

ARKANSAS REGISTER

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**For Office
Use Only:**

Effective Date _____ Code Number _____

Name of Agency Arkansas Alternative Dispute Resolution Commission

Department _____

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Statutory Authority for Promulgating Rules ACA 16-7-104

Rule Title: Continuing Education Requirements for Certified Mediators

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Jennifer Taylor jennifer.taylor@arcourts.gov

1/26/2017

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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1/26/2018

Date

ARKANSAS ALTERNATIVE DISPUTE RESOLUTION COMMISSION
CONTINUING MEDIATION EDUCATION REQUIREMENTS FOR CERTIFIED MEDIATORS

Rule 1. Minimum Education Requirements

- a. Every mediator certified by the Arkansas Alternative Dispute Resolution Commission (hereafter the Commission), except as may be otherwise provided by these rules, and excepting those mediators granted voluntary inactive status by the Commission, shall complete 6 hours of continuing mediation education during each reporting period as set out in the *Requirements for the Certification of Mediators for Circuit Court*. A mediator may carry over up to 6 accredited hours each reporting period.
- b. This minimum requirement must be met through courses conducted by sponsors approved by the Commission, or individual courses that have been approved by the Commission, or such other programs, courses or other educational materials that the Commission may approve.
- c. An hour of continuing mediation education shall include at least sixty minutes of instruction, exclusive of introductions, or other non-educational activities.

Rule 2. Accreditation

- a. The Commission shall be the exclusive authority for accreditation of continuing mediation education sponsors or programs. However, the Commission may delegate to the Coordinator the authority to approve or deny programs submitted for accreditation.
- b. The Commission may, upon application, approve continuing mediation education courses or activities provided such courses meet the following standards:
 - (1) The course must contribute directly to professional competence of mediators and to their education with respect to professional and ethical obligations.
 - (2) Course presenters must have the necessary experience or academic skills to conduct the course effectively;
 - (3) Prior to or during the course, each attendee must be provided with written course materials of a quality and quantity appropriate to the subject matter.
 - (4) The course must be presented in a suitable setting, conducive to the educational purpose(s) of the course(s).
 - (5) During activities presented by means of videotape, audiotape, or other such systems, there must be an opportunity to ask questions of course faculty or a qualified commentator.
 - (6) The sponsor must make available to the Commission or its Coordinator, upon request, information concerning the course, which might include a list of the attendees or individual affidavits signed by attendees, the course brochure, a description of the method or manner

of presentation, a set of all materials pertinent to the course; and

- (7) The course must be subject to written evaluation by attendees during and after presentation and the results made available to the Commission or its Coordinator upon request.
- c. The Commission shall determine the amount of approved hours such activities are worth and may limit the number of such hours that may be applied to the minimum requirement. However, the Commission may delegate to the Coordinator the authority to determine the amount of approved hours such activities are worth and to limit the number of such hours that may be applied to the minimum requirement.
- d. Program accreditation must be sought well in advance of the event. However, the Commission may accredit a program after the event upon a showing of good cause.
- e. In the event the Coordinator denies approval of a program, the aggrieved sponsor or participant may request in writing that the Commission review such denial.

Rule 3. Reporting

- a. Credit for approved continuing mediation education hours will be given for courses or activities conducted from September 1 through August 31, and for purposes of these rules, this period of time shall be known as the reporting period. If a mediator acquires, during such reporting period, approved continuing mediation education in excess of 6 hours, the excess credit may be carried forward and applied to the education requirement for the succeeding reporting period only. The maximum number of hours of continuing mediation education that one may carry forward is six (6).
- b. Sponsors may be required to report attendance to the Commission. Such reports may be required promptly after completion of each program or activity. Mediators may also report approved activities using a certificate approved by the Commission.
- c. The Commission will maintain current records of Continuing Mediation Education attendance for each mediator to whom these rules apply.
- d. In the event a mediator fails to meet the 6 hour requirement, the mediator must file a signed acknowledgment of deficiency form with the Commission on or before August 31. Subsequently, such mediators shall cure any deficiency by December 31 and provide appropriate documentation to the Commission no later than January 10. Hours reported to the Commission pursuant to the acknowledgment of deficiency shall first be applied to the deficiency and any remaining hours will be applied to the current reporting period.

Certified mediators who are members of the United States armed forces who are on active duty during the reporting period shall have their CME requirements and fees waived. Such entitlement shall be based upon appropriate documentation to establish the date of mobilization and the date of release from active duty.

The Commission will allow a full or partial exemption from continuing mediation education

requirements for the following individuals:

- a. An active duty military service member deployed outside the State of Arkansas.
- b. A returning military veteran with one year of his or her discharge from active duty;
or
- c. The spouse of a person who is an active duty military service member deployed outside the State of Arkansas or a returning military veteran with one year of his or her discharge from active duty.

The mediator must notify the Commission that they fall into one of the categories eligible for an exemption from continuing mediation education requirements and provide documentation verifying eligibility.

- e. Newly certified mediators shall not be subject to the six hour minimum requirement during the reporting period in which they are certified.

Rule 4. Noncompliance

- a. If a mediator to whom these rules apply fails to timely file either the acknowledgment of deficiency or cure the deficiency as required by Rule 3 (d), the mediator shall not be in compliance with these rules.
- b. Within 30 days after a mediator fails to comply with any provision of Rule 4(a), the Commission through its' Coordinator, shall serve a notice of noncompliance on the affected mediator. Such notice shall be sent by first class mail to the address the mediator maintains with the Commission.
- c. Notice shall contain a statement of the nature of the noncompliance. The mediator must, within 30 days of the date of the notice of noncompliance, provide the Commission with written evidence that the mediator is either in compliance or has corrected the noncompliance.
- d. If within the allotted time set out in Rule 4(d c) above, the mediator fails either to provide written evidence of compliance or that the noncompliance has been corrected, the Commission, through its Coordinator, shall serve a notice of intent to suspend upon the affected mediator. Such notice shall be mailed to the address the mediator maintains with the Commission and shall apprise the mediator that his or her certification shall be considered for suspension at the next scheduled meeting of the Commission. Upon written request of the mediator, a hearing shall be conducted at a date and time set by the Commission.
- e. Hearing procedure: see the Arkansas ADR Commission's *Procedures for the Discipline of Mediators*.
- f. Any mediator who is suspended as a result of noncompliance with these rules will have their suspension status posted on the Commission's website, and a notice will be sent to all circuit judges informing them of the mediator's suspension.

- g. Any mediator who is suspended as a result of noncompliance with these rules shall remain in suspension until the September 1st following the Commission=s final decision. The mediator may apply for reinstatement on or after September 1. To be eligible for reinstatement, the mediator must have completed the required CME hours for both the reporting period they were deficient, and the current reporting period.