

# APPENDICES

## *CONSENT ORDERS*



## **Appendix 1 – Consent Orders Existing Legislation**

The following text is quoted from the legislation and has not been modified to match APEGA's writing style.

### **Act**

#### **Complaints**

43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) A complaint must be in writing.

(3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.

(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.

(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may

(a) approve the agreement, or

(b) proceed with a preliminary investigation in accordance with section 47.

#### **Investigation panel**

47 When a complaint is referred to the Investigative Committee under section 43, the Investigative Committee shall appoint an investigation panel from among its members to conduct a preliminary investigation.

#### **Power of Investigative Committee to recommend an order**

52(1) If an investigation is not terminated under section 51, the Investigative Committee may

(a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or

(b) refer the matter to the Discipline Committee for a formal hearing.

(2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.

(3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order made by the Discipline Committee following a formal hearing.

(4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.

## Appendix 2 – Summary and Analysis of Canadian Engineering and Geoscience Constituent Associations

This table summarizes the research on the Registrar's authority for initiating investigations, suspensions, and alternative dispute-resolution mechanisms. Appendix 2A contains the relevant legislative provisions that form the basis of this summary.

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba	Professional Engineers Ontario
Alternative Dispute Resolution	Yes, if parties agree to it.	Registrar can designate mediator if parties agree.	Pre-hearing conference with mediator	Yes, prescribed by council; parties must concur in writing.	No*
Who is the case manager for settlement mechanisms	Registrar	Case manager. A revolving role among Discipline Committee members	Not stated	No case manager role, but the investigated person and the investigative committee can enter into a consent agreement	Not stated
Notes	Proposed amendments to legislation include interim suspension or conditions by Investigative Committee and early Alternate Dispute Resolution.				*Mediation regarding fee disputes only, but Complaints Committee can take action it considers appropriate.

Professional Association	The Association of Professional Geoscientists of Ontario	Ordre des Ingénieurs du Québec	Ordre des Géologues du Québec	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia
Alternative Dispute Resolution	Complaint settlement if ordered by panel	Syndic can propose conciliation if syndic considers that a settlement could be reached on the facts alleged in support of the request for an inquiry; parties must consent.		Professional Conduct Committee can take action it considers appropriate to resolve complaint.	Complaints Committee may attempt to resolve the complaint. Joint recommendation can be tendered.

<b>Professional Association</b>	<b>The Association of Professional Geoscientists of Ontario</b>	<b>Ordre des Ingénieurs du Québec</b>	<b>Ordre des Géologues du Québec</b>	<b>The Association of Professional Engineers and Geoscientists of New Brunswick</b>	<b>Engineers Nova Scotia</b>
Who is the case manager for settlement mechanisms	The complaints committee or complaints panel may approve a settlement reached through mediation	Syndic	Not stated	Secretary has partial case manager role. Secretary and investigated person may enter into a proposed agreement, conditional on acceptance by the disciplinary panel	
Notes	Discipline Committee may request Complaints Committee to appoint investigator on a matter relevant to hearing.		Regulations under the <i>Geologists Act</i> include a conciliation and arbitration procedure for geologists.	*Professional Conduct Committee can take prescribed steps without a hearing but does not include suspension.	*Complaints Committee imposes conditions, when registrant fails to comply with requirement to submit to examination or inspection/audit, or to produce records.

<b>Professional Association</b>	<b>Geoscientists Nova Scotia</b>	<b>Engineers PEI</b>	<b>Professional Engineers and Geoscientists of Newfoundland and Labrador</b>	<b>Association of Professional Engineers of Yukon</b>	<b>Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists</b>
Alternative Dispute Resolution	Act allows Council to appoint mediator who has powers and duties, per bylaws, but the bylaws have no information on this).  Arbitration: Executive Committee of Council, or designate, can act as arbiter or negotiator at request of member for matters on	Act Enforcement Committee can take action it considers appropriate in the circumstances to resolve the complaint.	Complaints Authorization Committee may refer the allegation back to the registrar for dispute resolution. Parties must agree to participate in mediation.  Registrar may attempt to resolve the matter.	Person designated by registrar as a mediator may assist in settling a complaint if parties agree.  Mediator may consult with Registrar, but Registrar cannot assume role of mediator.	Chairperson of Discipline Committee may, at any time before the start of a hearing into a complaint, appoint a referee to conduct a dispute resolution process if Discipline Committee considers it appropriate and parties agree.

