



The IBA-VIAC Mediation and Negotiation Competition

Organized with the Support of ELSA Austria

2016 Rules

Per 22 May 2016



The IBA-VIAC Mediation and Negotiation Competition

Organized with the Support of ELSA Austria

Rules 2016

Definitions

Association	is the Association for the Organization and Promotion of the Vienna Mediation and Negotiation Competition responsible for the organization of the Competition.
Break	is the time period of three minutes for which each Negotiator Team may ask for, only once, during each Session of the Competition.
Caucus	is a separate meeting between the Mediator and one of the Negotiator Teams or the Mediator and either the Clients or the Counsels of both Negotiator Teams.
CDR	is Consensual Dispute Resolution.
CDRC Vienna	The Consensual Dispute Resolution Competition Vienna, aka the IBA-VIAC Mediation and Negotiation Competition
Client	is the student of a Negotiator Team who plays the role of the Client in a Session of the Competition.
Coach	is (are) the person(s) appointed by the Team's university to prepare and supervise that Team and accompany it to the Competition.
Competition	is the 2016 edition of the CDRC Vienna, aka the IBA-VIAC Mediation and Negotiation Competition Vienna 2016.
Competition Director	is the person appointed by the IBA Mediation Committee and by VIAC to organize and run the Competition under the directions and supervision of the Organizing Committee.
Competition Rules	are the Rules which govern the Competition.
Competition Secretariat	are members of ELSA Austria appointed by the Organizing Committee to act under the directions of the Competition Director for the organization and running of the Competition.
Confidential Instructions	is a paper containing confidential elements to be taken into account in determining the strategy and tactics of the Negotiator Teams in a given Session.

Counsel	is the student of each Negotiator Team who plays the role of counsel in a Session of the Competition.
ELSA	is the European Law Student's Association Austria
Expert Assessor	is a professional mediator or a mediation or negotiation trainer who assesses and scores Teams and provides feedback during the Sessions of the Competition.
IBA Mediation Committee	is the Mediation Committee of the International Bar Association.
Mediator	is a student from a Mediator Team appointed to act as mediator in a Session.
Mediator Team	Are the 1 - 2 students of a university that have been admitted to act as mediators during the Competition.
Negotiator Team	are the 2 - 4 students of a university that have been admitted to act as Client and Counsel in the Competition.
Organizing Committee	is a Committee consisting of four persons, namely the two Co-Chairs of the IBA Mediation Committee and the two representatives of VIAC.
Preliminary Rounds	are the first 4 rounds of the Competition comprising of 4 Sessions per Team.
Requesting Party	in each Session, is the party to which the Competition has assigned the role of the party which has requested the mediation.
Responding Party	in each Session, is the party to which the Competition has assigned the role of the party which has to respond to the request for the mediation.
Score Sheet	is the form provided to the Expert Assessors and made available online to score the performance of each Team.
Scoring Criteria	are the criteria to be followed for scoring the performance of all members of a Team according to the Score Sheet.
Session	is the 135-minute time slot during which the Teams will hold their mediation.
Team	is a Negotiator Team or a Mediator Team.
VIAC	is the Vienna International Arbitral Centre.
Vis Moot	is the Willem C. Vis International Commercial Arbitration Moot.

Table of Content

Definitions	2
1. Introduction and Goal.....	6
1.1 – Organization of the Competition	6
1.2 – Overview of the Competition.....	6
1.3 – Place and Time of the Competition	6
1.4 – Basis and Target of the Competition	7
2. Participation and Eligibility	7
2.1 – Structure of Teams.....	7
2.2 – Eligibility of Students.....	7
2.3 – Coaches	8
3. Application and Admission	8
3.1 – Application Process	8
3.2 – Selection Criteria	8
3.3 – Registration Fee	9
4. Format of the Competition	9
4.1 – Acting Team Members	9
4.2 – Confidential Instructions and Preparation Time.....	9
4.3 – Preliminary Rounds	10
4.4 – Second Round	10
4.5 – Semi-Finals	10
4.6 – Finals.....	10
5. The Competition Sessions.....	11
5.1 – Language	11
5.2 – Competition Session Participants	11
5.3 – Duration	11
5.4 – Break	11
5.5 – Caucus	11
5.6 – Timekeeping.....	12
5.7 – Outside Materials; Technology	12
5.8 – No Assistance during the Session	12

