**DISPUTE RESOLUTION CENTER POLICIES**

**EVALUATION/MENTORING, CONTINUING EDUCATION, AND RENEWAL**

[*AS OF November 2023]*

**BACKGROUND**

As of January 2005, Rule 8: Qualification Standards for Neutrals of the Uniform Rules on Dispute Resolution (Massachusetts Supreme Judicial Court Rule 1:18) requires all court-connected dispute resolution programs approved by the Office of the Trial Court (including BCRHA’s Dispute Resolution Center), to meet certain criteria for the training, continuing education, mentoring and evaluation of the people on its roster. In addition, Rule 7(c) requires a “fair and reasonable method” to add and remove members from an approved program’s roster. In response, BCRHA’s Dispute Resolution Center (Hereinafter referred to as the “Center”) has instituted the following policies:

I. **Criteria for New Applicants**

All interested mediators are required to apply to the mediation practicum. In evaluating new applicants to the Center, the following factors shall be taken into account:

* Does the applicant have an interest in, and enthusiasm for, mediation, the Center and the field of dispute resolution?
* Does the applicant demonstrate receptiveness to taking and giving feedback, with a desire to improve their own skills and the skills of the Center as a whole?
* Does the applicant demonstrate good interpersonal awareness, including the capacity to be a good listener?
* Does the applicant demonstrate the ability to remain objective and to refrain from using language or actions that could be seen as being judgmental?

II. **Quality Control**

After acceptance to the practicum, mediators (candidates) are required to secure the following training:

* Candidates must successfully complete a Basic Mediation Training. Said training must meet the prescribed requirements set forth in the Rule 8 Guidelines of the Supreme Judicial Court’s Uniform Rules on Dispute Resolution.
  + The Basic Mediation Training should also include a training module on Ethical Standards as prescribed by Rule 9 of the Uniform Rules.
* Candidates must observe a minimum of six Small Claims mediations conducted by experienced Program (staff or volunteer) Mediators.
* Candidates must co-mediate six Small Claims mediations with an experienced Center Mediator.
* Candidates shall receive feedback from the observing Mediator after each of the six mediation sessions and/or after all sessions have been completed.

Following those mediations, candidates will be evaluated for acceptance onto the mediator roster. Once on the volunteer roster, volunteers will receive regular notification of mediation opportunities.

* Volunteer mediators are expected to be available at least twice a month to mediate.
* Volunteer mediators must complete additional training to be considered for Re-Entry, Housing, and/or School mediations.
* Mediators involved in court-connected mediations must complete a court orientation.
* Annually, Mediators on the Center’s Roster are required to receive 6 hours of relevant continuing education (Please also see in this section Continuing Education Policy).

File reviews are conducted every other fiscal year for active roster members. Reviews include the utilization of a checklist system to determine if each mediator is up to date on all of the Center’s mediation roster requirements. The goal of the review process is to confirm that there is an updated file documenting the following for each roster neutral:

* Documentation of completion of the 30+ hour Basic Mediation Training
* Documentation of completion of Rule 9 Ethical Standards Training
* Documentation of continuing education (trainings in relevant, specialized or substantive areas)
* Documentation of court orientation, if relevant
* Documentation of completion of mentoring mediations
* Documentation of peer reviews and additional mediation observations/evaluations

III. **Evaluation/Mentoring**

The Center evaluates roster Mediators in the following manner:

* An annual formal written evaluation based on observation(s) shall be conducted by the Center Director on each active roster neutral using the mediation skills checklist per the Rule 8 evaluation guideline. Said evaluation shall include a review of the written evaluation results with the evaluator and neutral and an opportunity to make a written response by the neutral.
* Parties (Disputants) are given the opportunity and encouraged to submit a written evaluation regarding the performance of the Mediators(s) and the condition of the mediation facilities. Mediation evaluation forms are offered to all parties at the conclusion of the mediation session.
* Self-evaluation and peer evaluation by program mediators are strongly encouraged. This type of review is utilized on a periodic basis. Self-evaluation is a useful tool because it allows mediators to assess their own strengths and weaknesses, which is a great way for mediators to become more vested in addressing any deficiencies. Self-evaluation may also alert the Center Director regarding the need for additional training for Program Mediators.
* The Center’s Director conducts periodic informal observations and corresponding debriefing sessions. Observations are conducted on a more frequent basis with newer mediators.

Center mediators may be removed from the Center’s roster for the following reasons (Please also see Complaint Policy):

* Serious breach of ethical standards for neutrals (Rule 9 of the Uniform Rules on Dispute Resolution), including inappropriate pressure to settle
* Significant non-compliance with the Mediation Center rules of procedures
* Extended trend of no settlements
* Pattern of unsatisfactory participant evaluations
* Non-compliance with continuing education requirement
* Failure to provide documentation of qualification as is required pursuant to Rule 8
* Refusal to accept cases for mediation in ten or more instances over a 12 month period
* Inappropriate behavior during the dispute resolution process session or in following up with the parties thereafter
* Other good cause

IV. **Continuing Education**

Annually, Mediators on the Center’s Roster are required to receive **6 hours** of relevant continuing education. Free in-house continuing education opportunities are offered to the Center’s roster members. Roster members are also offered the following training options annually:

* A review of the ethical standards pursuant to Rule 9. The training will consist of a combination of lecture and role-playing. The training will be conducted over a three-hour period.
* In house substantive or specialty training will be offered in the following areas: small claims mediation, landlord/tenant mediation, and other civil matters.
* A court orientation training will be offered to all roster members.
* Roster members may participate in training programs offered by other qualified ADR training programs to fulfill the Center’s continuing education requirements.
* The Center will continue to work with MOPC as well as other ADR training organizations to ensure that there are a wide range of accessible continuing education opportunities available for its neutrals.

Continuing Mediation Education Stipend

* + The Mediation Center may provide up to $150 per fiscal year, per volunteer to attend continuing education in mediation trainings. Volunteers that have mediated at the Center for a minimum of one year and who in good faith intend to continue to volunteer at the Center will be eligible to apply for a stipend. These trainings may include but are not limited to the following: permanency mediations, parent/child mediations, and mediation for criminal actions (show cause hearing related disputes).

V. **Renewal**

Continued Membership as an active Center mediator is contingent upon meeting the requirements set forth above. At the end of each year, Center Staff shall review the status of each active Center Member, to determine whether that status should be renewed. There are three possible outcomes:

i) Automatic renewal of active membership status, if the Member is in good standing, has participated in mediation(s) in the last year and has met the Evaluation/Mentoring, Continuing Education, and Quality Control requirements set forth above.

ii) Probationary status, if the Member has fallen short of one or more of the Performance Requirements and Continuing Education requirements set forth above, or is in Observation Period. A Center Member on probationary status may only participate as a co-mediator under circumstances that have been approved in advance by their Court Liaison and may include, for example, having an experienced observer and/or co-mediator, or having an approved plan to become compliant with respect to Continuing Education hours.

iii) Membership status changed to “inactive” if the Member has not participated in mediation(s) over a continuous period of more than six months. Inactive mediators will no longer be notified of mediation opportunities. To change this status from “inactive” to “active”, the Member must participate in a meeting with the Center Director to discuss membership reinstatement.

VI. **Policy Availability**

A copy of this policy is available on the Center’s Live Binder. Any Center Member (or prospective member) may obtain a copy from the UpSide413 office upon request.