

## Newsletter 9 of MEDIATS project December 2020 - February 2021



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## News from NLBA, KGNU, CHNU

### Jan van Zwieten, rector of NLBA, conducted lectures for students of Ukrainian HEIs

Jan van Zwieten, rector of NLBA, experienced mediator, trainer in the field of mediation, coaching and conflict management, conducted a series of lectures for the students of Mediation Programs of Ukrainian Universities. The lectures at KROK University in Mediation Coaching and International Mediation Standards were conducted within the period November-December 2020 (the news were provided in Newsletter 8).

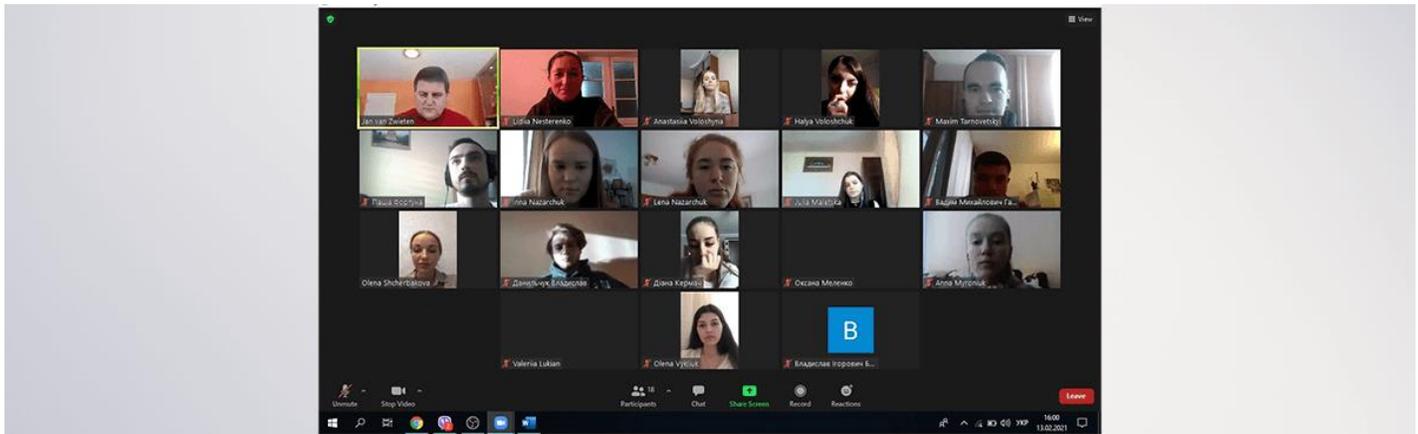
In February 2021 4-day training was organized for Karazin Business School.