5.9 – Observing	12
5.10 – Photography and Filming	13
6. The Problem & Applicable Rules	13
6.1 – The Problem	13
6.2 – Requests for Clarification	13
6.3 – Applicable Rules	14
7. Scoring and Awards	14
7.1 – Expert Assessors.....	14
7.2 – Scoring Criteria	15
7.3 – Scoring and Feedback	15
7.5 – Awards.....	15
7.6 – Prizes	16
7.7 – Preliminary Rounds Special Awards.....	16
7.8 – Certificates	16
7.9 – Information provided to the Teams.....	17
8. Violation of the Rules	17
8 – Violation of the Rules	17
Annex 1 - Scoring and Feedback Guidelines for Expert Assessors	18

1. Introduction and Goal

1.1 – Organization of the Competition

CDRC Vienna is the Consensual Dispute Resolution Competition in Vienna (“CDRC Vienna”), established in 2014, organized by the Mediation Committee of the International Bar Association (“IBA Mediation Committee”) and the Vienna International Arbitral Centre (“VIAC”), with the support of the European Law Students’ Association Austria (“ELSA”). The CDRC Vienna is administered by the Organizing Committee comprised of the two Co-Chairs of the IBA Mediation Committee and two representatives of VIAC (“Organizing Committee”). The legal entity conducting the CDRC Vienna is the Association for the Organization and Promotion of the Vienna Mediation and Negotiation Competition (“Association”), an association (Verein) registered in Vienna.

The CDRC Vienna is managed by the Competition Director, appointed by the Organizing Committee, who is a Director of the Association. The Competition Director is:

Dr. Claudia Winkler

Claudia.Winkler@CDRCVienna.org

1.2 – Overview of the Competition

The Competition invites universities to apply for participation with either a Team of up to four negotiators (Negotiator Team) or up to two mediators (Mediator Team) or both teams. Teams mediate and negotiate the case of the 23rd Willem C. Vis International Commercial Arbitration Moot, adapted for mediation and complemented by Confidential Instructions. Teams compete in four Preliminary Rounds which are followed by three elimination rounds, i.e. the “second round,” the “semi-finals” and “finals”. Expert Assessors will be selected by the Competition to score the performance and provide feedback to the students to help them move through the Competition rounds.

1.3 – Place and Time of the Competition

The Competition will be held in Vienna from Tuesday, 28 June to Saturday, 2 July 2016. The Competition will be preceded by trainings. Sessions will commence on Wednesday, 29 June and run until Saturday 2 July 2015. The Competition will close with the award ceremony on Saturday evening, 2 July 2016.

1.4 – Basis and Target of the Competition

The theoretical premise of the Competition is that the parties to the fictional dispute are involved in the arbitration of the problem of the 23rd Willem C. Vis International Commercial Arbitration Moot. Following the exchange of oral arguments in Vienna in February 2016 the parties have agreed to negotiate a settlement in order to achieve an amicable solution. The Arbitration Tribunal has stayed the arbitral proceedings so as to enable mediation to take place. Meanwhile the parties have submitted their dispute to the Vienna Mediation Rules. In case of no settlement, the parties have agreed that the arbitration proceedings will recommence in mid-July 2016 and the Arbitration Tribunal will announce / release the arbitral award.

Students from higher institutions of education are invited to prove and develop their skills and strategy to achieve the best deals in simulated legal mediations as mediators, mediation advocates and negotiators.

The Competition is designed to be an educational program with many facets of training, provided in the form of a contest. The aim of the Competition is to contribute to the practice, exchange and growth of negotiation and mediation among students and to promote and develop negotiation and mediation as forms of Consensual Dispute Resolution (CDR) in domestic and international business and commerce.

2. Participation and Eligibility

2.1 – Structure of Teams

The Competition will accept applications from Negotiator Teams and Mediator Teams separately.

Negotiator Teams

Each university may apply one team of negotiators. A Negotiator Team consists of a minimum of two and maximum of four students. At least one student of the Negotiator Team must be a full or part-time law student in order to play the role of the Counsel in the Competition. Negotiator Teams have to be supported by a minimum of one and a maximum of two Coaches. Cross-faculty or cross-university teams are permissible.

Mediator Teams

Each university may apply one Mediator Team. A Mediator Team consists of a minimum of one and a maximum of two students. Mediator Teams have to be supported by a minimum of one and a maximum of two Coaches. Cross-faculty or cross-university teams are permissible.

2.2 – Eligibility of Students

To be eligible to apply, students must be registered as full-time or part-time students in the academic year of 2015/2016. Students who graduate in 2016 before the Competition but no longer than three months before the start of the Competition are still eligible to participate.

Graduate students are permitted to participate if they have completed their undergraduate studies no longer than two years ago and have gained work experience (e.g. practiced law or been in business) of no more than one year since their graduation.

