

OHIO MEDIATION ASSOCIATION

Proposal for Mediator Credentialing

Final Draft—April 2018

**Section I. Purpose**

The Ohio Mediation Association (OMA) provides for the voluntary credentialing of Ohio mediators by establishing standards for best practices, experience, basic knowledge, training, and the ethical conduct of mediators. Mediators applying for credentialing must meet these standards. Benefits of a process for voluntary credentialing include improving the visibility of qualified mediators who seek further professional credibility; fostering greater cohesion within the mediation profession; increasing consumer confidence; providing a consumer complaint process; and encouraging all mediators to continually improve as dispute resolution professionals.

Following the recommendations of the ACR Mediator Certification Task Force, this system is primarily an objective, self-monitoring “portfolio” approach in which applicants submit information indicating that they meet the requirements delineated herein. This proposal goes a step further by requiring that each Applicant submit a letter by a Sponsor, detailing the best practices of the Applicant. It is hoped that credentialing will contribute to an OMA long-term goal of developing a body of knowledge (through surveys, questionnaires, and feedback procedures such as self-reporting or participation in research) about the quality of practitioners in Ohio, consumer satisfaction with mediation, and various metrics such as cost savings, types of cases, court rosters, settlement rates, and so on. Furthermore, by requiring advanced practitioners to “give back” to the profession, it is hoped that all mediators in Ohio will benefit from a system that enriches itself from a wide range of contributions from experienced professionals.

In all, Ohio mediators will join the ranks of other pioneers in the Dispute Resolution field such as Texas, Washington State, and Florida by creating a process by which mediators seeking additional credibility be able to receive recognition for their qualifications as experienced mediators. Through unity and promoting a common voice, DR practitioners will be better positioned to promote DR to the public and to encourage public confidence in Dispute Resolution practices. As a body that recognizes credentialed professionals, OMA will also be better positioned through enhanced credibility to educate the Ohio judicial system and public about DR and to encourage the implementation of mediation programs and services throughout the State.

**Section II. Definitions**

1. **Dispute Resolution (DR)** - Dispute Resolution refers to any means of settling disputes outside of the courtroom including early neutral evaluation, negotiation, conciliation, mediation, collaborative law, and co-resolution.
2. **Background Checks –** A Bureau of Criminal Investigation (BCI) background check must be submitted with the initial application. The applicant will have to pay for the background check and direct the provider to forward the results to OMA. To find a convenient location where a background check can be obtained, applicants can check [*ohioattorneygeneral.gov/Services/Business/WebCheck/Webcheck-Community-Listing*](http://www.ohioattorneygeneral.gov/Services/Business/WebCheck/Webcheck-Community-Listing) .
3. **Certificate of Acceptance** – Every approved applicant shall receive a certificate attesting to the applicant’s approval. Certificates will be issued every two years subject to completion of the required continuing education credits.
4. **Complaints/Discipline** – Any consumer or credentialed mediator may submit a formal complaint regarding the competency of a mediator whom OMA has credentialed. Policies and procedures are detailed in the Rules of Operation Section. (See Form 2018E)
5. **Grievance Oversight** – A committee established by OMA will process grievances in accordance with its by-laws. See Section on Rules and Operations for details.
6. **Mediation -** Mediation means any process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute. (Ohio Revised Code Chapter 2710: Uniform Mediation Act, 2005). A mediator facilitates communication and negotiation between parties, not as an advocate for the interests of only one side.
7. **Mentor** – A credentialed Advanced Mediation Practitioner or a credentialed Mediation Practitioner who has known and interacted with the applicant for at least six months and who has observed or co-mediated with and evaluated at least two of the applicant’s mediations, and who has reviewed the applicant’s final agreements.
8. **Open-Book Test** – Available on-line or with application forms (2018F). This is an assessment of an applicant’s understanding of the fundamental principles, values, ethics, and procedures of DR.
9. **Portfolio** – Complete set of required documents submitted to demonstrate compliance with the qualifications for desired category.
10. **Sponsor –** To qualify a person should be one of the following in the field of DR who can attest to the training, experience and character of an applicant: teacher; mentor; program director; supervisor; or an experienced mediator of a DR business or nonprofit organization.