Professional Association	Geoscientists Nova Scotia	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
	professional welfare.				
Who is the case manager for settlement mechanism	Mediator and arbitrator	Act enforcement officer	Registrar acts as mediator	Mediator	Referee
Notes	*If, in absence of a complaint, the Registrar learns of a situation that may constitute grounds for discipline.	*If, in absence of a complaint, Council learns of a situation that may constitute grounds for discipline.	*If there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction (allegation considered complaint)	*Court can grant stay if satisfied that no public interest and no private interest of a client of the investigated person will be prejudiced by granting the stay.	**“For greater certainty, a practitioner, member of the Discipline Committee or council member may file a complaint.” **Discipline Committee appoints Investigative Committee.

## Appendix 2A – Relevant Provisions from Legislation of Canadian Engineering and Geoscience Constituent Associations

The tables below reference legislation of engineering and geoscience constituent associations in Canada regarding the authority of the Registrar. Text quoted from the legislation has not been modified to match APEGA’s writing style.

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
Alternative Dispute Resolution	<p><b>Act</b></p> <p>32.2 (1) At any time before the commencement of an inquiry under section 32 (2), the person who is the subject of the inquiry, the registrar and the discipline committee may agree that alternative complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the inquiry and the discipline committee respecting one or more matters to be dealt with at the inquiry.</p> <p>(2) If the discipline committee and the person who is the subject of the inquiry reach an agreement respecting one or more of the matters to be dealt with at the inquiry, a consent order may be made under section 32.1 (2) (b) on the terms set out in the agreement.</p> <p>(3) No further action may be taken under this section and sections 21.2, 29 to 32.1 and 33 with respect to a matter referred to in subsection (1) of this section unless the discipline committee determines that an agreement respecting the matter cannot be reached within a reasonable period of time.</p> <p>(4) If the discipline committee determines that an agreement respecting a matter referred to in subsection (1) cannot be reached within a reasonable period of time,</p> <p>(a) an inquiry under section 32 (2) respecting the matter must proceed,</p> <p>(b) the discipline committee conducting the inquiry must not consider the information disclosed during the alternative complaint resolution process in determining the matter or in making an order under section 33 (2) respecting the matter, and</p> <p>(c) a member of the discipline committee who participated in the alternative complaint resolution process must not participate as a member of the discipline committee in the inquiry concerning the matter.</p> <p><b>Bylaws</b></p>	<p><b>Act</b></p> <p>43(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator’s opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
	<p>18 (a) In this bylaw: “alternative complaint resolution” means a process or processes for the full or partial resolution of one or more matters to be dealt with at a disciplinary inquiry and includes without limitation:</p> <ul style="list-style-type: none"> <li>(i) negotiation;</li> <li>(ii) mediation;</li> <li>(iii) such other process as the parties agree to; or</li> <li>(iv) a combination of the above; “discipline committee” means the discipline committee created under the Act and includes a panel or representative of a panel; “member or licensee” means the member(s) or licensee(s) who is the subject of the discipline inquiry; and “registrar” means the registrar appointed under the Act and includes his or her delegate.</li> </ul> <p>(a) [(b)] If the discipline committee, the member or licensee and the registrar agree to engage in alternative complaint resolution, they will then identify and agree upon which process or processes shall be attempted.</p> <p>(c) The parties to any agreement reached through alternative complaint resolution are the discipline committee and the member or licensee.</p> <p>(d) The association, through the registrar, may attend and participate in any alternative complaint resolution process undertaken for the purpose of presenting the association’s case and position on the matters to be dealt with at the disciplinary inquiry.</p> <p>(e) The costs of alternative complaint resolution, other than legal costs, shall be divided equally between the discipline committee and the member or licensee, unless the parties agree otherwise.</p> <p>(f) Alternative complaint resolution is confidential and without prejudice but any agreement reached by the parties will be published in accordance with the usual practices of the association.</p>	
Who is the case manager for settlement mechanisms	<p><b>Act</b></p> <p>32.1 (1) After serving notice of an inquiry under section 32 (2) to the person who is the subject of the inquiry, and before the commencement of the inquiry, the discipline committee, in writing, may propose to that person the making of a consent order under subsection (2) (a) of this section for the voluntary resolution of one or more matters to be dealt with at the inquiry.</p> <p>(2) A consent order is made if</p> <p>(a) the person who is the subject of an inquiry under section 32 (2)</p>	<p><b>Act</b></p> <p>43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.</p>



Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
	<p>accepts the proposal of the discipline committee under subsection (1) of this section, or</p> <p>(b) an agreement is reached under section 32.2 (2) between the person who is the subject of an inquiry under section 32 (2) and the discipline committee.</p> <p>(6) If the person to whom a proposal under subsection (1) is made rejects the proposal,</p> <p>(a) an inquiry under section 32 (2) respecting the matters contained in the proposal must proceed as though the proposal had not been made,</p> <p>(b) the discipline committee conducting the inquiry must not consider the admissions contained in the proposal or the terms of the proposal in determining the matters or in making an order under section 33 (2) respecting the matters, and</p> <p>(c) a person who participated in making the proposal under subsection (1) must not participate as a member of the discipline committee in the inquiry concerning those matters.</p> <p>32.2 (1) At any time before the commencement of an inquiry under section 32 (2), the person who is the subject of the inquiry, the registrar and the discipline committee may agree that alternative complaint resolution, as provided in the bylaws, will commence between the person who is the subject of the inquiry and the discipline committee respecting one or more matters to be dealt with at the inquiry.</p> <p>(2) If the discipline committee and the person who is the subject of the inquiry reach an agreement respecting one or more of the matters to be dealt with at the inquiry, a consent order may be made under section 32.1 (2) (b) on the terms set out in the agreement.</p> <p><b>Bylaws</b></p> <p>18 (a) In this bylaw:</p> <p>“alternative complaint resolution” means a process or processes for the full or partial resolution of one or more matters to be dealt with at a disciplinary inquiry and includes without limitation:</p> <ol style="list-style-type: none"> <li>1. (i) negotiation;</li> <li>2. (ii) mediation;</li> <li>3. (iii) such other process as the parties agree to; or</li> <li>4. (iv) a combination of the above;</li> </ol> <p>“discipline committee” means the discipline committee created under the Act and includes a panel or representative of a panel;</p> <p>“member or licensee” means the member(s) or licensee(s) who is the subject of the discipline inquiry; and</p>	<p>(2) A complaint must be in writing.</p> <p>(3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.</p> <p>(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator’s opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p> <p>(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may</p> <ol style="list-style-type: none"> <li>(a) approve the agreement, or</li> <li>(b) proceed with a preliminary investigation in accordance with section 47.</li> </ol> <p>52(1) If an investigation is not terminated under section 51, the Investigative Committee may</p> <ol style="list-style-type: none"> <li>(a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or</li> <li>(b) refer the matter to the Discipline Committee for a formal hearing.</li> </ol> <p>(2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.</p> <p>(3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order</p>

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
	<p>“registrar” means the registrar appointed under the Act and includes his or her delegate.</p> <p>(a) If the discipline committee, the member or licensee and the registrar agree to engage in alternative complaint resolution, they will then identify and agree upon which process or processes shall be attempted.</p> <p>(c) The parties to any agreement reached through alternative complaint resolution are the discipline committee and the member or licensee.</p> <p>4. (d) The association, through the registrar, may attend and participate in any alternative complaint resolution process undertaken for the purpose of presenting the association’s case and position on the matters to be dealt with at the disciplinary inquiry.</p> <p>5. (e) The costs of alternative complaint resolution, other than legal costs, shall be divided equally between the discipline committee and the member or licensee, unless the parties agree otherwise</p>	<p>made by the Discipline Committee following a formal hearing.</p> <p>(4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.</p>
Notes	“Tools to address public safety challenges” in proposed amendments by APEGBC include interim suspension or conditions by the investigation committee, and early alternate dispute resolution.	

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
Alternative Dispute Resolution	<p><b>Regulatory Bylaws</b></p> <p>21.1(1) Following the investigation of a complaint and prior to the Discipline Committee hearing and determining a formal complaint, the Investigation Committee shall inform the Registrar who shall arrange for a pre-hearing conference before an independent mediator, and the parties including the member and a member of the Investigation Committee or its designate shall attend the pre-hearing conference before taking any further steps in the matter.</p> <p>(2) After a pre-hearing conference:</p> <p>(a) the matter may go back to the Investigation Committee which will prepare a report pursuant to section 32(3)(b) of the Act; or</p>	<p><b>Bylaws</b></p> <p>15.3.1.1 The investigation committee may undertake to resolve the matter or matters at issue through an alternative dispute resolution process prior to assessing whether an investigation is warranted or in conjunction with an investigation. The alternative dispute resolution process is:</p> <p>a) subject to obtaining the written concurrence of both the complainant and the investigated person,</p> <p>b) prescribed by the council, and</p> <p>c) not to exceed 30 days in duration.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
	<p>(b) the parties may continue with the conference; or  (c) the Investigation Committee shall refer the complaint to the Discipline Committee to hear and determine the formal complaint set out in the written report of the Investigation Committee.  (3) Any party attending the pre-hearing conference may be accompanied by legal counsel.</p> <p>21.2 A member, licensee, temporary licensee or holder of a certificate of authorization whose conduct is being investigated shall be afforded the right to be heard and to examine, at or before the mediation session, any written or documentary evidence relevant to the complaint.</p>	
Who is the case manager for settlement mechanisms	Not stated	<p><b>Act</b></p> <p>35(1) The investigation committee may, after review or investigation, take one or more of the following actions:  (f) with the written consent of the investigated person, formulate a charge, register a conviction and impose any penalty that the discipline committee could have imposed.</p>

