



CAMP CODE OF CONDUCT, 2016

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The Centre for Advanced Mediation Practice (CAMP) facilitates private mediation services from its office located at 46, First Floor, 36th Main, BTM Dollar Scheme, Bangalore - 560 068, Karnataka, India.

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RULE 1: APPLICATION OF THE CAMP CODE OF CONDUCT

The CAMP Code of Conduct, 2016 (“**Code of Conduct**”) shall apply to all persons appointed as Mediators (as defined in the CAMP Rules of Mediation, 2016 (“**Rules of Mediation**”) by the Centre for Advanced Mediation Practice (“**CAMP**”). The purpose of this Code of Conduct is to provide a general framework for ethics and conduct within which the Mediators appointed by CAMP shall conduct the mediation process as set out in the Rules of Mediation. This Code of Conduct to the extent required, shall also be applicable to the CAMP Case Managers (as defined in Rules of Mediation) and the management of CAMP.

RULE 2: VOLUNTARY PARTICIPATION AND SELF-DETERMINATION

- (i) A Mediator shall conduct the mediation in a manner that supports the principles of voluntary participation and self-determination. For this purpose, the Mediator shall:
 - (a) inform the Parties (as defined in the Rules of Mediation), at or before the start of the first mediation session, that any resolution of the dispute in mediation is based on the voluntary agreement of the Parties;
 - (b) respect the right of each Party to decide the extent of his/her participation in the mediation including the right to withdraw from the mediation at any time upon notice to the Mediator that the party intends to do so; and
 - (c) refrain from coercing any Party to make a decision or to continue to participate in the mediation. However, this does not prohibit the Mediator from encouraging a Party to continue with the mediation or persuade a Party to understand the value of continued participation.
- (ii) If the Mediator senses that a Party is participating involuntarily then he/she shall carefully explore the issue and strive to ensure that the concerns of the hesitant Party regarding the mediation process are addressed.

- (iii) In the event that any Party suffers from a mental or a physical impairment, the Mediator shall not continue with the process or accept any decision of such a Party until the Mediator is convinced that informed consent of such a Party or his/her authorised representative has been obtained for participation and for any decision made during the process for the purposes of arriving at a settlement.

RULE 3: IMPARTIALITY

- (i) A Mediator shall not mediate a matter in which he/she cannot remain impartial. Impartiality for the purposes of this Code of Conduct means freedom from favoritism, bias or prejudice.
- (ii) Mediators identified by CAMP for the dispute shall inform CAMP of matters if any that may potentially affect their impartiality or any perception of their impartiality.
- (iii) A Mediator shall conduct a mediation in an impartial manner and be aware of any potential for bias based on the background, personal characteristics, values, beliefs or behavior of the Parties.
- (iv) If there is a likelihood that a Mediator is unable to maintain impartiality, then the Mediator shall promptly withdraw from the mediation.
- (v) The Mediator shall make reasonable efforts throughout the mediation process to keep themselves informed about matters that could reasonably raise questions about his/her ability to conduct the mediation impartially.
- (vi) Individuals identified by CAMP as possible Mediators for the dispute shall, prior to their appointment, inform CAMP of matters, if any, that may potentially affect their impartiality or any perception of their impartiality.

RULE 4: CONFLICT OF INTEREST AND DISCLOSURE

- (i) A Mediator shall avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation. A conflict of interest can arise from:
 - (a) any relationship between the Mediator, a Party, whether past or present, personal, financial or professional that could reasonably raise a question of impartiality on the part of the Mediator; or
 - (b) where the Mediator has any personal, financial or professional interest in the outcome of the mediation.
- (ii) Before assuming a case, the Mediator shall make reasonable enquiry to determine whether there are any actual or potential conflict of interest. As soon as the Mediator becomes aware of any potential or actual conflict of interest, the Mediator shall disclose such existing or potential conflict to the Parties to the mediation and CAMP, as soon as practicable, preferably before appointment, to allow CAMP to choose another appropriate Mediator.
- (iii) If a conflict of interest is identified after the appointment of the mediator or at any time during the mediation, the Parties may choose to continue with the same Mediator or request CAMP to appoint a different Mediator. If the Parties choose to continue with the same Mediator, the Parties shall sign a written waiver prepared by CAMP.
- (iv) The Mediator's obligation to disclose conflict of interest continues until the termination of the mediation process.

RULE 5: CONFIDENTIALITY

- (i) Information, records, reports or other documents prepared and all communications made for the purpose of, in the course of or pursuant to a mediation shall be confidential and inadmissible in any legal, arbitral or judicial proceedings, unless otherwise admissible or discoverable outside of mediation.
- (ii) Mediators shall not give evidence or testify or reveal any information, documentation or communication made during the mediation, in any legal, arbitral or judicial proceeding.
- (iii) Mediators shall not rely on or introduce as evidence in any legal, arbitral or judicial proceedings, any information or documentation described in Rule 5 (i) above, whether or not such proceedings relate to the dispute that is the subject matter of the mediation. Such information or documentation includes but is not limited to:
 - (a) any views expressed and/or suggestions made and/or proposals for settlement made by any of the Party(ies) and/or Counsel and/or Participant(s) in the course of the mediation,
 - (b) any admissions made by any of the Parties and/or Counsel and/or the Participant(s) regarding the merits of the dispute,
 - (c) proposals, suggestions or views expressed by the Mediator and
 - (d) the fact that any party had indicated his willingness to accept a proposal for settlement.
- (iv) Any information shared by a Party(ies) and/or Counsel and/or Participant(s) with the Mediator during a separate mediation session/private caucus specified to be confidential shall not be shared by the Mediator with the other Party(ies) and/or Counsel and/or Participant(s) and/or any other person.
- (v) Evidence otherwise admissible or discoverable shall not be or become inadmissible or protected from disclosure solely by reason of its introduction or use in a mediation.