**Section III. Applications of Dispute Resolution**

DR is used in a variety of situations, both formal and informal. Most cases involve:

1. commercial/contract/labor law;
2. community/consensus building (such as for environmental disputes);
3. court-mandated (such as for custody, misdemeanor complaints, or general civil cases);
4. education (such as for IEP development or truancy);
5. elder mediation (such as for end-of-life decisions or property division);
6. health care (such as disputes between patients and doctors);
7. restorative justice (such as for victim-offender dialogue or offender diversion);
8. workplace disputes (such as U.S. Postal Service REDRESS program);
9. eldercare coordinating;
10. early neutral evaluation;
11. collaborative law/co-resolution;
12. ombuds activities; or
13. parenting coordination.

**Section IV. Credentialing Process**

1. Submit Mediation Credentialing Application (Form 2018A).
2. Submit proof of completion of the Ohio Supreme Court’s Uniform Mediation Act training.
3. Submit documentation to substantiate experience. Use log provided. (See Form 2018B)
4. Submit documentation to substantiate mediation training. A description of topics covered, courses or workshops completed with certificates of completion attached and/or school record. All dates of completion, hours of training, presenters’ names, and affiliations must be included. Use log provided. (See Form 2018C).
5. Submit a signed affidavit of compliance with payment of the application fee. (Form 2018D)
6. Submit a signed letter of support by a sponsor (mentor, teacher, or employer) who has known the applicant for at least six months and who can attest to the applicant’s demonstration of mediation skills commensurate with best practices (detailed below).
7. Show proof of membership in at least one of the following DR professional associations: ACR; OMA; MANO; AFCC; NACFM or DR-related professional organization. Photo copy of current membership card or payment of dues.
8. Submit proof of professional liability insurance or proof of coverage from employer. A copy of the Declarations page.
9. Advanced Practitioner applicants must also submit proof of contribution to the field of DR. See Section VI.E, 6 for details.
10. If an applicant is unable to meet all of the above requirements, he/she should submit a written explanation, with documentation, to substantiate his/her request for substitute qualifications.
11. Complete *Open Book Test* (Form 2018F)

**Section V. Best Practices**

Sponsors who vouch for the veracity of an applicant need to evaluate that person’s skills based on the following guidelines which OMA believes represent the baseline skill set necessary to be a competent resolution practitioner.

1. Communication Skills –Applicants will demonstrate skills of active listening, summarizing, reframing, redirecting, clarifying, strategic use of questions, empathy, issue identification, and supportive nonverbal communications.
2. Knowledge – Applicants will demonstrate knowledge of the Ohio Revised Code 2710.01-2710.10 (Ohio’s Uniform Mediation Act UMA) and Model Standards of Conduct for Mediators (American Bar Association, American Arbitration Association, and Association for Conflict Resolution, August 2005) as well as DR models, strategies, styles and basic procedural activities for convening, conducting and closing a mediation session.
3. Ethics – Applicants will demonstrate understanding of model standards of conduct concerning party self-determination; impartiality; conflicts of interest; mediator competency; confidentiality; neutrality; advertising and marketing; fees; obligation to the field; diversity; mandated duty to report (to court or reporting abuse, fraud or criminal/violent behavior); when to withdraw; grievance process; and substantive competency.