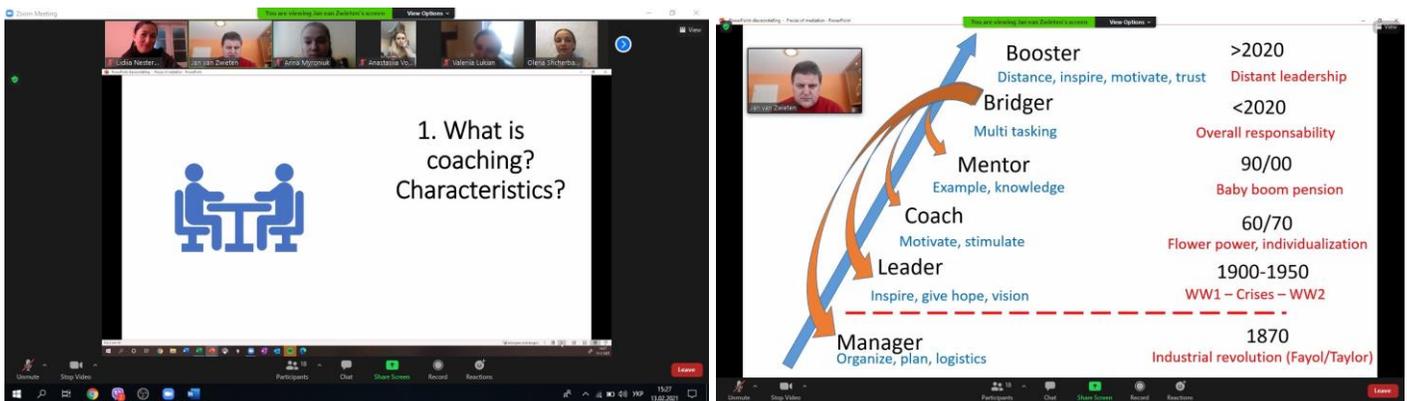
### Lectures at CHNU

On February 13, 2021, within the framework of the grant project “Mediation: Training and Society Transformation”, a four-day online training for masters-mediators of the EPP “Mediation” of Yuriy Fedkovych Chernivtsi National University began its work. It is conducting by the recognized European guru of mediation, mediator and at the same time the rector of the Netherlands Business Academy **Jan van Zwieten**. The participants of the training are 15 law students studying at the EPP “Mediation”, two teachers of the Department of Public Law, providing several disciplines of this program *Oksana Melenko* and *Lidiia Nesterenko* and a recent graduate of the Mediation specialization, and now a practitioner *Olena Shcherbakova*. Jan van Zwieten knows very well the legal market and the specifics of making and executing court decisions not only in the Netherlands but also in Ukraine. Therefore, it is not surprising that communication with practicing and future lawyers-mediators in one way or another was conducted around the mutual advantages of the professions of lawyer and mediator. For the training participants – students, this is an important element of training within the framework of the EPP “Mediation”.

The training participants had an excellent opportunity to evaluate the non-standard approach of the professor and practicing mediator to the understanding and use of resources in mediation, power, and distribution of forces of the parties, the advantages of such distribution and disadvantages. At the same time, Jan van Zwieten noted the famous Dutch proverb “Every disadvantage has an advantage.”



The extraordinary interpretation by the coach of the ratio of both concepts and techniques of mediation and Coaching deserves special attention, which immediately gave rise to many questions among the training participants: possible directions of interaction between professional coaches and mediators, how can these specialists be useful to each other? How effective will coaching be if the person is experiencing internal conflict? In what cases most often does the coach abandon the process and at what stage of coaching? The mediator should be empathic, there is empathy in coaching on the part of the coach, and does this not affect the effectiveness of this process? What tools and technologies of coaching are most effective in the Mediation process?



One of the most important aspects of the training that began, in our opinion, is that it provides an opportunity to look at the process of adapting mediation into the everyday life of Ukraine through the prism of more than 25 years of experience in the Netherlands, where, as in Ukraine, the initiative was in the hands of mediators, pioneer enthusiasts. There are now more than 3,000 active registered mediators in the Netherlands, more than 200,000 official mediations, and even more unofficial ones. Also interesting is the fact that more than 30,000 people have taken mediation courses and use these skills in their daily work as judges, attorneys, notaries, managers, financial analysts, and the like.

I hope that even after the first day of the training, the participants understood that any challenge, including the lack of legal regulation of mediation at this stage of Ukraine’s development, is an excellent opportunity for a new start and new horizons.

Ruslana Havrylyuk,  
*Manager of the MEDIATS project group  
from CHNU*

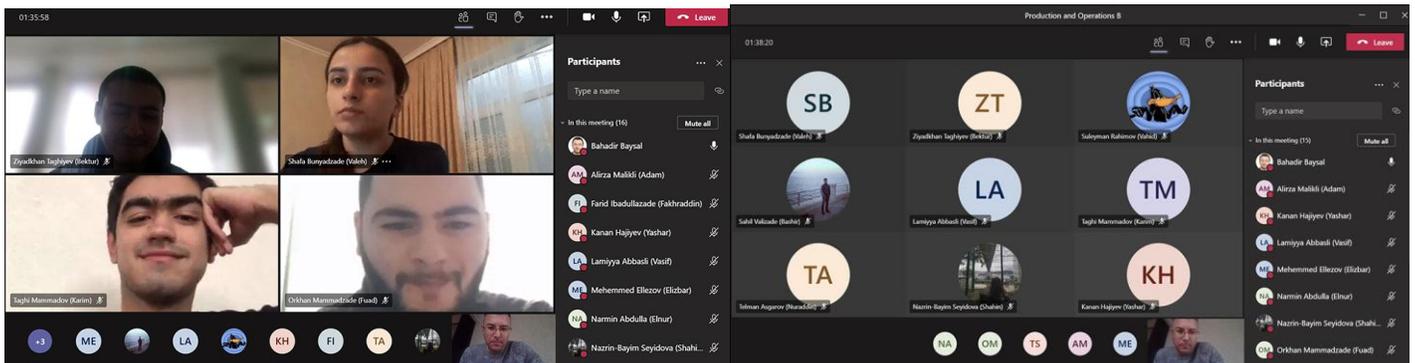
### News from Khazar

#### Webinar on Employee Conflict management and Mediation

On December 14, 2020, Khazar University hosted a webinar entitled “Employee conflict management and mediation”. The webinar was held within the Mediation Enlightenment Week activities of the Erasmus+ MEDIATS Project (Project number 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP) and conducted by Dr. Bahadır Baysal, Coordinator of Economics and Management Department.

