

 <p>Registered Nurses Association of the Northwest Territories and Nunavut</p> <p>Page: 1 of 2</p>	<p>Professional Conduct Policy</p> <p>Policy Description: Alternate Dispute Resolution</p> <p>Policy Number: PC4</p>
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<p><b>Effective Date: February 2020</b></p> <p><b>Signature:</b></p>  <p><b>Review Date: February 2023</b></p>	<p><b>New Policy</b> _____</p> <p><b>Revision: Partial</b> <u>  X  </u> <b>Complete</b> _____</p>
<p><b>Applies To:</b> The RNANT/NU Professional Conduct Committee (PCC) Chairperson, Deputy Chairperson, Executive Director, Director of Professional Conduct Review, members, and staff.</p>	
<p><b>Purpose:</b> To provide a process for resolution of a complaint through an agreement negotiated with the member while maintaining the interests of the public, the member, and the Association.</p>	

**Policy:**

1. An Alternate Dispute Resolution (ADR) will generally involve negotiations between the member (Respondent), the Complainant, and the RNANT/NU Executive Director, facilitated by the Director of Professional Conduct Review, and usually involves the following steps:
  - i. the Respondent is contacted and willingness to participate is ascertained;
  - ii. the Complainant is contacted and willingness to refer the matter to ADR is ascertained;
  - iii. information is shared to determine what the interests and issues are;
  - iv. options for resolution of the concerns are explored and evaluated; and
  - v. an Agreement is drafted and agreed on by the parties.
2. An ADR may proceed by direct negotiations between the Respondent, the Complainant, and the Executive Director, who shall act as an agent of the PCC Chairperson, and is facilitated by the Director of Professional Conduct Review or a third-party mediator.
3. Both the Respondent and the PCC Chairperson must be in agreement before the ADR can be conducted in accordance with paragraph 2.
4. When a third-party mediator or the Director of Professional Conduct Review is involved, prior to commencement of the process, the Respondent and the Association will enter into an agreement setting out the terms of the mediation. Both parties must agree to engage in a good faith effort to resolve the disagreement with the assistance of the mediator or the Director of Professional Conduct Review. The agreement also will set out timeframes and costs.
5. The mediator will be contracted by the Association. Generally, the Respondent and the Association will each be responsible for paying one-half the cost of the mediator.
6. Admissions made by the Respondent during the ADR will not be used as evidence at a Board of Inquiry.
7. The Agreement may include:

 <p>Registered Nurses Association of the Northwest Territories and Nunavut</p> <p>Page: 2 of 2</p>	<p>Professional Conduct Policy</p> <p>Policy Description: Alternate Dispute Resolution</p> <p>Policy Number: PC4</p>
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- (a) any of the possible remedies a Board of Inquiry may order under sections 47(2) or 48 of the Nursing Profession Act; or
- (b) any other remedy the parties may agree on.

8. The Respondent may be assisted by legal counsel.

**Conditions and Exceptions:**

None

**Authority and Accountability:**

This policy is issued under the authority of the RNANT/NU Board of Directors and as governed by the Northwest Territories Nursing Profession Act (2003), s37 and s47; the Nunavut Nursing Act (1998); and the RNANT/NU Bylaw 5, s7 and s10. The Board of Directors has the authority to revise this Policy as required.

The Director of Professional Conduct Review, Executive Director, and PCC Chairperson are accountable to the Board of Directors, and ultimately to the membership, for the implementation of this policy and may delegate any related administrative tasks.

**History:**

This policy replaces Professional Conduct Policy PC4: Alternate Dispute Resolution, issued October 21, 2004.