**Section VI. Credentialing Requirements (see Table 1)**

1. Training Requirements
   1. **Mediation Practitioner** - Applicants will complete 40 hours of training by mediation training providers covering communication skills; conflict resolution theory; application of the Uniform Mediation Act; and mediation theory, practice, and techniques. It is highly recommended that applicants complete all trainings required under the Rules of Superintendence for the Courts of Ohio, Rule 16.
   2. **Advanced Mediation Practitioner** - Applicants will complete 80 hours of mediation training that includes communication skills; conflict resolution theory; mediation theory, practice, and techniques.
2. Experience Requirements
   1. **Mediation Practitioner** - Applicants will complete 125 hours mediating, or 25 cases.
   2. **Advanced Mediation Practitione**r - Applicants will complete 300 hours mediating, or 150 cases and shall have a minimum of four years’ experience as a mediator.
3. Continuing Education
   1. **Mediation Practitioner** - Applicants will complete 12 hours of continuing education biennially. These hours include mediation trainings, DR trainings, DR workshops and meetings of professional organizations focused on DR where educational instruction is provided during the meetings.
   2. **Advanced Mediation Practitioner** - Applicants will complete 20 hours of continuing education biennially. These hours include mediation trainings, DR trainings, DR workshops, and meetings of professional organizations focused on DR where educational instruction is provided during the meetings.
4. Professional Contribution for Advanced Practitioner
   1. An applicant will produce documentation of making a professional contribution to the field of Dispute Resolution by one (1) or more of the following:
      1. Writing a short article (e.g., for the OMA blog);
      2. Mentoring (written letter from one mentored individual);
      3. Trainer/Presenter/Coach/Teacher for one mediation presentation;
      4. Holding an office in a DR organization;
      5. Volunteering for a DR activity;
      6. Research;
      7. Public Speaking;
      8. Writing for publication; or
      9. Any other activity applicant chooses to submit and judged acceptable by the Credentialing Committee

**Section VII. Complaint/Grievance/Discipline/Appeals** – Consumers may file complaints about the competency or conduct of a mediator (see attached complaint form 2018G) that will also be available on the OMA website. Details about handling complaints are provided in the Rules of Operation, Section XII. Likewise, procedures for disciplinary actions and for appeals of any disciplinary actions are provided in that section.

**Section VIII. Application Forms –** Application forms are attached.

**Section IX. Credentialed Mediators from Other States** – Credentials from other states will be honored on a case-by-case basis, and provided that the mediator has more than 5 years of experience.

**Section X.** **Written Exam** – All applicants will be required to complete an open-book test of DR best practices, ethics, theory, or knowledge. To become a General Mediator a passing grade of 80% must be achieved and for an Advanced Practitioner, 90%. (Form 2018F)

**Section XI. Re-credentialing –** Every two years, credentialed mediators must submit documentation (Form 2018G) for continuing education (see table) and an updated background test. Continuing education must be DR-related and approved for CEUs or CLEs by the sponsoring organization.

**Section XII. Committee Rules of Operation**

**Part 1 – Administration**

1. **Credentialing Committee** – The Ohio Mediation Association’s Executive Board will appoint by majority vote a Mediator Credentialing Committee of three OMA members who serve for an indefinite term, subject to removal by the Board, and will:
2. maintain statistics about operations;
3. process, review and act on complaints;
4. maintain data base;
5. approve or deny credentials;
6. sanction, suspend or withdraw credentials;
7. obtain and maintain comprehensive Directors and Officers liability insurance covering the administration of the credentialing processes;
8. Hire Administrative Assistants, as needed, to process applications/mail, and perform miscellaneous clerical duties;
9. Provide quarterly updates of activities to the OMA Executive Board;
10. Maintain financial records;
11. Meet quarterly to review progress, provide oversight, and discuss operations; and
12. Issue credentials and renewals.
13. **Credentialing Chairperson** – the Credentialing Committee will elect by majority vote a Credentialing Chairperson who will:
14. Serve as liaison to the OMA Board, reporting on credentialing activities to the OMA Vice President;
15. Be responsible for the activities and responsibilities of the Credentialing Committee;
16. Have the authority to call meetings of the Credentialing Committee, when necessary;
17. Have the authority to pay $20 per hour for a qualified person to process credentialing applications. Applications should be able to be processed at approximately one application per hour;
18. Keep records of credentialing practices and interpretations of the official credentialing document, and the Chairperson shall pass these records on to another member of the Credentialing Committee when the Chairperson exits from this position;

**Part 2 – Processing Applications**

* + - 1. Applications must be processed within thirty days of receipt. The Credentialing Chairperson shall record all applications and maintain the data base, verifying that all information submitted is correct and complete. These applications will be forwarded to the Credentialing Committee for approval.
      2. The Committee shall share responsibility for reviewing and approving applications as they deem appropriate. No application will be denied without the full agreement of all three members who have each reviewed the application. If necessary, the committee may request additional information from an applicant. The committee may interview an applicant by conference call or face-to-face and may seek independent verification of any information provided by the applicant.
      3. Approved applicants shall receive a certificate that designates the applicant’s status, the date, and the signature of a committee member. All application materials will become part of a permanent data base.