No student must be an accredited mediator or have any practical mediation experience outside a training or university context. Clinical experience is permissible.

Students who have already participated in previous competitions of the CDRC Vienna are not eligible.

2.3 – Coaches

Each university must nominate one or a maximum of two Coaches. The Coach(es) of a Team must be full professors, assistant or adjunct professors, qualified lawyers, lecturers in Alternative Dispute Resolution (“ADR”), qualified mediators or negotiation trainers. A Coach can be nominated for one Team only and can under no circumstances accompany two Teams to the Competition.

3. Application and Admission

3.1 – Application Process

Each university may apply one Negotiator Team with up to four students and one Mediator Team with up to two students to take part in the Competition. The online application processes and the selection processes for negotiator and Mediator Teams are entirely independent of each other. Universities may apply for both, a Negotiator and a Mediator Team, or only one of them.

In case a university applies to participate in the Competition with both a Negotiator Team and a Mediator Team, the university is required to indicate in its application whether it would participate in the Competition only if both Teams are selected to participate or it would participate even if either Negotiator Team or Mediator Team is selected to participate in the competition.

Applications can be made online at www.CDRCVienna.org starting 1 December 2015 until 31 January 2016 at 12.00 a.m. Vienna time. Teams will be informed about their admission to the 2016 Competition by early March 2016.

3.2 – Selection Criteria

The Organizing Committee in consultation with the Competition Director will select, based on the criteria set out below (in no particular order), 20 Negotiator Teams and 10 Mediator Teams at its full discretion:

- communication, presentation and other skills manifested in the Team's application
- training, coursework and experience of the applying students
- performance at previous mediation or negotiation competitions
- mediation and negotiation courses available at the applying university
- representation of geographic and cultural diversity

3.3 – Registration Fee

The registration fee for a selected Mediator Team including 1 or 2 students and 1 or 2 Coaches is € 400. The registration fee for a selected Negotiator Team of 2 students and 1 Coach is € 450, the fee for a selected Negotiator Team of 3- 4 students is € 700.

The registration fee includes an invitation for all registered Team members to all events of the Competition.

The registration fee is payable via wire transfer upon admittance of a Team. Failure to transfer the registration fee on time will result in loss of the university's spot in the Competition.

All banking charges and transfer fees must be paid by the transferor. The transfer must indicate the name of the university for which the transfer has been made. The registration fee is not refundable. Amounts short of the registration fee must be paid in cash upon arrival in Vienna.

4. Format of the Competition

4.1 – Acting Team Members

Each Negotiator Team with more than two students can decide freely, throughout the Competition, who of the Team shall act as Counsel and Client in any given Session. The student acting as Counsel must be a full or part-time law student.

Each Mediator Team with more than one Mediator can decide freely, throughout the Competition, who of the Team shall act as the sole Mediator in any given Session. A Mediator can only mediate a Session of a higher round if (s)he has mediated at least 2 of the 4 Sessions of the Preliminary Rounds.

4.2 – Confidential Instructions and Preparation Time

Each Session will be preceded by 60 minutes of preparation time, at the beginning of which the Negotiator Teams will receive their Confidential Instructions for either the Requesting or the Responding Party and prepare their strategy for the following Session.

Mediator Teams do not receive Confidential Instructions and do thus not have specific preparation time allocated. **Negotiators Teams, Coaches and Expert Assessors are strictly prohibited from sharing the Confidential Instructions with the Mediator Team before or during the Session. Breach of this rule will lead to immediate disqualification under Article 8 of the Rules.**

The Confidential Instructions of all prior Sessions must be ignored for each new Session of the Competition.

4.3 – Preliminary Rounds

Every Negotiator Team will compete four times in the Preliminary Rounds. Every Mediator Team will mediate four Sessions. The Competition will assign the Teams to their Sessions and decide their role as Requesting or Responding Party. In the Preliminary Rounds, each Negotiator Team will act as the Responding Party in two Sessions and as the Requesting Party in two Sessions. In subsequent rounds, the Competition Secretariat will try to avoid – if possible – that two Negotiator Teams compete against each other again and that a Mediator Team mediates with the same parties again.

4.4 – Second Round

The eight Negotiator and the four Mediator Teams with the highest scores in the Preliminary Rounds will advance to the second round. For the second round the Competition will assign the Negotiator Teams and the Mediator Teams to their Sessions and decide their role as Requesting or Responding Party.

