

## Sub-committee on Mentoring and Consultation

### BEST PRACTICES

This report is prepared on behalf of the members of the Mentoring and Consultation sub-committee, all of whom are actively providing or participating in mentoring activities.

The term “Mentor” been commonly used to include guide, champion, teacher, supervisor. Today because we inherited many traditions of mentoring practices, we continue to use the term broadly while also attempting to give it somewhat more definition in terms of mediation and related professional practices.

Sub-committee members have provided program descriptions, mentoring documents and other extensive materials related to mentoring, all of which may be found at: <https://www.mediate.com/onlinetraining/pg30.cfm> Throughout this report, we will refer to these documents, noting them with (\*).

*A mentor/coach is a way of being.*

*(Juliana Birkhoff, “Mentoring and Coaching”, mediate.com)*

#### SECTION I – TYPES OF QUESTIONS WITH WHICH WE WERE DEALING IN THIS PROJECT

This section includes five identified groups of questions that emerged through our discussions. Further focused discussions will undoubtedly expand and refine these questions which help us understand the complexity and nuances of the mentoring process. Our efforts have been focused on how we as a field can have a more common understanding of what we mean by mentoring and how we can build a multi-faceted mentoring network that can meet the multiplicity of needs of a complex field of endeavor.

#### SECTION II – WHAT WE HAVE LEARNED SO FAR ABOUT BEST PRACTICES

Our work focused primarily on structured, articulated, or otherwise intentional forms of mentoring. We used the knowledge and experience of private organizations, governmental entities, and private practitioners that have put a great deal of thought and effort into building integrated and thoughtful mentoring programs. From the discussions with programs and practitioners as well as reviewing materials (program descriptions, articles, etc.) we have extrapolated common elements and key learnings. Our anticipation is that this document can serve as our “working draft” of Best Practices for Mentoring.

## SECTION I – TYPES OF QUESTIONS WITH WHICH WE WERE DEALING IN THIS PROJECT

These key topic areas shaped our discussions, out of which our recommendations for best practices emerged.

1. TYPES OF MENTORING: addressing the question “Is mentoring the same in every setting or at every stage of a mentee’s development?”

We quickly recognized there are many types of mentoring:

- As part of a practitioner’s ongoing learning and developmental process to strengthen key areas of knowledge and skill
- Changing or adding areas of focus in practice
- A gatekeeping function such as certification by professional association, court or government agency
- To provide support and/or build confidence during a difficult time

Each of these (and other types) is unique and requires certain adaptations, however all share the same need of intentionality and consistency.

2. STRUCTURE OF MENTORING: addressing the question “Is the mentoring process formal and structured or informal and spontaneous?”

For example:

Ongoing supervision as part of an agency, program or group practice or in connection with a certification process and

Conversations at professional gatherings or other informal communication with colleagues seeking assistance or advice.

These types of mentoring are different in nature and some Best Practices may apply in one situation more than the other. Additionally, the structure of mentoring in an agency or program may involve record keeping, monitoring for adherence to law or regulation, or requirement for ongoing training; whereas another setting may not.

3. THE MENTORS: addressing the question “Who provides mentoring and in what context does this occur?” Included, for example, the mentors approved by a governing agency that also

certifies practitioners, experienced practitioners, or in a supervisory role within an agency or practice group.

Examples might include:

Certified mentors pursuant to an established policy or program of mediator certification (e.g. \*Supreme Court, Commonwealth of Virginia and \*Mediators Institute of Ireland);

Mentors approved by a professional association (e.g. mentoring program for young mediators offered by the \*International Mediators Institute);

Supervisory staff within a mediation practice such as a court-annexed program or community mediation center (e.g. the \*ADR Program of the US District Court-Northern District of California);

Mentoring offered for a fee – similar to the supervision required for licensing of professions such as social work (e.g. \*Orion mentoring);

Peer mentoring as in Communities of Practice; and

Reflective practice groups, either self-led or facilitated.

4. PURPOSE OF MENTORING: addressing the questions “For what purposes is mentoring provided? – Why are practitioners seeking mentoring? What are their likely goals?”