**Part 3 – Grievance Procedures for Denials**

1. If an applicant is denied approval, that applicant may file a grievance within 15 days of receipt of the denial and ask for reconsideration as follows:
2. Applicant must email or surface mail a request for reconsideration to the committee. He or she may request to meet with the committee at its next scheduled meeting date or, if no meeting is scheduled within a 30-day period of the request, a special meeting or conference call will be held to review the grievance. This meeting shall be audio or audio-video recorded. After the meeting, the committee shall provide a written response within ten days. A majority vote will decide approval or denial of an application.
3. If an application is still denied, the applicant may ask for a mediation with a mediator approved by both the applicant and the committee; or the applicant may ask to skip the mediation and request that the matter be heard by the Review Board.

**Part 4 – Review Board**

A review board, comprised of three OMA Board Members who are not on the Credentialing Committee will meet with the applicant either face-to-face or by conference call to review a denied application and the denial process. An applicant must submit this appeal for review no more than 20 days from receiving a second denial from the Credentialing Committee. The Review Board shall be constituted by the OMA President on an ad hoc basis for the sole purpose of resolving grievance procedures that are not resolved by the Credentialing Committee, and Review Board members will not hold standing appointments or regular meetings absent grievance procedures. The Review Board must hear the applicant no later than 30 days from receipt of the appeal. The members of the Review Board shall consider all information presented to the Credentialing Committee, including their notes, minutes, and recordings but will not have the duty to investigate new information. If the Review Board upholds the Credentialing Committee’s decision, a notice to that effect shall be sent to the applicant within ten days of the review via certified, return receipt mail. The decision must be by majority vote. No other recourses will be provided to an applicant.

**Part 5 – Complaints/Discipline**

1. The Credentialing Committee may suspend, sanction, recommend further training, or remove a member’s credentials for the following conditions:
2. Failure to comply with the Rules of Operation;
3. Falsification of any materials;
4. Violation of the Standards of Practice;
5. Criminal conviction of a felony, theft, or disbarment and/or ethical censure of disciplinary action by a professional organization; or
6. Receipt of a valid consumer complaint substantiating any of the foregoing.
7. Before removal or suspension, the Committee must give the member written notice by certified mail, return receipt requested of the grounds for sanction.
8. A conference call with the individual may be scheduled at the individual’s written request within thirty days of service of notice. This meeting shall be audio or audio-video recorded. A final decision of the Committee will be mailed by certified mail within 10 days of the conference call, return receipt requested.
9. The individual may request a Review hearing within 15 days if he/she disagrees with the decision. The Review Board shall be three members of the OMA Board, none of whom are members of the Credentialing Committee. The Review Board shall be constituted by the OMA President on an ad hoc basis for the sole purpose of resolving grievance procedures that are not resolved by the Credentialing Committee, and Review Board members will not hold standing appointments or regular meetings absent grievance procedures. A final decision of the Review Board will be given within 20 days of the review and the individual notified of the final decision within 10 days. A majority vote will decide the issue.
10. If the individual disagrees with the Review Board’s decision, he/she may appeal for a personal hearing. The Board must then agree to meet with the individual at its next scheduled meeting and/or via conference phone if all are agreed. Their decision must be by majority and is binding.

