



Expectations of Volunteer Mediators

To promote public confidence in mediation as a process for resolving disputes and to assure quality and consistency in the delivery of services, the conduct of mediators in the state ADR program shall be guided by the following expectations:

Voluntary Participation & Self-Determination

A mediator's fundamental duty is to understand, promote and protect the voluntary nature of mediation. A mediator must ensure that the parties' participation in mediation is voluntary and uncoerced. Self-determination is a fundamental principle of mediation. This means that parties make free and informed choices as to process and outcome and retain primary responsibility for arriving at voluntary, uncoerced decisions. Parties may exercise their self-determination at any stage of the mediation process.

Neutrality & Impartiality

A mediator shall maintain impartiality and neutrality toward the parties and issues in dispute. This means freedom from bias, favoritism or prejudice; refraining from taking sides; and treating all parties equally. A mediator shall conduct the mediation in an impartial manner and avoid conduct that gives the appearance of bias. Where a mediator's impartiality is in question, a mediator shall decline to mediate or withdraw from the mediation.

Conflicts of Interest

A conflict of interest is any action or relationship that might create an impression of possible bias. A mediator shall disclose any and all actual or potential conflicts of interest or information that could reasonably lead a party to question a mediator's impartiality. If a mediator's conflict of interest might reasonably be viewed as undermining the integrity of the mediation process, the mediator shall withdraw from or decline to proceed with the mediation, regardless of the expressed desire or agreement of the parties to the contrary. A mediator's disclosure obligations continue throughout the course of the mediation.

Confidentiality

A mediator shall maintain confidentiality of the mediation process. This confidentiality extends to all communications, materials and information obtained during mediation. A mediator shall explain the generally accepted rules and laws that require disclosure of certain information. A mediator shall explain the use of caucus, or separate and private sessions, including how the confidentiality of information arising in caucus will be treated.

Competence & Qualifications

A mediator shall mediate only in matters which s/he has the necessary competence and qualifications to satisfy the reasonable expectations of the parties. If requested, a mediator shall disclose information relating to the mediator's training, education, experience and approach to mediation. A mediator shall assume primary responsibility for his or her professional growth and development through continuing education that promotes continuous improvement in skills and knowledge of new developments in the field and practice of mediation.

Fairness & Quality of the Process

A mediator shall conduct mediations in a manner that promotes fairness, safety, and mutual respect among all participants. If a party appears to have difficulty understanding the process, issues, settlement options or participation in mediation, the mediator shall explore the circumstances and potential accommodations or modifications that will facilitate the party's ability to understand, participate and exercise self-determination.