



# *Saskatchewan College of Psychologists*

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## **Membership Advisory**

### **Alternative Dispute Resolution and Mediation - PCC**

On July 15, 2006 the Professional Conduct Committee (PCC) of the Saskatchewan College of Psychologists (SCP) submitted a proposal to, and received approval from Executive Council for the implementation of a Mediation/Alternative Dispute Resolution (ADR) policy and procedure. This policy and procedure was developed to augment the existing discipline process. It was recognized that there is a need for alternative processes to the formal discipline process (i.e. discipline hearing) to address practice concerns that are adjudicated by the PCC to be of a lesser nature, or where it is felt that the complainant's/Public's interests would be better served by such a process, or where there is clear acknowledgement by the member of an error and a desire to make restitution, and where the case is not judged to be of a serious or criminal nature. There was recognition that the formal discipline process is stressful for the parties involved, is time consuming, and costly for the College and its membership.

The Mediation/ADR process may be engaged once an initial complaint investigation is conducted by the PCC and it is determined that in the balance of probabilities the final disposition of the case would likely be a recommendation to proceed to a Discipline Hearing. At that point consideration is given to the suitability of an alternative process, and the merits of the case are weighed against criteria that have been established by the PCC to determine which cases are appropriate for Mediation or ADR. If deemed appropriate the complainant and the member who is the source of the complaint are consulted with regard to the recommended course of action and informed consent is sought.

Mediation is viewed as a collaborative process that involves the complainant and the member working with a neutral third party to negotiate a reasonable solution to the concerns identified. In the ADR process the complainant does not play an active role, but is consulted with regard to process being proposed, and their consent is sought. In the event that consent is not given by the complainant, the PCC may choose to not proceed with prosecution of the case (i.e. Discipline Hearing). ADR involves the member entering into a discussion with a representative for the Executive Council and the SCP's legal counsel, the desired outcome of which is a negotiated resolution to the concerns identified. It is important to note that if the outcome of either process is unacceptable or does not meet the approval of the SCP the case may still be recommended by the PCC to proceed to a Discipline Hearing. It is also important to note that Mediation and ADR are considered to be disciplinary action and are not a vindication of the concerns raised.

The formal policy can be obtained from the SCP office upon request.