**Part 6– Record Keeping**

1. The Credentialing Chairperson will keep statistics on credentialed members and credentialing activities and submit paperwork to a computerized data base on a monthly basis. All records of the Credentialing Committee’s activities shall be kept organized and will include minutes of all meetings; financial information; complaints; and grievances. The Credentialing Committee will establish its own policies and procedures for maintaining records.
2. The OMA Board Treasurer shall process all application fees and keep an accurate record of credentialing income and expenses. The Credentialing Committee will work with the OMA Board to track financial information.

**Part 7– Fees**

1. Applicants will be able to pay online, by check, or Money Order.
2. Applications must be scanned and submitted in an electronic .PDF file format.
3. A fee of $100.00 for mediation practitioners and $150.00 for Advanced Mediation Practitioners will be charged for processing applications. A fee of $100.00 will be charged for processing bi-annual continuing education updates.
4. Applicants must pay for a background check for the initial application, requesting that the results be sent to OMA.

**Part 8– Certificates**

1. All approved applicants shall receive a certificate of credentialing from the OMA Board. It will show the date of issue. Updated certificates shall be issued when certificates are renewed, subject to completion of the continuing education requirement and payment of the renewal fee.

**Part 9– Modification**

1. Amendments to the herein credentialing document may be submitted by the Credentialing Committee to the voting members of the OMA Board. The OMA Board will have the authority to accept or reject these amendments by a majority vote of all five voting members;
2. Amendments to the herein credentialing document may also be drafted by the OMA Board without consultation by the Credentialing Committee. The OMA Board will have the authority to accept or reject these amendments by a 4/5 supermajority vote of all five voting members.

**OHIO MEDIATION ASSOCIATION**

**CREDENTIALING REQUIREMENTS**

**Table 1**

|  |  |  |
| --- | --- | --- |
| **Attributes** | **Mediation Practitioner** | **Advanced Mediation Practitioner** |
| Mediation Training (Form 2018C) | 40 classroom hours of basic mediation training including communication skills, DR theory, practice and techniques. | 80 classroom hours including basic mediation training |
| Experience - # of hours/years/cases (Form 2018B) | 125 hours or 25 cases (see log Form 2018B) | 300 hours or 150 cases and a minimum of four years continuous experience  as a mediator |
| Continuing Education (Form 2018G) | 12 hours biennially | 20 hours biennially |
| Professional Contribution to field of Conflict Resolution |  | Published articles, blog, volunteer work for an DR professional organization, mentoring or training,  Writing for publication, research, presenter, public speaking, blogging, or teaching. |
| Recertification (Form 2018G) | Every other year | Every other year |
| Open-Book Exam (Form 2018F) | 80% success rate | 90% success rate |

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| **OHIO MEDIATION ASSOCIATION – MEDIATOR CREDENTIALING APPLICATION FORM**  **This application must be accompanied by all required documentation (see checklist below). Incomplete applications will be returned for completion. Portfolios should be emailed in a pdf file to: (as yet to be determined). All applications must include the required application fee.** | | | | |
| **Name: First Last** | | | **Date** | |
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| **Address:**  **Street Address City State Zip County** | | | | |
|  | | | | |
| **Email:** | **Phone (cell)** | **Phone (home or office)** | | |
| **Website:** | | | | |
| **Category (check one):**  **Mediation Practitioner ❒**  **Advanced Mediation Practitioner ❒** | | | | |
| **Portfolio Checklist** | | | | |
| **Notarized affidavit of compliance (Form 2018D)** | | | | **❒** |
| **Proof of education (Copy of degree)** | | | | **❒** |
| **Letter of support/sponsorship** | | | | **❒** |
| **Open-book test (2018F)** | | | | **❒** |
| **Proof of attendance at UMA training (Certificate of Attendance)** | | | | **❒** |
| **Proof of experience (see Form 2018B)**  **b)**  **Fform)** | | | | **❒** |
| **Proof of professional affiliation** | | | | **❒** |
| **Proof of professional contribution to DR field (Advanced Mediation Practitioner)** | | | | **❒** |
| **Proof of training (see Form 2018C)** | | | | **❒** |
| **Proof of liability insurance** | | | | **❒** |
| **Background Check** | | | | **❒** |
| **Application Fee** | | | | **❒** |
| **I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, swear/affirm that the information supplied in this portfolio is correct. I acknowledge that falsifications, misstatements, or mistakes may disqualify me from obtaining mediator credentials. I further confirm that I alone completed the open book test and that I agree to uphold the ethical guidelines detailed in the ACR Model Standards of Conduct. I also agree that my name and contact information will be placed on the Mediator Registry, available to the public.**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **Signature Date** | | | | |

