**STANDARDS OF CONDUCT FOR NEW YORK STATE COMMUNITY**

**DISPUTE RESOLUTION CENTER MEDIATORS**

These Standards of Conduct are applicable to those practicing mediators who mediate under the

auspices of a New York State Community Resolution Center Program.

**STANDARD I. SELF-DETERMINATION**

A mediator shall conduct a mediation in a manner that supports the principle of party

self-determination as to both process and outcome. Party self-determination means that parties are free to make voluntary and uncoerced procedural and substantive decisions, including whether to make an informed choice to agree or not agree.

**STANDARD II: IMPARTIALITY**

**A.** A mediator shall conduct a mediation in an impartial manner and shall avoid conduct that

gives the appearance of partiality toward or prejudice against a party. Impartiality means

freedom from favoritism or prejudice in word, action or appearance.

**B.** A mediator shall accept for mediation only those matters in which the mediator can remain

impartial.

**C.** If at any time a mediator is unable to conduct the process in an impartial manner, the

mediator shall withdraw.

**D.** In any mediation, a mediator shall neither give nor accept a gift, favor, loan or other item of

value that would raise a question as to the mediator’s actual or perceived impartiality.

**STANDARD III. CONFLICTS OF INTEREST**

**A.** A mediator shall avoid the appearance of a conflict of interest before, during and after a

mediation either by disclosing the conflict or withdrawing from the process.

**STANDARD IV: COMPETENCE**

**A.** A mediator shall mediate only when the mediator has the necessary competence to satisfy the

reasonable expectations of the parties and the sponsoring organization for which she or he

mediates.

**STANDARD V: CONFIDENTIALITY**

**A.** A mediator shall maintain the confidentiality of all information obtained by the mediator

during a mediation, including information obtained from the parties, non-party participants

or documents shown to the mediator, with the exception of any allegation of child abuse.12

 If an allegation of child abuse is made during the mediation, the mediator is required

to stop the mediation process, consult with each party individually for the purpose of

obtaining as much information about the circumstances as possible, and consult with

center program staff to determine whether to resume the mediation process.14

**STANDARD VI: QUALITY OF THE PROCESS**

**A.** A mediator shall conduct a quality mediation process that is consistent with these Standards

of Conduct.

**B.** A mediator shall terminate the mediation, withdraw from service, or take other appropriate

steps if she or he believes that participant conduct, including that of the mediator, jeopardizes

sustaining a quality mediation process.

**C.** A mediator shall not exclude a party’s attorney from a mediation session.

**STANDARD VII: ADVERTISING AND SOLICITATION**

A mediator shall be truthful and not misleading when advertising, soliciting or otherwise

communicating his or her qualifications, experience, and range of available professional services.

**STANDARD VIII: RESPONSIBILITIES TO THE MEDIATION PROFESSION**

A mediator shall act in a manner that enhances the growth and quality of the mediation profession.