4.5 – Semi-Finals

The four winning Negotiator Teams of the second round will advance to the semi-finals. The two highest scored Mediator Teams will advance to the semi-finals. The Competition will assign the Negotiator Teams and Mediator Teams to the semi-final Sessions and decide their role as Requesting or Responding Party.

4.6 – Finals

The two winning Negotiator Teams of the semi-finals will advance to the finals. The highest scored Mediator Team of the semi-finals will be the winning Mediator Team of the Competition. The winning Mediator Team will conduct the mediation of the final Session. The Competition will assign the role as Requesting or Responding party to the Negotiator Teams. If a Mediator Team

would conduct the mediation for a Negotiator Team of his/her university the next highest scored Mediator Team shall conduct the mediation.

5. The Competition Sessions

5.1 – Language

The language of the Competition is English.

5.2 – Competition Session Participants

A Session will consist of representatives from three different Teams. Two Negotiator Teams are representing the Requesting Party and the Responding Party, one Mediator from a Mediator Team will mediate the Session. Two to three Expert Assessors will score the Teams.

5.3 – Duration

As noted in Rule 4.2. there will be 60 minutes of preparation time before each Session.

Each Session will then run for a maximum of	135 minutes
- for the mediation (Breaks and Caucuses included)	90 minutes
- for the scoring	15 minutes
- for the feedback	30 minutes

5.4 – Break

Each Negotiator Team may request in each Session only once a Break of 3 minutes. The two competing members of the Team that have called the Break must leave the room for the duration of the Break. All other members of the Team, the other Team, the Mediator, the Expert Assessors and all others stay in the room during the Break. Failure to adhere to the time limits shall result in a penalty on the scores of the Negotiator Team in breach.

5.5 – Caucus (important update!)

Mediator and the Negotiator Teams have the opportunity to call for one or multiple Caucuses during each Mediation Session. Each Caucus may last a maximum of ten minutes. For the duration of the Caucus the competing members of the Negotiator Team not part of the Caucus must leave the room. All other people must stay in the room. The Mediator is responsible to adhere to the time limit of the Caucus. Caucuses can also be held between the Mediator and the Clients of both

Negotiator Teams or the Counsel of both Negotiator Teams (“Cross-Caucus”). The Mediator and Negotiator Teams will be scored by the Expert Assessor on the appropriateness of each Team to call or not to call for a Caucus (be it no Caucus, one Caucus or multiple Caucuses).

5.6 – Timekeeping

The Expert Assessors of the Session are the official timekeepers. They nominate one person among them to keep track of the time. The Mediator is responsible to adhere to the time limit during the Caucus. Negotiator Teams are responsible to adhere to the time limit during Breaks. Delay by a Negotiator Team or the Mediator will reflect on their, his or her score.

5.7 – Outside Materials; Technology

Teams may bring to the Session for their own use the materials supplied by the Competition, their personal notes and other printed or drafted material. Teams may also bring one single-side printed A4 sheet to share with the other participants, the Mediator and the Expert Assessors.

No electronic equipment such as phones, tablets and laptops may be used during the Session by any acting member of any Team. Students are encouraged to bring calculators and watches (or timers, etc.). Phones or other electronic equipment are not allowed to use during the Sessions for time-keeping, calculating, etc. Electronic equipment can also not be brought to a Break or Caucus.

5.8 – No Assistance during the Session

No Team member may be assisted by his/her Coach or other Team members during the Session (including the Break). Any attempt of communication, verbal or non-verbal, between a Coach and Team member or between Team members can be made subject to an immediate reduction of scoring points by up to 20 points as determined by each Expert Assessor. Expert Assessors may confer on their recommended reduction of points. In repeated or severe cases of reduction of scoring points indicated by the Expert Assessors in the Score Sheet and/or recommendation of the Expert Assessors, the Competition Director in consultation with the Organizing Committee pursuant to Article 8 may disqualify the whole Team from the Competition.

Reduction of scoring points and recommendation of disqualification by the Expert Assessors must be made in writing on the Score Sheet before the scores have been handed over to the Competition Secretariat. Reduction of points shall be shared with the Team Coach after the Session by the Competition Director. Any point reduction(s) and / or disqualification of the Team are final and not subject to appeal.

5.9 – Observing

The purpose of the Competition is to develop mediation and negotiation skills. Participants are permitted and encouraged to do this by observing performances of other Teams after the

Preliminary Rounds.