Office Use Only

Application Received: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Application Reviewed: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Application Approved: Yes \_\_\_\_\_ No \_\_\_\_\_

Action Taken \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**2018A**

**OHIO MEDIATION ASSOCIATION**

**Experience Documentation**

**Instructions:** Provide actual case practice experience and total your cases and hours of practice as indicated. (Use additional pages if necessary). If only listing years of experience, break down your list into six-month segments, i.e., 1/1/17 – 6/3017, ten hours per week x 26 weeks = 260 hours. If listing only actual cases, use a separate line for each case. Also note your role in the mediation, i.e., sole mediator, co-mediator, or lead mediator.

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| **Dates** | **Hours** | **Organization or Private** | **Type of Case, i.e., Civil, Family, Workplace** |
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Total Cases \_\_\_\_\_\_\_\_\_\_ Total hours of Case Practice\_\_\_\_\_\_\_\_\_\_\_\_

**2018B**

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| **Date** | **Course**  **Hours** | **Institution, Agency or Sponsoring Organization** | **Course Name** |
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**OHIO MEDIATION ASSOCIATION**

**Training Documentation**

**Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Total Hours \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**2018C**

**OHIO MEDIATION ASSOCIATION**

**MEDIATOR CREDENTIALING – AFFIDAVIT OF COMPLIANCE**

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, County of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ being duly sworn, depose and state that I am the applicant named herein who has signed this application for approval for Mediator Credentialing with the Ohio Mediation Association.

By signing this affidavit, I attest that I have fulfilled the requirements detailed in the application guidelines and to which I have signed my name. I further agree to abide by the Ohio Mediation Association’s Standards of Practices as set for by the Association for Conflict Resolution.

I also attest that I have not been a respondent in a professional liability claim and have never been convicted of a felony, theft offense, disbarment and/or ethical censure of disciplinary action by a professional organization.

I understand and accept that my approval depends upon the truth and completeness of my responses to the required documentation for this application.

To the best of my knowledge, all my answers are true and complete.

Applicant’s Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sworn to me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_.

(Seal)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ohio Mediation Association

P.O. Box 473

Columbus, Ohio 43216

**2018D**

Return to Ohio Mediation Association, P.O. Box 473, Cols Oh 43216

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_County \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mediator’s Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Business Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please describe the nature of the complaint. Include the date(s) of your mediation, the outcome, and the location of the mediation. Tell why you are making the complaint and what you feel is an appropriate response by OMA.

**2018E**

**OHIO MEDIATION ASSOCIATION**

**Consumer Complaint Form**

**CONSUMER COMPLAINT FORM**

**OMA Credentialing Open Book Test**

**Please Refer to the Model Standards of Conduct for Mediators**

**While Completing this Test**

**Preamble and Notes on Construction**

1. Which of the following is not a goal of the Model Standards of Conduct for Mediators?

1. Inform mediation parties of the standards of mediators.
2. Regulate the mediation profession by forming the basis of mediator discipline.
3. Guide the conduct of mediators.
4. Promote public confidence in mediation as a process for addressing disputes.

2. When the parties’ agreement on mediation rules and procedures conflicts with the Model Standards of Conduct for Mediators, the mediator is advised to:

1. Completely ignore the agreement of the parties and follow the Model Standards;
2. Completely ignore the Model Standards and follow the rules to which the parties agree;
3. Follow the spirit of the parties’ agreement but defer to the Model Standards; or
4. Follow the spirit of the Model Standards but defer to the parties’ agreement.

