

Administrative Policy No: 015

To: Council
From: Regulations Committee and Registrar
Date: December 8, 2022
Re: Alternative Dispute Resolution (ADR) Process

The College has a duty to serve and protect the public at all times, regulate the profession's practice, and govern members in accordance with the Optician Act and Bylaws.

The public and the opticianry profession deserve fair, timely and effective resolutions of complaints of professional incompetence and professional misconduct.

This policy will outline the procedure when the Professional Conduct Committee believes a complaint may be resolved through mediation, and it may be deemed not to require formal charges for a disciplinary hearing. The process is as follows:

- When a complaint against a member(s) is under investigation, based on the circumstances, the Professional Conduct Committee will contact the complainant and the member(s) involved to determine if both parties would consider ADR.
- If the complainant and the members(s) involved agree to the process, the chairperson will either act as the mediator or appoint a mediator from the Professional Conduct Committee.
- The mediator will be provided with the specifics of the complaint.
- The mediator will contact both parties to discuss a possible resolution.
- If the mediator determines that a settlement is not likely to occur, the matter will be referred back to the Professional Conduct Committee.
- If both the complainant and the member(s) agree to a settlement, a signed Consent Resolution Agreement is forwarded to the Professional Conduct Committee. The Professional Conduct Committee, upon review of the proposed settlement, will:
 - Ratify the settlement,
 - With the consent of the complainant and the member(s) involved, amend the settlement and then ratify the settlement.

The Consent Resolution Agreement may include but is not limited to a fine, a verbal or written apology, voluntary sensitivity training, communication skills training, formal reprimand, payment of fees, and costs related to the investigation.

Once a settlement is ratified, the details of the ADR are provided to the Discipline Committee and the Registrar.

Breach of the terms of the Consent Resolution Agreement is professional misconduct and will be investigated by the Professional Conduct Committee and may involve possible suspension of licence.

The results of each complaint remediated through an ADR process and the identity of the member(s) that is the subject of the complaint shall be published on the College's website for general and specific deterrence and educational purposes, as unanimously agreed by the SCO Council on August 10, 2022.

Passed by Council December 13, 2022