The webinar discussed the recent business and employee conflicts, how we can solve these conflicts and how mediator can help to solve the conflicts before going to court. Furthermore, the webinar touched upon the case studies from real life.

The webinar was followed by a Q&A session. Discussion session has been conducted at the end of the seminar. Students suggested to have workshops on the topic.”



**Webinar on Europeanization of judiciary systems via Mediation services**

On December 18, 2020, Khazar University hosted a webinar entitled “Europeanization of judiciary systems via Mediation services”. The webinar was held within the Mediation Enlightenment Week activities of the Erasmus+ MEDIATS Project (Project number 599010-EPP-1-2018-1-NL-EPPKA2-CBHE-JP) and conducted by Dr. Elmar Mustafayev.

The webinar discussed the recently passed law on Mediation and the promised improvements in the judicial system of Azerbaijan. Furthermore, the webinar touched upon the guidelines and recommendations of the Council of Europe European Commission for the efficiency of justice (CEPEJ) and argued whether the law is in compliance with European practice.

The webinar was followed by a Q&A session.



### Webinar on mediation at Khazar University

Khazar University announced December 14-18 as "Mediation Awareness Week" as part of the Mediats project by European Commission's Erasmus + program. On December 18, in order to expand the promotion of mediation in society and among university students, Malak Karimova, the coordinator of the Department of Psychology, organized a webinar together with experts in this field on "The impact of divorce on family relationships. The importance of family mediation." The webinar was attended by a graduate of the Law Department of Ankara University, a lawyer and mediator from the Bar Association No. 12, Gasim Shaliyev, and a graduate of the Law Department of Khazar University, an independent expert, lawyer and mediator in the Central Bank's Insurance Registry, Ilkin Ibrahimov.

During the webinar, Malak Karimova analyzed the psychological aspects of the divorce and informed the participants about the university's experience in this field. The guests gave detailed information about the mediation process to be implemented in our country, as well as held interesting discussions on its importance and application in family and commercial issues. The importance of mediation in reducing the workload of the courts and the formation of a more civil society was noted. In the end, Malak Karimova mentioned master degree programs in this field at Khazar University as a part of the project, noting that students can also get their master degree abroad in this field.

The results of the survey, which was completed by the participants after the webinar with more than 85 participants, showed that they were very satisfied and interested in this field.



## News from KROK

### The MEDIATS team of KROK Business School is the winner of an international competition

In October 2020, Odessa Regional Mediation Group, with the support of the Global Partnership for the Prevention of Armed Conflict (GPPAC), invited students and instructors of higher education institutions to participate in an international project consisted of the series of webinars and workshops "Empowering Youth with conflict analysis skills - empowering community". The GPPAC-supported project aimed to gain conflict analysis skills, with real-world case studies, and to share knowledge and skills among the youth of the Eastern European region.

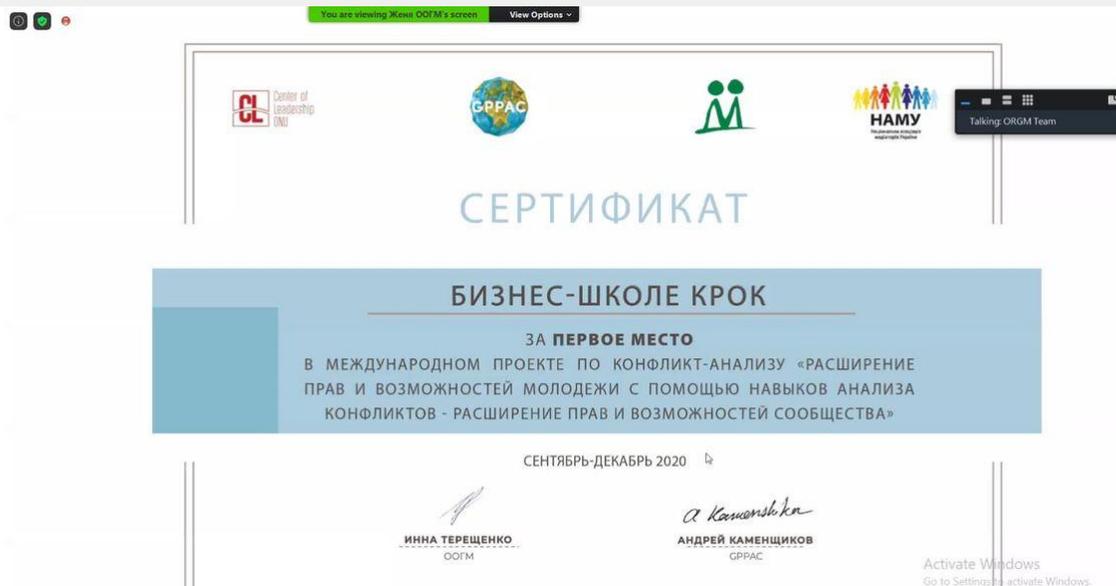
A team of 5 students and 1 instructor from the KROK Business School took part in the competition, who are participants of the [MEDIATS project with the support of ERASMUS +](#).