**Standard I.**

3. Which of the following is FALSE?

1. Mediators shall conduct a process that allows parties to make voluntary, un-coerced decisions.
2. Mediators shall conduct a process that allows parties to make free and informed choices as to process and outcome.
3. Mediators must personally ensure that each party has made free and informed choices to reach particular decisions.
4. Self-determination may be furthered by referring parties to other professionals so that they may make informed decisions.

4. Party self-determination must be balanced with:

1. The efficiency of the mediation process;
2. The quality of the mediation process;
3. The mediator’s control of the mediation process; or
4. All of the above.

5. Which of the following is a reason to undermine party self-determination?

1. Maintaining a high settlement rate.
2. Pressures from court personnel.
3. Keeping mediation viable by making it profitable.
4. None of the above.

**2018F**

**Standard II.**

6. What is the appropriate action for a mediator who cannot maintain impartiality?

1. Withdraw as mediator.
2. Inform the parties of the reason for impartiality and respect party self-determination in deciding whether to withdraw.
3. Withdraw only after helping the parties find another mediator.
4. Caucus with the disfavored party to work out your differences.

7. True or False: A mediator may accept de minimis gifts so long as such practices do not raise questions as to a mediator’s actual or perceived impartiality. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Standard III.**

8. What must a mediator do to avoid conflicts of interest?

1. Make a reasonable inquiry to determine whether there is a potential or actual conflict of interest.
2. Disclose any conflicts or potential conflicts that are reasonably known by the mediator.
3. Disclose any facts that arise during the mediation process that raise question about actual or possible conflicts of interest.
4. All of the above.

9. Which of the following is NOT true concerning mediator conflicts of interest?

1. The Model Standards require mediators to avoid the appearance of conflicts of interest.
2. If the mediator discloses a conflict or potential conflict and the parties agree to continue the mediation, then the mediator may proceed with the mediation.
3. If the conflict of interest could be viewed as undermining the integrity of the mediation process, then the mediator must withdraw.
4. None of the above (all above statements are true).

10. What mediator attribute is protected by conflict of interest rules?

1. Competence.
2. Impartiality.
3. Party self-determination.
4. Quality of the process.

**Standard IV.**

11. Which of the following is NOT true concerning mediator competence?

1. A mediator should attend educational programs to maintain and enhance his or her knowledge and skills in mediation.
2. Training and experience in mediation can be necessary for mediator competence in many situations.
3. Because the mediator must inform the parties of the mediator’s training, education, and experience, the final determination of whether the mediator is competent is on the parties.
4. A person who offers to serve as a mediator creates the expectation that he or she is competent to mediate.

**Standard V.**

12. Under the mediator confidentiality standards, the mediator is allowed to:

1. Tell the judge when a disputant was being unreasonable;
2. Describes the mediation in an article or blog post while using fictional names for the disputants;
3. Disclose information disclosed by one party in caucus to the non-disclosing party, so long as this doing so increases the likelihood of resolution; or
4. Demand that mediation communications remain confidential between the parties regardless of the circumstances;

13. Confidentiality rules in mediation should be based on:

1. The parties’ agreed rules on confidentiality;
2. The expectations dictated by the mediator;
3. The circumstances of the mediation and varying expectations of the parties; or
4. All of the above

**Standard VI.**

14. Mediators should conduct a process that promotes:

1. The best outcome for both sides of the dispute;
2. Party participation, procedural fairness, and mutual respect among all participants;
3. Settlement, whenever possible; or
4. None of the above—the mediator should not be concerned with subjective qualities of the process, so long as the parties maintain self-determination;

15. Mediators with significant expertise in subject matters outside of mediation may:

1. Freely draw on knowledge and wisdom from other professional roles;
2. Change his or her dispute resolution role to the parties if the mediator reasonably believes that it will benefit the parties;
3. Distinguish their mediator role from other roles to the parties and give information for which the mediator is qualified to provide; or
4. Not recommend other dispute resolution processes, because that would be a mixture of professional roles;

**Standard VII.**

16. Which of the following could be ethically included in mediator advertising?

1. I am the top mediator chosen by managers to mediate employment disputes.
2. At the end of the mediation, you will be satisfied with the process.
3. 25 years of excellence as a mediator.
4. If I can’t settle your case, no one can.