- Members and Coaches of the same Team are allowed to observe any Session of their Team if and as long as they sit behind their competing Team members with strictly no eye contact.
- In the Preliminary Rounds Team members and Coaches are not permitted to watch other Teams.
- After the Preliminary Rounds all participants may observe any other Session that does not interfere with their own schedule.
- Expert Assessors may observe any Session of the Competition during all rounds.
- Any person who is not a Team member, Coach or Expert Assessor will not be allowed to attend the Competition including the Sessions unless specifically permitted by the Organizing Committee or the Competition Director.
- The Final Round of the Competition is open to observe for the public.
- All observers, including Team members, are strictly required to not disrupt the Session by whispering or moving around and will be asked to leave the room in case of non-compliance.

5.10 – Photography and Filming

Participants agree to the use of photography and videotaping and the discretionary use of all such material by the Organizers of the Competition. Filming of the Sessions by anyone else is prohibited and subject to explicit permission by the Organizing Committee or the Competition Director.

6. The Problem & Applicable Rules

6.1 – The Problem

The Problem will be based on the 23rd Willem C. Vis International Commercial Arbitration Moot and will be made available online in early 2016.

No different or new facts may be created by any Team. No information given or facts used in the Vis Moot Problem that have not been used in the Problem of this Competition may be used or referred to. Parties may make arguments or statements that are reasonably based on the facts in the Problem and may buttress facts in the Problem with additional information concerning the background of their party's action or information in the general domain to support their interests or positions.

6.2 – Requests for Clarification

Requests for clarification may be directed to the Competition by the deadline announced to the selected Teams by email. Requests for clarification should be limited to matters that have significance in the context of the Problem and must include a short explanation of the expected significance of the clarification. Requests will be answered at the discretion of the Competition Organizers. Requests without a sufficient explanation of significance may be ignored. All requests must be sent to office@CDRCVienna.org. The clarifications will be distributed to all selected Teams by email.

6.3 – Applicable Rules

The problem of the Competition involves a controversy arising out of an international sale of goods. The sales contract is subject to the United Nations Convention on Contracts for the International Sale of Goods (“CISG”), complemented by the UNIDROIT Principles of International Commercial Contracts (“UNIDROIT Principles”). Any potential arbitration laws identified in the General Instructions are enactments of the UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006. The mediation proceedings will be conducted under the VIAC Rules of Mediation (the “Vienna Mediation Rules”). It is assumed that each jurisdiction identified in the problem has enacted as its mediation law the UNCITRAL Model Law on International Conciliation (2002), except that Article 6, sub-article 4 of that Model Law shall not apply to the problem and the conciliator/mediator is prohibited, at any stage of the proceedings, to make proposals to the parties for a settlement of the dispute. The rules of the Competition are the CDRC Vienna Rules 2016 (the “Rules”).

7. Scoring and Awards

7.1 – Expert Assessors

The Organization Committee in consultation with the Competition Director will select professional and experienced mediators, mediation trainers and negotiation trainers to attend and participate in the Competition. The Competition Secretariat in consultation with the Competition Director will assign Sessions to Expert Assessors which they will attend to score the performance of the Negotiator and Mediator Teams at the Competition. **Expert Assessors must be (and remain) independent, impartial and neutral of the Teams and Coaches involved in the Competition. Prior to the start of the Competition they must disclose to the Competition Director that they do not have any conflict of interest with any participating Mediator or Negotiator Team; and in case of any such conflict, they must identify such Team(s) to the Competition Director. If during the Competition Expert Assessors discover that they have any conflict of interest with any of the Teams or Coaches that they have been assigned to assess then, before assessing such Team(s), they shall immediately inform and identify such conflict to the Competition Director.**

The Organizing Committee will make all efforts to assign three Expert Assessors to every Session, in exceptional circumstances a panel of two Expert Assessors will score the Session.

For the semi-finals, three additional Expert Assessors will be assigned specifically to score the two Mediator Teams of the semi-finals, thus determining the winning Mediator Team.

7.2 – Scoring Criteria

Mediator and Negotiator Teams are scored by the Expert Assessors after each Session based on their respective Score Sheets for Mediator and Negotiator Teams. The Score Sheets will be made available online prior to the Competition.

7.3 – Scoring and Feedback

Each of the Expert Assessors for each Session will score the performance of the Negotiator Teams and the Mediator. The Expert Assessors shall provide feedback to the Mediator and to the Negotiator Teams at the end of each Session. The scores of the Score Sheets and the winning Team shall not be announced to the competitors. The Score Sheets shall be submitted to the Competition Secretariat.

7.4 – Ranking of Teams

Preliminary Rounds

In the Preliminary Rounds the eight Negotiator Teams and four Mediator Teams with the highest scores will be ranked to proceed to the second round. In case of a tie for the last slot, the Team with the higher total scores in the last of the four preliminary round Sessions, if in tie then second to last Session, shall prevail.