During 3 months from October to December, 2020 the project participants had the opportunity to analyze the cases provided by the organizers and present solution, and in the final each team presented its own project of conflict analysis of their community.

The team of MEDIATS Business School KROK - master's students in the [program "Mediation and Conflict Management"](#) presented the final project entitled "Conflict around the floodplain meadows of the village of Khoroshky, Poltava region." The presentation of this project took place in the form of a video in which team members presented a description of the case and a detailed analysis of the conflict using several analysis tools. The project leader was Oksana Demchenko, an instructor at the KROK Business School.

Considering the demonstrated deep knowledge in conflictology, the ability to use methods and tools of conflict analysis, creativity in the preparation of presentation materials, by the jury voting method, the team of KROK Business School won a first place.

We are proud of our students and congratulate the winners of the competition!



### Thesis Defense of Students of Master degree Program in Mediation

21-23 February Thesis Defense of Students of Master degree Program in Mediation, implemented at Business School of KROK University, took place, after 1.5 years of intensive training.

It was a well developed combination of courses, where all students had the opportunity to study with Ukrainian mediators and with international experts from the Netherlands and Latvia. The culmination of the training was preparation of thesis, when the last couple of months each of the students almost forgot about the word “vacation and free time”, almost everyone rejected from anything but an introduction, first, second and third sections, the students had to cancel participation in their own projects or refuse to participate in others. All students understood the importance of training and their own mission in the development of mediation in Ukraine.

For example, Viktoriia Polishchuk, the student of the Program, for the last three months was engaged deeply into scientific work: almost 400 international sources were processed, 176 of which were included into her scientific work; the experience of 34 countries in the implementation of mediation (judicial, judicial, extrajudicial) was studied; for the first time, unique conclusions were made that can be useful for Ukrainian mediation in commercial matters today.

As a result, she received 99 out of 100 points.

The students with a Master degree in Mediation and Conflict Management have been combining practice with science for more than a year. And this is a push not to stop there, and it is a conscious understanding that doing science is not so easy. However, the most important realization was that the most important thing is self-belief. If we set high goals, we will be able to achieve them in small steps, but the support of mentors and the best specialists is always important.

*(Basing on the materials of Viktoriia Polishchuk)*



## Second enrollment and further Training at Mediation Program

The training for the second group of Master's program "Mediation and Conflict Management" is continuing. Step by step, mediation in Ukraine is becoming a procedure that is trusted more and more. That is why a profession that presupposes mastery of the art of dialogue and the ability to bring the parties to agreement has every chance of becoming in demand and highly paid.

Among those who understood the prospects for the establishment of mediation in Ukraine and saw new opportunities for their professional growth are lawyers, HR-s and representatives of the education sector. Newly minted undergraduates expect 1.5 years of full immersion in mediation, practice-oriented research from different angles, and becoming a professional mediator. Simulations, participation in discussions, project groups, conferences and competitions, scientific work, practice and writing a diploma project are waiting for undergraduates - real training organized according to European standards, focused on acquiring the skills of a mediator.

The Master in Mediation and Conflict Management is one of the few programs in Ukraine that allows you to obtain a state master's degree in mediation. The implementation of the program became possible thanks to the participation of the KROK University and the KROK Business School in the international project with the support of the European Union ERASMUS + MEDIATS.

That is why the program employs highly qualified mediation teachers who have been trained according to the standards of the Netherlands Business Academy in Latvia and Spain, many of them are practicing expert mediators of various specializations.