**Standard VIII.**

17. Mediators are barred from doing all of the following, EXCEPT:

1. Charging fees in a manner that impairs the mediator’s impartiality;
2. Charging unequal fees to opposing parties;
3. Basing fees on the amount of the settlement; or
4. Basing fees on whether a settlement occurs;

**Standard IX.**

18. In order to advance the mediation profession, the Model Standards encourage mediators to:

1. Participate in outreach and education about mediation to the public;
2. Participate in research concerning mediation;
3. Assist newer mediators through mentoring, training, and networking;
4. Learn from mediators who have opposing viewpoints about mediation; or
5. All of the above

**The Standards of Conduct Together**

19. Which of the following is NOT a key element of mediation ethics?

1. Party self-determination
2. Neutrality
3. Competence
4. Conflicts of Interest

20. The situation in which the mediator is automatically required to withdraw is:

1. Immediately after the mediator determines that he or she is not competent to handle the dispute;
2. After accepting a token gift from a disputant;
3. When a fact that is reasonably seen as creating a conflict of interest for the mediator arises and is disclosed to the parties;
4. When the mediator is unable to be impartial; or
5. If and when the mediator breaks confidentiality.

**The Ohio Uniform Mediation Act (UMA)**

21. What is the key power conferred by the UMA?

1. The enforceability of mediation agreements?
2. The privilege over mediation communications that allows mediators, parties, and non-party participants to refuse to disclose and prevent others from disclosing communications that occurred within the mediation process?
3. The ability of mediators to demand payment for services?
4. The ability of mediators to define mediation so that non-mediation dispute resolution professionals do not refer to non-mediation processes as “mediation.”

22. What exceptions to the rule on mediation privilege allow mediators or parties to report mediation communications to people outside of the mediation process?

1. The communications are being used to prove or disprove abuse, neglect, or abandonment in a child or adult protective service action.
2. The communication is contained in a written agreement signed by all parties.
3. The communication is an imminent threat of bodily injury.
4. All of the above.

23. At the conclusion of a mediationt hat did not reach a resolution, the mediator may disclose:

1. A recommended resolution of the mediation;
2. The reason that the mediation was not successful, so long as it is to a judge or court administrator;
3. An assessment of which disputant should prevail in further litigation; or
4. Whether the mediation occurred and who was in attendance.

**OHIO MEDIATION ASSOCIATION**

**APPLICATION FOR MEDIATOR CREDENTIAL RENEWAL**

Fee Payment:

Completed \_\_\_\_\_

Method of Payment \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |  |
| --- | --- | --- | --- |
| Credential Number | Renewal Date | | |
| Name (as on file with OMA) | County | | |
| Primary Mailing Address | Practitioner | Advanced Practitioner | |
| Are you on a court-related roster? | You must attach documentation of completion of the continuing education requirements. | | |
| 1. Have you ever been convicted of, pled guilty or pled no contest, regardless of whether adjudication of guilt or imposition of sentence was suspended, deferred, or withheld in relation to any of the following? 2. A felony, misdemeanor of the first degree, or misdemeanor of the second degree involving dishonesty or false statement; 3. A similar charge of a violent crime 4. A similar charge in a foreign country 5. Have you ever been sanctioned for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association or other professional group 6. Have you ever applied for credentialing or licensure in any other state and been denied? | | |  |
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I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, swear/affirm that the information supplied on this application is correct, that to the best of my knowledge I qualify for the renewal for which I have applied. I further certify that I will notify OMA of any address changes, felony or misdemeanor conviction, or any change in the status of a professional license which I currently hold. I understand that any omissions, falsifications, misstatements, or misrepresentations of the information provided in this renewal, or information required to be subsequently provided, may be grounds for losing my mediator credential.

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Applicant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_\_

Signature of Notary Public \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Seal

Print, type or stamp commissioned name of Notary Public

Personally known \_\_\_\_\_ or Produced ID \_\_\_\_\_ Type of ID \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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