Higher Rounds

In all other rounds Negotiator Teams will advance based on the majority of Expert Assessors designating them as the “Winning Team” on their Score Sheets at the end of the Session. Exceptional Sessions with an even number of Experts Assessors require consensus from the Expert Assessors on the winning Team of the Session. In case there is no consensus among the Expert Assessors in such exceptional Session, the Negotiating Team with the highest score for such Session will be declared as the “Winning Team”.

Mediator Teams will continue to be scored on a point basis throughout the Competition. The advancing Mediator Team of each round will be selected based on the total number of points. In case of a tie the Mediator Team with the higher points in the preceding round shall prevail.

7.5 – Awards

Expert Assessors may make a recommendation for a Special Award as per Rule 7.7 during the Preliminary Rounds. The scoring and recommendations for an award must not be revealed to any Competition participant.

7.6 – Prizes

Negotiator Teams

- 1st Prize Negotiation (winning Negotiator Team)
- 2nd Prize Negotiation (Runners up Negotiator Team of the finals)
- 3rd Prize Negotiation (losing Negotiator Team from the semi-final Teams which did not make it to the finals with the highest score)

Mediator Teams

- 1st Prize Mediation (winning Mediator Team of the semi-finals)
- 2nd Prize Mediation (second Mediator Team of the semi-finals)

All Prizes are awarded to the whole Team.

7.7 – Preliminary Rounds Special Awards

The following Preliminary Rounds Special Awards will be awarded based on the Expert Assessors recommendations for performance in the Preliminary Rounds:

Negotiator Teams

- Best Negotiation Strategy
- Best Advocacy
- Best Teamwork

Mediator Teams

- Most Effective Opening Address
- Best Mediation Management

All awards will be awarded to the whole Team. Awards can only be awarded to Teams that do not proceed to the second round. No Team can receive more than one special award.

7.8 – Certificates

One certificate of achievement will be issued for each Team winning a prize and for each Team winning a special award. Certificates of participation will be issued for all participating students. The Competition Secretariat cannot issue additional certificates.

7.9 – Information provided to the Teams

After the Competition each Negotiator Team shall receive information about its rank in the Preliminary Rounds, its total Team points in the Preliminary Rounds, and anonymized information about the highest, average and lowest achieved points by other Teams in the Preliminary Rounds.

Mediator Teams shall receive the same information. Mediator Teams that have advanced to the second round shall also receive the same information about the second round.

8. Violation of the Rules

8 – Violation of the Rules

Unless specified in the Rules otherwise, any violation of the Rules, regardless of the substance thereof and regardless of whether initiated by a participant or by any other person, will be sanctioned by the Organizing Committee either by deducting scoring points or, in case of serious breaches, by disqualification of the Team and/or removal of the person from the Competition. The disqualification of individuals and entire Teams can be initiated ex officio at any stage of the Competition by the Organizing Committee or can be made by the Organizing Committee based on the recommendation of the Expert Assessors to the Competition Director or brought to the notice of the Organizing Committee by the Competition Director or otherwise. Expert Assessors may also be subject to disqualification and/or removal from the Competition, including future Competitions for any violation of the Rules. Decisions on disqualifications are final and not subject to appeal.

Contact Information

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For more information and updates please see www.CDRCVienna.org



Annex 1

CDRC Vienna 2016

Guidelines for Expert Assessors

I. Scoring Overview	19
A. Goals.....	19
B. Importance	19
C. Process	20
II. The Scoring Sheets	21
III. Preliminary Rounds Special Awards	22
IV. Feedback	23
A. Importance	23
B. Feedback Delivery	23

Prepared by the Scoring and Feedback Committee
22 May 2016, Version 1.0

I. Scoring Overview

A. Goals

Your role as an Expert Assessor in the CDRC is very important and is twofold:

- 1) to **score** and **evaluate** the quality of the performance of the teams,
- 2) to offer **clear, balanced and constructive feedback** in accordance with the relevant scoring criteria.

This document highlights the **most important aspects of the scoring and feedback** process of the competition. It offers examples to help you, as an Expert Assessor, to fulfil your role to the best of your abilities. Please take the time to read through this document carefully before you come to the competition.

We expect you to **be very well prepared** before you arrive. Students have been preparing for months and look up to you as the leading professionals in the field. They will take everything you say very seriously and count on you to consider this in your feedback to them. All participants will also have a chance to evaluate the feedback received from you, and this will be an important factor in selecting experts for future years.