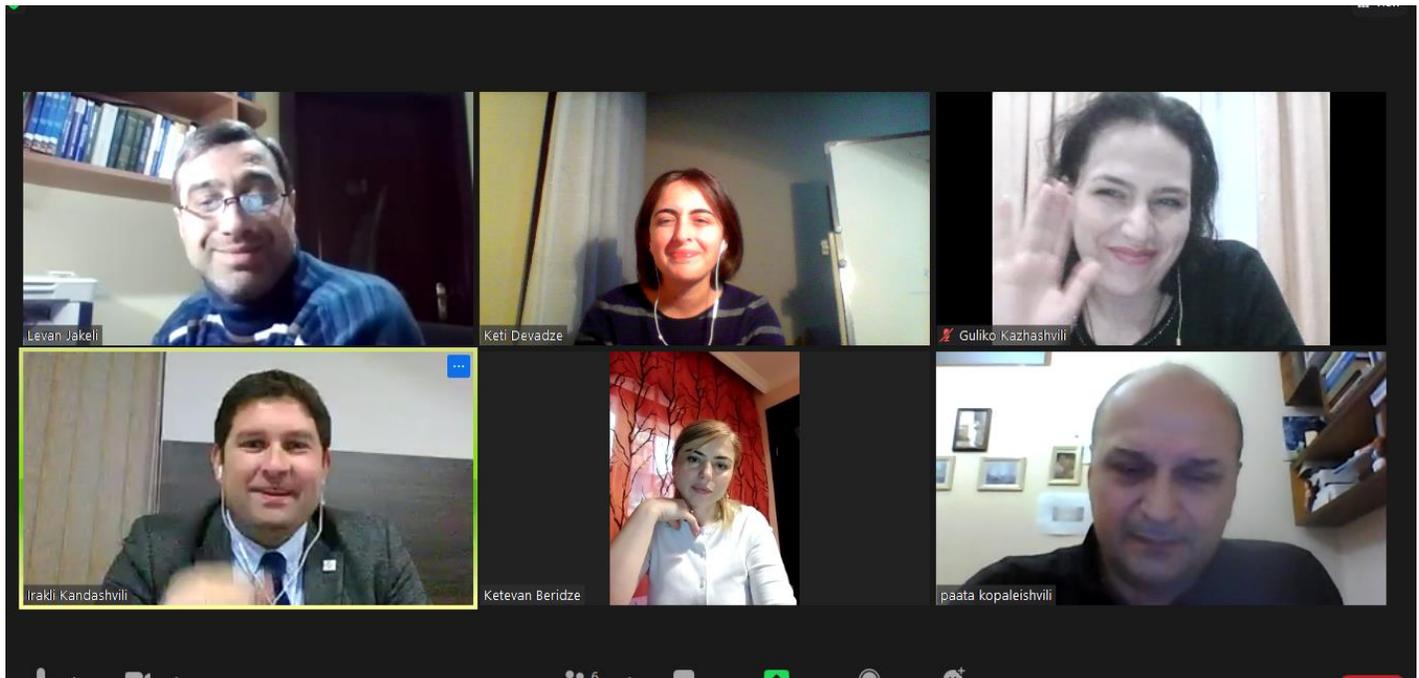
### News from BSU

4 February 2021 the meeting held with the head of Mediators Association of Georgia - Ikrali Kandashvili on the ZOOM platform. Participants were Keti Devadze as a manager of MEDIATS's program, Ketevan Beridze, as a head of the short-cycle programme in mediation at BSU, Levan Jakeli - the dean of the faculty of Social Sciences and Law, and two mediators working in our region.

We exchange the information regarding MEDIATS program and short-cycle program as well. And discussed the plan for receiving a national accreditation from the Mediators Association of Georgia for our future training programs.

The meeting was very fruitful and we have discussed all the issues. There was a working group formed for developing the accreditation training program.

I guess if the University works for developing and running the training course for mediators accredited by the Mediators Association of Georgia, it will be a very good result for the sustainability of our project.



17 December 2021 the ZOOM meeting on the topic - Conflict and its resolution was organized.  
Speakers: Ketevan Beridze and Ketevan Devadze.



### News from UCAM

UCAM team is delighted to introduce two new colleagues from UCAM, who are joining our project: Dr. **Silvia Durán Alonso** (please find attached her CV) and Dr. **María Victoria Torre Sustaeta** (a professional mediator). They are both reading in copy.

