

OREGON MEDIATION ASSOCIATION

Approved by the Board of Directors at its December 11, 2006 Meeting

VOLUNTARY MEDIATION PROCESS FOR RESOLVING DISPUTES WITH OMA MEDIATORS

OMA's Core Standards of Mediation Practice are designed as an educational tool to (1) guide mediators in Oregon in the practice of mediation, (2) inform participants about mediation, and (3) promote public trust and confidence in mediation as an effective and productive process for resolving disputes. The Core Standards are intended to be guidelines, not disciplinary rules. OMA members agree to abide by the Core Standards when serving as a mediator.

Recognizing that disputes may arise between mediators and participants in mediation, and consistent with the practice of mediation, OMA has a voluntary mediation process for resolving disputes that involve OMA member mediators. OMA members are encouraged to participate in this process. Non-member mediators are invited to participate.

1. **INQUIRY PROTOCOL**: All persons who contact OMA with concerns about or disputes with a mediator(s) will be directed to the Executive Director, who will tell the person:
 - A. OMA is a voluntary private organization of mediators and those interested in mediation.
 - B. OMA has adopted Core Standards of Mediation Practice as guidelines for the conduct of mediators who are members of OMA, which can be found on OMA's website.
 - C. There is no licensing or certification of mediators in Oregon, and no formal disciplinary process for OMA members.
 - D. OMA does not accept or file complaints OMA does provide a voluntary, confidential mediation process for resolving disputes with member and non-member mediators.
 - E. If a public agency, business, or non-profit program sponsored the mediation (i.e., court, community, workplace, public policy, or other mediation programs), there may be policies in place through that program to address your concerns.
 - F. We can send you an information packet describing our mediation process and how to select the Panel Mediator who provides up to four hours of face-to-face mediation sessions to try to resolve your dispute. If the mediator involved in your complaint is an OMA member, there will be no charge for this service. If that mediator is not an OMA member, the fee is \$400 to be split equally between the mediation participants, unless otherwise agreed in writing.
 - G. Once you have reviewed the information packet, please let us know whether or not you wish to participate in the mediation process. We will not do anything unless we hear from you.
 - H. If you tell us you want to participate, a similar packet will be sent to the mediator to see if s/he is willing to participate in the mediation process. If s/he agrees, you can begin the mediation process. If s/he does not agree, OMA will let you know. In that case, there will not be a mediation and OMA's involvement will end.
 - I. OMA cannot provide legal advice. Before you make a decision about whether or not to use this service, you should consider discussing your options with an attorney.
2. **INFORMATION PACKET**: The Standards and Practices Committee will draft the information packet, which will include information about Panel Mediators, and other necessary documents to

facilitate the mediation process, including a copy of OMA's Core Standards of Mediation Practice, a sample mediation agreement, and evaluation forms.

3. PANEL OF MEDIATORS: OMA will establish a panel of mediators to mediate disputes between complainants and mediators. When the participants agree to mediation, OMA will provide a list and a process for selecting an appropriate Panel Mediator. Once the matter has been referred to mediation, OMA will no longer be involved, except for tracking the results to evaluate the program.
4. PANEL MEDIATOR QUALIFICATIONS: At any given time, the Panel should include approximately 12 mediators selected by the Executive Director and OMA's Executive Committee from time to time, each of whom meets all of the following requirements:
 - A. Is a member of OMA.
 - B. Subscribes to OMA's Core Standards of Mediation Practice.
 - C. Has completed at least 30 hours of Basic Mediation Skills Training.
 - D. Has mediated, as a mediator or co-mediator, at least 25 cases to conclusion or has completed at least 200 hours of mediation experience.
 - E. Has mediated at least one case in the six months preceding their assignment to a case under Program.
 - F. Completes at least 12 hours of continuing education every two years, including one hour regarding confidentiality and one hour regarding mediator ethics.
 - G. Provides OMA information regarding their training, background, experience, mediation approach, and contact information to be posted on the internet and referenced by those considering participation in this process.

Members of the Board of Directors and Standards and Practices Committee and the Executive Director are not eligible to serve on the Panel, as they are charged with oversight of this program.

5. PANEL APPOINTMENTS: In conjunction with the Executive Committee, the Executive Director shall screen and appoint qualified mediators to the Panel from among those who have applied pursuant to OMA notification of openings or OMA recruitment efforts. The screening criteria will be:
 - A. Demonstration of compliance with the Panel Mediator Qualifications in Section 3;
 - B. Geographic diversity; and
 - C. Practice area diversity
6. MEDIATOR SELECTION PROCESS:
 - A. Upon appointment to the panel, mediators will be provided a list of current OMA members and asked to identify any fellow members with whom they have prior relationships that would cause them to have an actual, potential, or perceived conflict of interest, past or present, that may reasonably raise a question about the mediator's Impartial Regard.
 - B. OMA staff will send a list of potential Panel Mediators as part of an informational packet to the party initiating contact with OMA. That list will include all Panel Mediators who have

not identified the participant mediator as someone with whom there may be an actual, potential, or perceived conflict of interest.

- C. The initiating party and the participant mediator will each be asked to strike out any Panel Mediators who are not acceptable.
 - D. OMA's Executive Director will review the two lists and randomly select the Panel Mediator from the remaining names.
 - E. If all of the names have been eliminated, OMA's Executive Director will work with the parties to find a mutually acceptable Panel Mediator, if possible.
7. CONFIDENTIALITY: All inquiries, complaints, and related communications will be considered confidential mediation communications under Oregon law. Only the information needed to facilitate convening the mediation will be obtained by OMA's Executive Director and that information will be kept confidential by OMA's Executive Director. The limited records collected will be destroyed once the matter has been addressed. No record of the inquiry, complaint, those involved, or of the mediation will be maintained, with the exception of generic information for statistical and trend purposes. The statistical and trend information will be maintained at the OMA office and is to be reviewed only by the OMA Board, OMA's Executive Director, and the Standards and Practices Committee.
8. MEDIATOR COMPENSATION: Panel Mediators will be paid by OMA at the rate of \$200.00 per case. The Panel Mediator may select instead a free conference registration for the next annual OMA conference (currently valued at \$275.00). OMA will charge a \$400.00 fee for matters involving mediators who are not OMA members. The fee will be split equally between the mediation participants, unless otherwise agreed in writing.

As a condition of payment, OMA expects the Panel Mediator to, at the minimum, schedule a session with the participants. The Panel Mediator must provide up to 4 hours of face-to-face meetings with the participants. If all participants, and the Panel Mediator agree, the mediation process can continue beyond four hours of face-to-face meetings at the rate of \$40 per hour to be paid equally by all participants directly to the Panel Mediator, unless otherwise agreed in writing.

9. MEDIATOR AS INITIATOR: This program is also available when an OMA member mediator wants to mediate a concern with participants from one of her/his mediations.
10. PROMOTION AND ADVERTISING: OMA will notify members of the program via electronic Flash messages, the printed newsletter, and inclusion in new member packets. Information about the program will also be posted on the OMA website.
11. ANNUAL REPORT: The Standards and Practices Committee will provide an annual report to the OMA Board summarizing program activity, the number of program contacts, number of complainants selecting mediation, the number mediations, the outcome of the mediations, trends, and any recommended policy changes. When considering this annual report, the Board will consider whether to continue this program.