

ALTERNATIVE DISPUTE RESOLUTION FACILITATOR POLICY

Purpose

The purpose of this policy is to describe the qualifications that must be possessed by candidates who wish to serve as alternative dispute resolution (“ADR”) facilitators, the facilitator application process and the responsibilities of facilitators once selected.

Scope

This policy applies to all candidates who have applied to become or have been selected to become facilitators for complaints being resolved through ADR at the College.

Definitions

Facilitator – a neutral, third party that assists in guiding the complainant(s) and member of the College to a mutually agreeable and voluntary settlement of a complaint

Policy Statement

Facilitator Qualifications

In order to be considered as qualified to become a facilitator for a matter that has been referred to ADR, a candidate must:

- Have undertaken at least 40 hours of basic mediation/negotiation training in a course acceptable to the College
- Have completed at least:
 - Two matters utilizing an alternative dispute resolution process as the lead facilitator; or
 - Three matters utilizing an alternative dispute resolution process as a co-facilitator
- Be in good standing with any regulated profession that they may belong to

Candidates will be selected based on their experience and training in ADR as well as their educational and professional/work backgrounds.

Candidates must exhibit the following characteristics:

- Patience and non-judgment
- Empathy and objectivity
- Trustworthiness
- Strong verbal and active listening skills
- Flexibility and creativity
- Confidence and control of the process
- Ability to recognize and manage power dynamics

Candidate Approval Process

In order to be approved by the College, the candidate must:

- Provide a resume which lists all post-secondary education, as well as any professional degrees, certificates and/or designations
- Provide a copy of any and all supporting documentation, including proof of completion of ADR training and completion of matters using ADR
- A letter of good standing from any professional regulatory body they belong to
- At least two reference letters from relevant sources
- Be interviewed by a College staff member to determine their suitability

Selection on a Matter

If selected, a facilitator must:

- Complete a conflict check before being formally assigned to a matter
- Abide by relevant College policies and agreements
- Make contact with the parties within 7 days of being selected

The Facilitation

- The facilitator may conduct a mediation in person or electronically (e.g. by telephone or videoconference) according to the wishes of the parties involved
- In the event the parties would like to meet in person, the facilitator, in consultation with relevant College Staff, will secure an appropriate and private location at a reasonable cost, which will be borne by the College. Any costs for location must be approved by the College first.
- The facilitator must ensure that all parties are fully informed about the process
- The facilitator must respond to any College requests for updates on the matter and estimated timelines that takes into account the time period within which ADR matters must be resolved, as required by legislation¹
- The facilitator may contact the College's practice advisor, in the event the facilitator has any clinical questions relevant to the matter. The facilitator can also request that the practice advisor attend the mediation to answer clinical questions.
- The facilitator must not disclose any content of the ADR discussions with any College staff unless required by law.
- The facilitator can cease the ADR process on their own authority or by order of the Registrar, if it is evident that either party is abusing the process and/or not acting in good faith
- The facilitator must draft the resolution agreement on a template form provided by the College and submit it to the College with all the required signatures

Compensation

- Facilitators will be provided with compensation at a lump-sum rate by the College, with the possibility of overage with prior written approval from the College.
- Facilitators will be compensated for any travel expenses associated with a matter that have been pre-approved by the College

References

¹ s. 25.1(6) of the *Health Professions Procedural Code* requires that ADR matters be resolved within 60 days of referral, with the possibility of a time extension to 120 days.

Health Professions Procedural Code, Schedule 2 to the Regulated Health Professions Act, S.O. 1991, c.18.

Approved by Executive Committee
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