With Silvia and Victoria's help, we want to contribute to your idea, Jan, of giving specific online lecture/videoconferences. It will be the most efficient and valuable way to anticipate the internship.

Here, you can find the contents we propose:

#### Dr. Durán Alonso:

- The effects of a mediation agreement and the possibility of appealing it.
- Appeal of a mediation agreement, if there is a defect in consent.
- Mediation as a procedural requirement that is being raised as a possibility by the Spanish legislator.

#### Dr. Torre Sustaeta:

- An introduction to ADR: the basic principles of the mediation.
- becoming a mediator: habilities and requirements.
- From voluntary to compulsory: the new regulation of Mediation in Spain.

### Events of CHNU Project Team of MEDIATS Project

#### **December 11, 2020 - Three-day training for master mediators of the Faculty of Law of Yuriy Fedkovych Chernivtsi National University held by Dana Rone.**

Within the framework of this project, the three-day training of Professor Dana Rone has just ended, in which students of a few partner universities of the project, who are studying in educational and professional programs “Mediation”, took part. The training, which took place on December 4, 7 and 11, 2020, was attended by 505 (15 people) and 605 (14 people) groups of the Faculty of law.

Dana Rone is one of the most experienced mediation specialists at Turiba University (Latvia) and Latvia in general. She has participated in more than 10 grant projects of the EU Program ERASMUS +, ERASMUS MUNDUS Leonardo da Vinci and several others. In 2014-2016, the Faculty of Law of the Turiba University implemented, as a lead partner, a grant project on mediation to develop innovative teaching methods and implementation of mediation. As part of this project, an interactive tutorial and web-based mediation platform was developed.

The novelties of the training workshop were methods of effective dispute resolution through the analysis of feelings and emotional state of the parties with associative cards; rules for a successful speech of a mediator; methods of preventing discrimination of the parties of mediation; Latvian features of restorative justice; experience in conducting mediation procedures by Latvian mediators.

The real highlight of the training performed by Dana Rone was the practical simulations of mediation procedures with the participation of students directly.

The training turned out to be extremely useful and interesting for the students. Mediation students are personally grateful to Dana Rone and to the grant project of the EU Program ERASMUS + KA2: CBHE “Mediation: Training and Society Transformation” for the opportunity to directly join the European methods of mastering the art of mediation.

**Link:** <https://mediats-chnu.com/three-day-training-by-dana-rone/>

**January, 2021 – “EPP “Mediation” as a synonym for innovation” prepared by Petro Patsurkivskyy,** professor, member of the working group of the project “Mediation: training and society transformation” of the EU ERASMUS + Program: KA2. In mid-November 2020, the second year was ended and the third began – the final year of implementation by the MEDIATS project group of the grant project of the EU ERASMUS + KA2: CBHE Program “Mediation: Training and Society Transformation”.

The main innovative element of this project, as has already been noted many times, was the development and piloting of the master’s educational and professional program “Mediation”. A similar element within the actual EPP “Mediation” is the quality piloting of this program. As you know, it depends on a decisive extent on the quality of: a) scientific and pedagogical staff who provide this program; b) students involved in training under this program; c) educational and methodological tools, with the help of which the educational process is provided within the framework of the relevant EPP.

The project group “MEDIATS” has already solved the first two tasks quite successfully, which was also reported on several occasions. In particular, the group managed to attract the best graduates of the bachelor’s degree program in law 2020 to the education on the EPP “Mediation” in the summer of 2020.

The “MEDIATS” group has managed to create, based on European and own experience, a truly innovative EPP “Mediation”. This program has received a lot of good feedbacks from specialists and the wider public.

Through the efforts of the group, a few innovative methodological tools have been implemented to ensure the quality of piloting of the EPP “Mediation”. With the support of the USAID New Justice Program and based on a feedback questionnaire used by the Washington and Lee School of Law (Lexington, VA, USA), a “Feedback Questionnaire from Mediator Law Students” was developed. An online survey of master mediators was also conducted on this questionnaire in the fall semester of the 2020/2021 academic year.

This questionnaire contained three blocks of questions, which pursued the following goals: 1) to find out how much time master mediators spend in preparing for practical classes and completing individual assignments in the discipline of the program; 2) what grade on 11 parameters they give to the teacher of the academic discipline; 3) how students assess the corresponding academic discipline of the EPP “Mediation” for 8 parameters.

Students’ responses were completely anonymous. They showed that during the fall semester of the 2020/2021 academic year, students invested weekly in preparation for classes up to 6 hours, which is an excellent indicator.

