was to achieve a Qualified Arbitrator designation.

The ADRIA Board of Directors has responded to this challenge by adopting strategies that encourage its members to strive for Chartered status, but the uptake remains low. Drawn from the 9 strategies adopted as part of ADRIA's strategic plan, these include:

- #5 Promote Chartered Designations, internally and externally; and
- #7 Promote ADR Training and Q designations to key professions as valuable secondary qualifications.

The ADRIA Board has thus embraced and recognized the need for entry-level designations as valuable secondary qualifications for some occupations (Social Work, Psychology, Law, HR, etc), but also believes strongly that such designations should only function as a short-term stepping stone for those members who intend to focus on ADR, and plan to offer mediation and/or arbitration services as a core component of their professional practice.

The question then becomes: Are we at ADRIA doing enough to ensure that:

a) our members with a Qualified Mediator/Arbitrator designation are being correctly perceived by the public and/or employers relative to their actual background and training; and

b) our practicing members are motivated (by ADRIA and/or market forces) to advance their qualifications to achieve Chartered status?

In several areas, ADRIA has maintained higher training and designation standards than other Affiliates across Canada. These include: 40 hours of prerequisite training before taking the ADRIC National Introductory Mediation Course, the latter of which qualifies a candidate for "Qualified Mediator". This prerequisite course contributes added training days, higher coaching ratios, smaller classes, and a stringent pass/fail criteria,

Lower standards and the lack of consistency across Canada for qualification relative to the "qualified" designation potentially undermines the value and credibility of ADRIC training and national designations.

ADRIA instructors, coaches and students have over the years raised concerns about the educational program. Just recently we were advised anecdotally that Alberta Justice Resolution Services attempted to hire a family mediator, and of the 90 applications received, not one was deemed sufficiently skilled in basic mediation for the job. Many of the applicants had taken their core training through ADRIA.

In keeping with ADRIA's Vision and Mission[1] to advance excellence in the field of ADR, its practice and its professionals, and in keeping with the Board's adoption of its White Paper

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[1] **VISION**: *No Albertan Fears Conflict*
MISSION: *To provide leadership and services in Appropriate Dispute Resolution (ADR) to our members and to the public by:*

- *Fostering understanding of, and excellence in, negotiation, mediation, arbitration, and restorative practices*
- *Supporting the viable practice of ADR in Alberta*
- *Providing excellence in ADR professional development*
- *Promoting the ethical use of ADR processes*
- *Maintaining accreditation standards, accountability, and designations for the ADR profession*
- *Encouraging those practicing ADR to join our organization*
- *Connecting Albertans with ADR resources and expertise*

on Mediation Advocacy recommendation to Protect the Public[2], this task force is struck to explore the broad questions around ADRIA's educational program, what is happening in terms of education nationally and with the other affiliates, and the interconnectedness between education, competencies, and the Qualified and Chartered Mediator designations.

The task force will make recommendations to the Board of Directors regarding the extent to which ADRIA should maintain or raise the Alberta training and designation standards (where allowed under ADRIC guidelines), and/or to what extent the ADRIA Board should advocate nationally for change.

Responsibilities/Tasks/Target Completion Dates

1. The following timelines/deliverables will guide the work of the task force:

a. Conduct research into:
- Mediation and arbitration practices in Canada and other jurisdictions the task force believes to be of benefit/value, including but not limited to:
  - Core education programs
  - Expectations of mediators and arbitrators for ongoing professional development
  - Evaluations to assess mediator and arbitrator competency
  - To the extent possible or reasonable, assess the public's perception or the perception of users of ADR services relative to the attributes a qualified mediator or arbitrator should possess
- Mediator and Arbitrator training programs' best practices
- Educational requirements for ADRIC's Qualified and Chartered Designations and their impact on the mediation and arbitration profession

b. Engage, coordinate and collaborate as practical with ADRIC's Education Committees, ADRIC staff and Affiliates **(Target completion: Nov 30, 2017)**

c. Meet with the ADRIA Board of Directors on **Dec 2, 2017** to provide:
- preliminary findings; and
- a verbal update.

d. Prepare a Final Report of Findings and Recommendation to the ADRIA Board **(Target Completion: Mar 31, 2018)**

2. The Task Force will operate in a manner consistent with the Core Values and ethics as detailed by ADRIA/ADRIC.

Duration of Committee: From date of appointment to the delivery of a final report and recommendations to the Board.

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[2]**Protect the Public**– *while mediation, (and other ADR professions such as Arbitration) are unregulated professions, the ADR Institutes of Canada and Alberta provide national standards, recognized designations, ongoing quality assurance and robust complaint policies that serve to protect the public. Continued diligence and attention to maintaining high standards of quality, and to building public awareness, will enhance the profession and increase demand for professionally* qualified and designated mediators.

Chair/Co-chairs of Committee: ADRIA member(s) as appointed by the Board.

Committee Membership and Composition:

- The Chair, or at least one of the Co-Chairs shall hold a Chartered designation.
- At least one member shall have experience in delivering ADR education services, preferably at ADRIA
- At least one ADRIA Board member shall Chair, Co-Chair or participate as a member of the Task Force
- ADRIA's Executive Director or Director of Professional Development
- At least one member who is a "user" of mediation/arbitration services
- In total, at least four and not more than seven volunteer task force members with a keen interest in enhancing the ADR profession, who hold a Chartered or Qualified designation and who, together with the Chair(s), can provide relevant perspectives, skills, experience, and/or knowledge.
- At least two task force members must have an Arbitration designation.
- Task Force members must have:
    - Ability and time to conduct research and compile information
    - Ability to work in a team environment
    - Ability to keep an open mind and consider different options
- Asset criteria includes:
    - ADRIA classroom experience as coach or instructor
    - Familiarity with ADRIA's core and elective programs
    - Knowledge of Government of Alberta Dispute Resolutions processes, Alberta Justice, community, and other roster ADR programs
- ADRIA members will be invited to submit expressions of interest to become part of the Task Force. The Chair(s), in consultation with Board representation, the ED and/or Director of Professional Development, will select members of the Task Force in order to achieve the skills, experience and knowledge required.

Requirements for Staff Time:	To assist task force in finding meeting space, supporting research and report development.
Budget Requirements:	Expenses associated with travel to meetings, meeting supports, teleconferencing, printing, and member communications. This is a voluntary committee.
Reporting of Task Force:	The task force will seek the advice of the Board, if required, as the work unfolds, and keep the Board appraised of its progress and challenges. The Chair(s) and Board representation can determine how best to achieve this reporting responsibility

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