It is your responsibility to read the general information of the problem, the guidelines and the rules before the competition, as well as the confidential instructions when made available before each round.

B. Importance

This document is designed to help create a consistent grading and evaluation approach for all Expert Assessors, so that their grading and evaluation criteria are as uniform as possible.

We expect each Expert Assessor to place utmost importance on neutrality, impartiality and independence. It is your responsibility to identify any conflicts you might have with any team members before or at the competition, and share them with the organizers to take appropriate action. We also ask you to identify any personal biases you may have and to leave them at the door before you enter the competition.

Grading and evaluation should not be based on the personal style or strategic preferences of the Expert Assessor. Instead, evaluation should be consistent with best practices and the solid theoretical framework and research available regarding the art and science of problem-solving negotiation and mediation.

Please keep in mind that the teams come from many different countries and that there are therefore differences in cultural and language usage. We ask you to please challenge your

assumptions about native speakers and cultural issues. We also ask you to consider how the competing teams demonstrate sensitivity to and respect for these potential cultural and language differences, following the model "soft on the person and hard on the problem."

C. Process

1. Three Independent Expert Assessors:

Each round will have three independent Expert Assessors. After each mediation session, Expert Assessors will have 15 minutes to independently score each competing team. While scores are given individually, assessors may confer with each other if they feel this is needed.

2. General notes about the scoring / feedback sheet:

Each assessor will receive three papers:

- 1) Negotiator Team Score Sheet
- 2) Mediator Score Sheet and
- 3) Feedback sheet.

The Negotiator Team Score Sheet consists of a cover page, the Negotiator Team Score Sheet itself, and the Preliminary Rounds Special Awards nomination for the Negotiator Teams. The Special Awards sheet will only be used in the preliminary rounds.

The Mediator Score Sheet consists of a cover page, the Mediator Score Sheet itself, and a Special Awards nomination for mediators. The Special Awards sheet will only be used in the preliminary rounds.

The Feedback sheet is for the assessor only, and is used to make notes during the mediation session so that the Expert Assessor is able to give clear, concise, effective feedback after the competition round.

3. Timing:

Before the mediation session begins, one of the Expert Assessors should be nominated as timer for the assessors. The job of the timer is to keep track of the time as follows:

Mediation Session (incl. breaks and caucus)	90 min
Scoring	15 min
Feedback	30 min
Total	135 min

After the mediation has ended, all participants should leave the room. Only the Expert Assessors will remain in the room. They will have fifteen minutes to fill in the Scoring Sheets and organize their feedback based on the notes on their Feedback Sheet. The teams are then brought back into the room, and each of the three assessors has ten minutes to give their oral feedback to the teams (30 minutes total).

4. Notes and scoring:

We highly recommend that the Expert Assessors use the Feedback Sheets while the mediation is taking place to make their notes and comments. Only after the mediation is finished, should the assessor fill in the Score Sheets for the Negotiator Teams and the Mediator, respectively. This way, the assessor is able to focus clearly and completely on the negotiation and mediation processes being evaluated.

II. The Scoring Sheets

In each session, Expert Assessors rate the performance of each team on various criteria as provided in the Score Sheet, with up to 100 points per team, per round and per judge. In order to achieve consistency and a fair process for all teams, Expert Assessors must stick strictly to the Score Sheets and Guidelines issues by the competition.

The scoring scale used is as follows:

- 1 = Poor (below 50%)
- 2 = Satisfactory (50-65%)
- 3 = Good (65-75%)
- 4 = Very good (75%-90%)
- 5 = Excellent, exceptional, outstanding (top 10%!)

When scoring, please remember that teams have to follow a **problem-solving** mediation and negotiation style and that the goal of your scoring is to identify the most effective negotiators and mediators. Mediators should adopt a **facilitative approach** and not be evaluative or directive.

Settlement is not the goal of the session, and teams should not be penalized or rewarded in scores depending on whether they have reached a settlement or not. Please reward **commercial realism** rather than good acting skills.

The **mid-point score of 3** should be your starting point. When you score a team/person with a “3” (which is “Good”), then you are stating that you feel the team/person falls within 65% - 75% - i.e. that they are ranking within the top 65% - 75% of all other competing teams in the competition in that category. This is where most of the teams should be.

If you feel that a team is performing **above average** you should score a category with a “4,” i.e. that team carries out the skill 75% - 90% better than all the rest of the teams. So assessing a team with a “4” is something that should not be given without some serious consideration.