All teachers received mostly excellent and good marks.

The same high grade of the students received the disciplines of the EPP “Mediation”, which they taught.

There were no deviations from good indicators that would require surgical intervention from the head of the department or the administration of the faculty.

That is, great efforts on the part of the members of the MEDIATS project group, the head of the department, as well as the administration of the faculty, previously invested in the development of the EPP Mediation and in ensuring its successful piloting, turned out to be effective.

In the end, I would like to note that the students responded with pleasure to the offer for them to take part in the above-mentioned survey. In the future, such a survey of students will become systematic.

**Link:** <https://mediats-chnu.com/epp-mediation-as-a-synonym-for-innovation/>

### **January, 2021 - We apply the European experience in the training of masters of EPP “Mediation”.**

Another innovation in the process of teaching Masters of EPP “Mediation” was implemented in practice by the project team “MEDIATS” of the Chernivtsi National University in the autumn semester of 2020/2021 academic year. It was developed and approved at the meeting of the Department of Public Law “Protocol for monitoring teaching in the classroom” taking into account the experience of partner universities Grant Project of the EU ERASMUS + KA2: CBHE Program “Mediation: Training and Society Transformation”.

The Protocol contains the date when the lesson was held, indicates the identity of the teacher whose work was observed, the name of the discipline, the assessment scale from 1 to 5 for each sub-item of the following items: the content of the lesson; lesson organization; interactive component; verbal and nonverbal components; use of visualization tools; notes of the following content: strengths; weak sides; threats to efficiency; suggestions for improvement; additional comments (if necessary); overall performance rating.

At the end of the Protocol, a matrix was proposed to assess the teacher's methodological tools: lecture, brainstorming, small group discussion, Socratic dialogue, class discussion, role play, group discussion, case or problem solving, case analysis, handouts, board, projector, presentation, etc.

The above-mentioned "Protocol for Observation" was conceived and proved to be a mutually beneficial tool both for the teacher whose work was observed and for the person who conducted such observation, regardless of previous teaching experience.

Most of these observations were made during the autumn semester in the classes of the Project team leader, head of the department Ruslana Havrylyuk – thus an experienced teacher gave lessons to other colleagues. In particular, on September 29, 2020, five colleagues from the Department and the Project – Oksana Melenko, Pavlo Bartusiak, Anastasiia Spizhavka, Nataliia Volkova and Illia Yuriychuk – observed a lecture by Ruslana Havrylyuk on the subject "Tools for Alternative Dispute Resolution". They gave her 143 marks "5" and 19 marks "4".

On October 7, 2020, Ruslana Havrylyuk conducted a practical lesson on the subject "Legal Nature of Mediation". Observers Pavlo Bartusiak, Anastasiia Spizhavka, Nataliia Volkova, Heorhii Moisei and Maryna Fedorchuk evaluated this lesson according to the above criteria on 110 marks "5" and 23 marks "4".

On October 13, 2020, Ruslana Havrylyuk conducted a practical lesson on the subject "International Mediation Standards". Observers Pavlo Bartusiak, Anastasiia Spizhavka, Heorhii Moisei, Maryna Fedorchuk and Illia Yuriychuk evaluated this lesson according to the above criteria on 108 marks "5" and 25 marks "4".

One observation was conducted on the practical lesson of Oksana Melenko in the discipline "Ethical and Psychological Principles of Mediation", which took place on October 25, 2020. Observers Ruslana Havrylyuk, Maryna Fedorchuk, Pavlo Bartusiak, Anastasiia Spizhavka, Heorhii Moisei evaluated this lesson according to the above criteria on 138 marks "5" and 33 marks "4".

Two observations were made on the practical classes of Maryna Fedorchuk: on November 23, 2020 she conducted a practical lesson on the subject "Tools for Alternative Dispute Resolution". Observers Ruslana Havrylyuk, Pavlo Bartusiak, Anastasiia Spizhavka, Heorhii Moisei, Illia Yuriychuk evaluated the lesson according to the above criteria for 110 marks "5" and 24 marks "4"; On December 3, 2020, Maryna Fedorchuk conducted a practical lesson on the discipline "Restorative Justice". Observers Ruslana Havrylyuk, Heorhii Moysey, Pavlo Bartusiak, Anastasiia Spizhavka, Illia Yuriychuk evaluated this lesson according to the above criteria on 137 marks "5" and 30 marks "4".