RULE 6: STANDARDS FOR CONDUCTING MEDIATION

- (i) The Mediator shall conduct the mediation in accordance with the CAMP Rules of Mediation.
- (ii) A Mediator at CAMP is expected to undergo mediation training either from CAMP or an institution recognized by CAMP in order to qualify as a CAMP Mediator.
- (iii) CAMP Mediators are also expected to periodically engage in various forms of continued education to refine and improve their mediation knowledge and skills.
- (iv) If the Mediator determines at any time during the mediation process that he/she does not have the level of skill, knowledge or ability necessary to effectively conduct that mediation, he/she shall withdraw from the mediation.
- (v) At the outset of the mediation process, a Mediator shall ensure that all Parties, Counsel and Participants understand the mediation process along with his/her role as an impartial neutral.
- (vi) A Mediator shall be well aware of the procedural and substantive issues of the dispute. The Mediator shall review and study all the documents and briefs submitted before the mediation and make sure he/she is well prepared for the mediation. The Mediator may have pre-mediation calls and pre-mediation meetings, if necessary, with the Parties, the Counsels or both, either separately or jointly, for the purpose of preparing for an effective mediation session.
- (vii) In the initial separate mediation session, the Mediator shall remind the Parties, Counsel and Participants (as applicable) of the confidentiality of the process and clarify the confidentiality of the information and documentation which will be and has been shared

confidentially during the session. Any such information identified as confidential by a Party(ies) and/or Counsel and/or the Participant shall not be shared with the other Party(ies) and/or Counsel and/or the Participant(s) to the mediation or any other person.

- (viii) Based on the facts and circumstances of each case, the Mediator may conduct the mediation in such manner as he/she sees fit. A Mediator may choose to conduct the mediation in separate and joint sessions, as he/she deems necessary.
- (ix) A Mediator shall not knowingly misrepresent any material fact or circumstance in the course of the mediation and shall encourage honesty and candor between and among all the Parties, Counsel and the Participants.
- (x) Should the mediator feel that the presence of any participant is detrimental to the mediation process and is not in the interest of productive sessions at mediation, the mediator may suggest the exclusion of such participant(s) from any or all mediation sessions.
- (xi) If a Party appears to have difficulty comprehending the process, issues or settlement options, or difficulty participating in mediation, the Mediator shall explore the circumstances and potential accommodations, modifications or adjustments that would enable the Party to comprehend, participate and exercise self-determination.

RULE 7: LEGAL ADVICE

- (i) A Mediator shall not offer any legal advice to any of the parties but may share opinions based upon experience and knowledge regarding alternatives to a resolution through mediation.
- (ii) If a Party is unrepresented by a Counsel in mediation, the Mediator shall carefully explain to such Party that the Mediator is not his/her lawyer or advocate.
- (iii) A Mediator shall not be responsible for any legal outcome of the mediation.
- (iv) A Mediator shall encourage any unrepresented Party to have the settlement agreement reviewed by legal counsel before signing it.

RULE 8: WITHDRAWAL

- (i) A Mediator shall immediately inform CAMP of his/her withdrawal on the occurrence of the following:
 - (a) when the Mediator is unable to uphold the Code of Conduct;
 - (b) if there is a request for his/her withdrawal made by any of the Party(ies);
 - (c) if the Parties, Counsel or the Participants are using the mediation process to further actions that are contrary to (1) law and/or (2) public interest;
 - (d) if the Mediator believes that the Parties are not able to voluntarily arrive at a settlement.
- (ii) Any such withdrawal shall be in writing.

RULE 9: PROFESSIONAL ROLE BOUNDARIES

- (i) A Mediator shall not personally profit from or otherwise exploit information acquired through the mediation process for personal gain.
- (ii) A Mediator shall not establish any other professional relationship with any of the Party(ies), Counsel and Participant(s) during the mediation.
- (iii) For a period of one year after the conclusion of the mediation, a Mediator shall not establish any professional relationship, other than the relationship of a Mediator with any of the Parties, Counsel or Participants to the mediation in any matter which would raise legitimate questions about the impartiality or integrity of the mediation process, without the consent of all Parties.
- (iv) A Mediator shall not make any unilateral arrangements with any of the Parties, Counsel or Participants with respect to remuneration. Payment to a Mediator shall be in accordance with the Fee Schedule as per the CAMP Rules of Mediation.
- (v) A Mediator shall not accept any gifts from a Party, Participant or a Counsel to a mediation during or after a mediation. However, a Mediator may accept or give de minimis gifts or incidental items or services that are provided to respect cultural norms so long as such practices do not raise questions as to a Mediator's actual or perceived impartiality.
- (vi) A Mediator shall not guarantee any results from mediation.