Possible examples:

Apprentice practitioners frequently experience confusion when faced with behaviors that are surprising, unexpected and disruptive. The limits of their skills and knowledge are frequently challenged by increasingly complicated and unique conflict situations.

Experienced practitioners may be confident in their skills, adept at helping parties with complex and challenging situations. For many, the patterns of practice that yield success have become rigid templates. They are impatient, sometimes bored, and frequently sense that they operate on auto-pilot.

Community of Practice (CoP): a group of people who share a common concern, a set of problems, or an interest in a topic and who come together to fulfill both individual and group goals. CoP often focus on sharing best practices and creating new knowledge to advance a domain of professional practice. Interaction on an ongoing basis is an important part of this. (<http://www.communityofpractice.ca/background/what-is-a-community-of-practice/>)

Reflective Practice Groups (RPG): For practitioners at all degrees of experience, the reflective process utilizes the participants’ knowledge and experience, stresses individualized learning, encourages self-determination, and emphasizes self-discovery. Lessons from each debrief also benefit the other group members. (\*Lang and Arms Almengor) RPG’s may be facilitated by a mentor or self-led.

Other examples of mentoring (\*Mentoring in Mediation):

As part of continuing formal or informal opportunities for new (and experienced) mediators to choose to grow and learn individually, and for personal encouragement, affirmation and support. Opportunities may be provided by community centers, public agencies, communities of practice, internships or association with experienced practitioners, universities, and others.

As part of “gate-keeping,” to assure competence and quality of services provided by the mediators chosen to be part of a provider’s program (or for certification by public agencies or professional associations). This may follow completion of required trainings and be linked to observations of mediations and co-mediations with a mentor -- who may also evaluate the mentee. This may be for newly-trained mediators as well as experienced mediators newly joining a program.

As part of a mediation program’s oversight to assure that its mediators continue to observe the principles of practice the program requires.

As part of developmental or corrective action in response to complaints about mediator performance, behaviors, and violations of standards of conduct.

As part of contributing to the overall culture of pursuing mediator excellence, and “continuous improvement,” by linking to development of education and training requirements, as well as practice and ethical standards.

5. FORMATS AND SETTINGS OF MENTORING: answering the question “What are some of the various ways that mentoring may take place?” Examples include:

Individual case consultation;

Mentoring in connection with a training or other educational program;

Supervision (focused on correcting or improving practice);

Reflective practice groups;

Communities of practice;

Peer-to-peer conversations—both structured and informal;

Observation of a practitioner together with mentoring discussion;

Co-managing a process together with mentoring discussion.

## SECTION II -WHAT WE HAVE LEARNED SO FAR ABOUT BEST PRACTICES FOR MENTORING

### 1. THE MENTORING PROCESS

#### Mentoring:

- a. begins with a practitioner's earliest training. Possibly earlier if the mentee consults with a mentor in order to learn about practice as she decides whether to enter the profession.
- b. is essential for continued practice development, no matter the practitioner's degree of experience and proficiency—an exercise in life-time learning.
- c. is necessary for dealing with a practitioner's trajectory of professional development from novice to accomplished professional.
- d. provides a process to support practice with theory. Mentors should help mentees link beliefs, values and principles to intervention choices.
- e. in order to be effective, requires a commitment from both mentor and mentee expressed through an agreement setting out the goals, objectives and mutual obligations.
- f. must include a strong experiential component of "doing" and learning. Teaching through showing (observation) and instruction are valuable, but should not be the sole methods used.
- g. to be successful, there should be a good match of personalities, teaching/learning styles and methods, and objectives.
- h. sessions must be confidential; there must be a commitment from mentor and mentee to protect both the privacy of their conversations and of any party/client information that is shared.
- i. Should be done with a mentor that is knowledgeable about the field, arena of practice, resources for other learning, has actual recent/current practice experience, and enjoys the experience of mentoring.

### 2. QUALITIES OF AN EFFECTIVE MENTOR

- a. Understanding that being an accomplished practitioner is only one prerequisite for mentoring. Effective mentors will have knowledge about and specific training in mentoring.