On November 16, 2020, a practical lesson on the subject "Mediation in the Activity of a Lawyer" was conducted by a practicing lawyer Natalia Volkova. Observers who attended this lesson – Ruslana Havrylyuk,

Oksana Melenko, Heorhii Moisei, Pavlo Bartusiak, Maryna Fedorchuk, Illia Yuriychuk evaluated this lesson according to the above criteria as follows: marks “5” – 151; marks “4” – 49; satisfactory – 1.

On November 10, 2020, Pavlo Bartusiak conducted a practical lesson on the subject “Strategy and Tactics of Mediation Negotiations”. Observers Ruslana Havrylyuk, Heorhii Moisei, Maryna Fedorchuk, Anastasiia Spizhavka, Illia Yuriychuk rated it as follows: ratings “5” – 128; ratings «4» – 33.

Each time after the lesson there was a protocol discussion. The criteria for evaluating the classes conducted by observers were known in advance and made public, hence their requirements were taken into account by teachers during the preparation of classes.

The application of the “Protocol for monitoring teaching in the classroom” introduced a significant element of novelty, a certain intrigue and positively affected the diversification of the educational process of masters of EPP “Mediation”, positively affected the quality of their training.

**Link:** <https://mediats-chnu.com/we-apply-the-european-experience-in-the-training-of-masters-of-epp-mediation/>

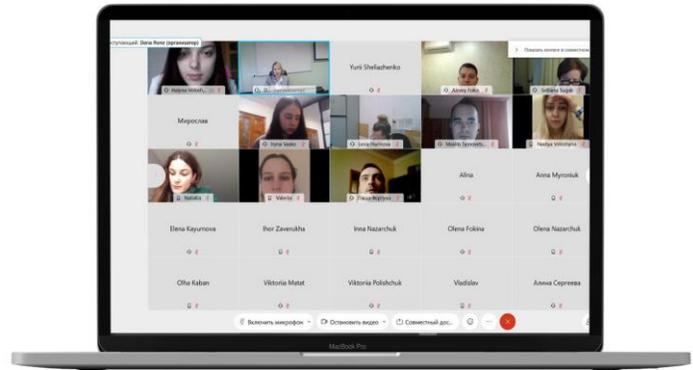
**February 1, 2021 - Fourth Meeting of the Project Steering Committee.** Project manager Ruslana Havrylyuk and a member of the CHNU project group Maryna Fedorchuk took part in The Project Steering Committee Meeting 4 of the MEDIATS project which was organized online via zoom on 1 February 2021.

Ruslana Havrylyuk presented the achievements of the CHNU working group from August 1, 2020, to January 1, 2021. The partners discussed their achievements for the period of half a year, the feedback on Progress Report was analyzed, administrative and financial issues, as well as dissemination and sustainability, were discussed.

**Link:** <https://mediats-chnu.com/fourth-meeting-of-the-project-steering-committee/>

**December, 2020 - Exploring the diversity of conflict is the key to effective dialogue!** Master-mediators, during October-December 2020, participated in the International Youth Project "Empowering Youth with Conflict Analysis Skills - Empowering the Community". Team consists of students Olga Kaban, Halyna Voloshchuk, Valeria Lukyan, Inna Nazarchuk, Olena Nazarchuk, studying under a special master's educational and professional program “Mediation”, developed within the framework of the Yuriy Fedkovych Chernivtsi National University grant Project “Mediation: training and society transformation” of the EU ERASMUS + Program: KA2, received an award in the nomination “For indifference to the hometown” and a certificate for participation in a master class “Game of conflict”! The team's curator is Lidiia Nesterenko, Head of the Mediation, Negotiation and Arbitration Laboratory, Assistant of the Department of Public Law.

**Link:** <https://law.chnu.edu.ua/doslidzhennia-bahatohrannosti-konfliktu-zaporuka-efektyvnoho-dialohu/>



#### 4 PSCM of MEDIATS Project



**On February 1, 2021, an online meeting of the Organizational Committee of the EU project Erasmus + MEDIATS «Mediation: Training and Society Transformation» was held with the participation of teams from universities in the Netherlands, Spain, Latvia, Germany, Ukraine, Georgia and Azerbaijan.**

The teams of NLBA and KROK moderated the event and held sessions on project issues. At the meeting, participants presented the results of the project for six months. The nearest goals and objectives of MEDIATS, the results of the interim project report for the EACEA, dissemination and sustainability activities, etc. were discussed. The tasks for the nearest future were set, individual online meetings with partners are scheduled for first part of March 2021.