If you see an **excellent performance** of a team of a category, a score of “5” implies that the team carried out that skill exceptionally well - better than 90% of the rest. So a “5” should be very rare. Give it if you would hire that team as your counsel or mediator immediately 😊.

Expert Assessors **must total their scores** for each team and **circle the winning negotiator team** on the Negotiator Score Sheet. Should both negotiator teams have received the same score, Expert Assessors must adjust their scores to give one team more points than the other.

Expert Assessors **must not reveal their scores** to the teams or any of its members.

Breach of the Rules

Rule 5.8. of the competition foresees that for any attempt at communication between a coach and team member, Expert Assessors may, alone or in consultation, **deduct up to 20 points** immediately on each of their Score Sheets. In severe or repeated cases of breaches of the Rules, Expert Assessors may also recommend a disqualification of a team member or a team from the competition. All deductions or recommendations of disqualification must be made in writing on the Score Sheet before it is handed back to the organizers.

III. Preliminary Rounds Special Awards

The Preliminary Rounds Special Awards have been created to recognize the effort a team has invested in preparing for the competition. They provide an opportunity to show that success is more than a single high-score winner and reward the students who have shown a lot of talent, even though they did not reach the finals of the competition.

As Expert Assessor you play a crucial role in nominating teams for the Preliminary Rounds' Special Awards. You should vote for the teams which you think deserve the awards by completing the third page of the Score Sheet (for both negotiator and mediator teams) with scores 0 to 5.

For the Negotiator teams, you will seek to recognize:

- Best Negotiation Strategy
- Best Advocacy
- Best Teamwork in Negotiation

For the Mediator teams, you will be grading:

- Most Effective Opening Address
- Best Mediation Management

It is your responsibility to recognize which teams showed the above skills. Have in mind that you are awarding the whole team, and not individual performance.

IV. Feedback

A. Importance

We put strong emphasis on feedback to offer the students a unique opportunity to receive open, honest and helpful advice, so that they are able to improve their negotiation/mediation skills and enhance their performance in future rounds.

The feedback received from the Expert Assessors is one of the major benefits for students who are invited to this competition. The quality and consistency of feedback provided by Expert Assessors throughout the competition determines the success, learning and experience of all participants. Consistency across rooms and rounds is imperative. To achieve this quality and consistency, feedback should always be given in accordance with these feedback guidelines.

B. Feedback Delivery

WHAT (The Points of Feedback)

I. Refer back to the scoring criteria

Base your feedback on scoring criteria, e.g. examples in the feedback sheet; categories of interpersonal skills, process skills and strategy; read the feedback sheet well in advance of the mediation to maximize the benefit it offers.

II. Select 2-3 points to focus on and explore in more detail as structured below; students cannot digest more in this short time; optimally select different points for each team or even team member.

III. Mention examples of behavior that was effective and should be developed and used further or

IV. Examples of behavior that would benefit from further work and did not yield the hoped-for results.

HOW (The Nature of Feedback)

I. *Be their supporter*

Emphasize positive points using a friendly and encouraging tone, playing to their strengths; at the same time be direct and constructive about points that you feel the student can work on to help them progress in the competition.

II. *Avoid war stories*

Please keep it short and simple, past experiences (good or bad) are usually not perceived helpful by the students and center the discussion on you and not the students.

III. *Offer your feedback as an advice*

Stress that your feedback is your best assessment of what might help to develop their skills further; it's "tools not rules" and will be up to them to reflect on and decide how to use.

IV. *Avoid focusing on personal preferences*

Remember to keep the focus on the scoring criteria and base your feedback on these rather than personal preferences that relate more to style.

DELIVERY (The Structure of the Feedback)

I. Frame it - Share with the students what skill you will talk about/to what category this relates in the scoring	Example: "I would like to talk about active listening."
II. Share your observation of what you saw/heard happening during the mediation; direct quotes are most effective to take students back to what happened in the mediation	Example: "After you finished discussing the delivery you asked the other side "Why is it so important to you to receive damages for lost profit?"
III. Offer your expert comment - Why was that helpful or not	Example: "Encouraging the other side to explain the significance of the damages was helpful in building a shared understanding of the problem"
IV. Finish with your advice for further development - suggest what else they could do to get better results	Example: "There was an opportunity to pursue this question at a much earlier stage in the mediation - this could have revealed interests that took a long time to uncover."

We would like to take this opportunity to **Thank You** for volunteering to share your expertise and feedback with the teams at this competition. Your support as an Expert Assessor is what makes this Competition so beneficial for all the participants.

The Scoring and Feedback Committee