- b. Ability to separate their own need to instruct from the mentee’s desire to learn.
- c. Ability to focus on the learning goals established in the mentoring agreement.
- d. Capacity to help mentee translate feedback into practical action.
- e. Encouraging and supporting mentee self-exploration and self-discovery through reflection.
- f. Patience.
- g. Can set aside sufficient time for feedback conversations and other mentoring engagements.
- h. A Commitment to Servant Leadership: displays the key qualities of a servant leader focus on helping others grow and development to their fullest capacity. Critical skills include: empathy, giving and receiving trust, a capacity for empathic engagement, a willingness to be vulnerable, and a willingness to invest in others.
- i. View Mentoring as Relationship-building: Relationship-building includes regular, on-going connection and interaction that allows for a synergy to build in the relationship.
- j. Communication of Explicit Values: Explicitly communicates their personal/professional values and “walks the talk” of those same values.
- k. Willing to Share Power and Influence: Because of their positional and structural power, a willingness to use their power and influence on behalf of others who would benefit from being mentored.
- l. An Inclusion and Equity Advocate: Notices who’s voices and interests aren’t “in the room” or “at the table” and advocates to bring in those voices and is willing to develop a mentoring relationship.
- m. Humility and a Balanced Ego: Has cultivated and done the personal work of their own human development and stay grounded in their own sense of humility and awareness of their needs and how they impact others.
- n. A Deep Listener: Has perfected the art and skill of deep, reflective listening.
- o. Gratitude: Is grounded in a sense of their own good fortunes and “lessons” learned and desires to “give back” with time, commitment to build a mentoring relationship over time.

### 3. CONSISTENCY OF MENTORING

“Cafeteria style” mentoring (short-term, “tasting” different mentors without settling into systematic and sustained learning) while having the appeal of variety has significant drawbacks and is not recommended, for reasons including:

Lack of consistency will likely limit the benefits of mentoring and may be confusing and counter-productive.

Mentor is not aware of “patterns” in the mentee’s behavior, areas of practice in need of challenge, or the importance/need for additional learning.

Mentee may choose to focus on experiences that avoid difficult areas in need of attention.

However, in some instances, an agency or professional association may require mentoring from more than one mentor. In that instance, communication between mentors about the mentee’s progress is essential. (\*MENTORING IN MEDIATION: *An Overview of Principles and Best Practices*)

### 4. MENTORING CONTRACT

The process of establishing a Mentoring Contract is key. Both mentor and mentee understand the stated expectations and deliverables. The contract can be altered, but in an intentional and stated manner. This entire process of stating the goals and/or altering the contract is one of the most crucial steps in the mentoring process and parallels initial step in the mediation process when parties work to establish what has brought them to mediation and what they hope to get out of it.

#### A. Possible arenas of work to be identified in a contract/mentoring relationship

1. Assessment of skill/understanding level and/or improvements
2. Teaching/information sharing
3. Encouraging thought, experimentation, change
4. Modeling through observation
5. Providing safety net
6. Exploring a new arena or context of work
7. Career planning / guidance
8. Building confidence – co-mediator
9. Strengthening structural and conceptual thinking
10. Offering companionship through a difficult phase
11. Providing a practice gyroscope and method of adjustment
12. Administrative guidance – setting up practice

#### B. Nature of the mentoring agreement/contract

1. Prior to beginning any form of mentoring, whether group or individual, whether structured or spontaneous, mentor and mentee should establish the terms of the mentoring relationship. Matters to be considered include confidentiality, type of mentoring requested (e.g. advice on practice development, case consultation), understanding of the mentoring process, goals and expectations, standards for assessment, and duration.
2. Identify the mentee's experience as a practitioner, including matters such as the nature of disputes involved, whether the mentee acted as sole or co-facilitator, the number of disputes in which the mentee was engaged.
3. Discuss mentee's prior experience with mentoring and identify those elements that had been successful and those that had been awkward or ineffective.
4. Is there a fee for mentorship (and if so, the amount), or offered by a volunteer as a service to a professional organization, or provided by an employee of an agency or mediation program?
5. A key to the success of mentoring is defining and agreeing on expectations and goals. Determine the mentee's objectives and whether mentoring can yield those same benefits. Are the mentee's goals realistic and achievable?
6. Does the mentor have the knowledge, experience and qualifications (such as agency or association approval) to properly assist the mentee in fulfilling the mentee's goals.
7. If the process is structured, are the principles and methods (such as co-mediation or observation) as well as any evaluation criteria, clear and agreed to?
8. If mentoring is provided as part of a "gatekeeping" process, such as membership in a professional organization or certification by agency or government body, are the terms and conditions of the mentorship (including policies and regulations governing mentoring) clearly established, and are mutual expectations defined and accepted?
9. If mentoring is a prerequisite to the mentee's certification or similar approval, or if mentoring is required following a complaint of professional misconduct by the mentee, there must be a well-defined plan for mentorship based on applicable standards. For example, is the mentor required to conduct an assessment, submit reports or provide other documentation? Are the standards upon which the assessment or reports will be based well-understood by the mentee and mentor?



10. If mentoring involves live observation of the mentor or participation as a subordinate partner in the process, are the mentee's roles defined clearly? Will the mentor and mentee meet following the live event to debrief the experience? What are the goals for the post-mediation debrief conversation?
11. Does mentoring involve written assignments, such as draft agreements? If so, what are the expectations for submitting those assignments and for reading and providing feedback?
12. Establish whether mentoring sessions will be conducted face-to-face, via telephone or video conference, by other methods, or a combination of them. In that regard, also identify any logistical challenges in meeting the mentoring goals.

## 5. Mentoring Ethics

- A. Mentor should not substitute "feel good" feedback for rigorous engagement and holding mentee to agreed-upon goals and to established professional standards.
- B. Mentor should identify and raise questions of Ethics according to Model Standards of Mediator Conduct in any questionable situation.
- C. Mentor may not benefit financially from the relationship or information gained in it, other than agreed-upon fee.
- D. If not gatekeeper, mentor should not provide assessment (such as rating capabilities, disputing a program's decision about mentee's readiness to solo mediate, or suggesting that the mentee leave the field) unless upon request of mentee and unless the request is consistent with the mentoring agreement.
- E. Mentor shall disclose their core beliefs, values, commitments and style in which they practice.
- F. Mentor shall not present themselves as knowing an area of work in which they do not have knowledge or expertise.
- G. Mentor should understand they are making a commitment not only to be mentee, but also to the field, a program or organization the mentee maybe in and to be mentee's future clients.
- H. Issues of gender, race, culture should be addressed in contracting as well as throughout the process. Both mentor and mentee should have ongoing training in these issues.

Mentor should routinely use questions which ask a mentee to look at an issue they are exploring through the lens of gender, race, culture or class.

- I. Mentors should have some form of ongoing support/development for their own practice as well as for their mentoring practice. The support they receive should adhere to these Best Practices as well.
- J. In discussing intervention decisions, focus on “why” a specific choice among many is preferable, and not just “this is the way it’s done” or “this is how I was trained.”
- K. Unless different ethical standards apply (e.g. professional association or agency) mentoring will look to the Model of Standard of Conduct as a guide.
- L. Best mentoring is done in a manner that is consistent with the mentor’s own practice of mediation.
- M. Mentees should not receive compensation for activities associated with mentoring observation or co-facilitation.
- N. For observation and co-facilitation, clients/parties must consent in writing to the participation of the mentee. Mentee must consent to the principles and conditions of confidentiality established between the mentor and the clients/parties.
- O. Mentee should determine whether any discussion with a mentor might violate a client’s/party’s privacy and confidentiality, and if so, mentee should obtain their consent in advance to discuss the situation with the mentor.

### SECTION III MENTORING PROGRAMS

In the source materials collected by the mentoring and case consultation sub-committee are a number of program descriptions:

Supreme Court of Virginia, Mediator Certification

Orion mentoring

Mediators Institute of Ireland (MII)

International Mediation Institute (IMI)

Reflective Mediation Practice (U.S. District Court, Northern District of California  
ADR Program)

International Academy of Mediators (IAM)

The goals and methods vary, in large measure as a consequence of the overarching purpose for mentoring. For example, the IMI and IMA programs are designed for and focused on mediators entering the field; the Virginia mentoring program involves certifying mediators according to rules established by the Supreme Court; the MII mentoring program is a pre-requisite for certification within a professional association; volunteer mediators with the District Court are required participate in monthly reflective practice groups; and Orion program is an independent professional mentoring program.

Many of these programs utilize an internship framework involving observation and co-mediation. Some also include case consultation/mentoring meetings, either individual or group. Volunteer mediators in the District Court program participate in monthly reflective practice/case consultation groups.

From these resources, we derive the following general principles and best practices for all mediation programs.

#### 1. Pre-requisites (criteria) for participation

Qualifications may include: completion of training courses, extent of active mediation practice, or membership in a professional association, recommendation by a trainer or qualified co-mediator.? Setting these pre-conditions should be based on the overall objectives and capabilities of the program and should be set out clearly in the program description.

#### 2. Application for participation

At a minimum, the applicant should explain her/his reasons for participating in the program and describe her/his educational background, training experiences, and (if applicable) years of mediation practice. Mentor interview of potential mentee is highly recommended because effective mentoring requires a level of compatibility, common outlook, personal commitment, and trust.

#### 3. Criteria for mentors

Years of active mediation practice are only one criterion for approving/certifying a mentor. Additional qualifications and experience should include: mentor's prior participation in a mentoring program as well as ongoing access to and consultation with other mentors, as well as the criteria set out in Section II, Part 2 above.

#### 4. Explanation of mentoring activities and objectives

Possible program activities might include: telephone/video conference consultations; group meetings; review of agreements and other documents; observation of mentor with feedback; co-mediation with feedback; observation of mentee as primary mediator with feedback.

#### 5. Description of mentoring processes and methods used for feedback

See Section II, Part 1, above.

6. Mutual agreement on goals of the mentoring process. This is especially important with new practitioners who are just entering the field and the mentoring process is a requirement of being part of a program. The goal of the mentee should not only be to “get into the program” but independently should indicate a thoughtfulness about awareness and intentionality of learning.

#### 7. Access - commitment by mentor and mentee to be available for mentoring activities

Accepting mentorship responsibility obligates the mentor to be available on a regular basis as agreed between the mentor and mentee, or as proscribed by program rules.

#### 8. Assessment criteria (if appropriate) to be used

See Section II, Part 4 above. If assessment is being used, such as in gatekeeper mentoring, it is the responsibility of the program to give a prior statement of the criteria as well as how, and at what stages, it is determined whether the mentee is meeting the criteria or not.

If the assessment involves direct observation of a mentee’s mediation, or co-mediation with the mentee’s parties/clients, or review of a video recording of a mentee’s mediation session, the program is obligated to set out clearly the reasons for this process as well as the goals, the manner in which it is handled, assessment criteria to be applied, and the process by which the mentee will receive any assessment or feedback. Additionally, both the program and the mentee must assure that the parties/clients knowledgeably and thoughtfully consent to the participation of or viewing by an assessor.

#### 9. Adherence to ethical principles of the profession (Standards of Practice) or of the professional association (MII).

See additional criteria in Section II, Part 5 above.

If the mentorship is part of the ongoing process of a program, it is the responsibility of the program to be transparent and pro-active about any ethical violation that would cause sanction

including removal from the program. This is particularly crucial because the mentoring process invites vulnerability and openness while at the same time participants could be removed from a program for revealing violations. Any actions on the part of a program to sanction a mentee should be done in a manner that is consistent with the type of mentoring that is being done and in the recognition that it is a teaching opportunity.

10. Mentors in the program should not only be in some form of co-mentoring or supervision but the program itself should regularly challenge itself to self-examine. Methods of doing such might include: annual retreats with scrutiny of each part of the program, surveys of participants to see if outcomes match stated program goals, invitation of outside reviewers to assess all or parts of the program and raise questions for consideration. Some form of evaluation should take place no less than once a year.