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
Alternative Dispute Resolution	<p><b>Act</b></p> <p>24(2) The Committee in accordance with the information it receives may,  (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;  (b) direct that the matter not be referred under clause (a); or  (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.</p>	<p><b>Disciplinary Matters Regulation 258/02</b></p> <p>2(3) On reviewing the complaint, the preliminary review panel may,  (b) direct that the parties participate in complaint settlement;  (f) take such other action as it considers appropriate in the circumstances.</p> <p>4. (1) If a preliminary review panel or a three member panel orders that the parties participate in complaint settlement, the relevant panel may designate a person to act as mediator for the purpose of helping to resolve any or all matters raised by the complaint.</p>

Professional Association	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
	<p>32 (2) The Fees Mediation Committee,  (a) shall, unless the Committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence in respect of a fee charged for professional engineering services provided to the client; and  (b) shall perform such other duties as are assigned to it by the Council. (3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certificate of authorization, temporary licence, provisional licence or limited licence and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute.</p> <p><b>General Regulation</b></p> <p>30 (3) Where a written complaint is received under section 32 of the Act, the Registrar shall select not less than three and not more than four eligible Members to serve on the Fees Mediation Committee with respect to such complaint.  (4) The [Fees Mediation] Committee shall review the complaint and determine whether it is appropriate to mediate the complaint, and if so, whether the mediation should be conducted by one, two, three or four members of the Committee so selected and which of the members should conduct the mediation, which number and members shall then constitute the Committee.</p> <p>31.(1) Where, pursuant to subsection 32 (3) of the Act, all parties to a dispute consent to arbitration by the Fees Mediation Committee by filing with the Registrar a consent in writing signed by all of the parties to the dispute, this section shall apply.  (2) Each of the parties to the dispute shall prepare and submit to the Registrar a brief written outline of the dispute within ten days following the date of the filing of the consent referred to in subsection (1) or such longer period as may be determined by the</p>	<p>(2) At the Association’s discretion, the complainant may take part in complaint settlement.</p> <p>5. (1) Where, at any time during the complaints process, a panel or the complaints committee appoints an investigator, the panel or committee may,  (a) terminate the investigation as it considers appropriate; or  (b) require the investigator to make a report on his or her findings and review the report.  (2) Where the panel or complaints committee acts under clause (1) (a) or (b), it may,  (b) do one or more of the following:  (i) direct that the parties participate in complaint settlement,</p>

<b>Professional Association</b>	<b>Professional Engineers Ontario</b>	<b>The Association of Professional Geoscientists of Ontario</b>
	Registrar.	

<b>Professional Association</b>	<b>Ordre des Ingénieurs du Québec and Ordre des Géologues du Québec</b>	<b>The Association of Professional Engineers and Geoscientists of New Brunswick</b>
Alternative Dispute Resolution	<p><b>Professional Code</b></p> <p>123.6. A syndic who considers that a settlement could be reached on the facts alleged in support of the request for an inquiry may propose conciliation to the person who made the request and the professional at any time before the complaint against the professional is lodged with the disciplinary council.</p> <p>If the person who requested an inquiry and the professional consent to conciliation, the syndic who proposed conciliation shall take all reasonable steps, having regard to all the circumstances, to attempt to conciliate the parties.</p> <p>Before proposing conciliation, a syndic must consider such factors as the gravity of the prejudice sustained and any previous conviction of the professional under this division for an offence in connection with facts similar to those alleged in support of the request for an inquiry.</p> <p>However, a syndic may not propose conciliation if he considers that the facts alleged in support of the request for an inquiry</p> <p>(1) are such that the public could be at risk or public trust in the members of the order could be compromised if the disciplinary council were not seized of the complaint; or</p> <p>(2) indicate that the professional may have engaged in a derogatory act within the meaning of section 59.1.</p> <p>123.7. Any settlement resulting from conciliation must be recorded in writing, approved by the syndic who acted as conciliator and signed by the person who requested the holding of an inquiry and by the professional. The request for the holding of an inquiry is deemed to have been withdrawn once the settlement is completed.</p>	<p>17(10) The Professional Conduct Committee, in accordance with the information it has received, may</p> <p>(c) take such action as it considers appropriate in the circumstances to resolve the complaint as long as such is not inconsistent with this Act or the by-laws.</p>

<b>Professional Association</b>	<b>Ordre des Ingénieurs du Québec and Ordre des Géologues du Québec</b>	<b>The Association of Professional Engineers and Geoscientists of New Brunswick</b>
Who is the case manager for settlement mechanisms	<p><b>Professional Code</b></p> <p>121. The board of directors of each order shall appoint, from among the members of the order, the syndic and, if need be, assistant syndics and corresponding syndics. These persons form the office of the syndic of the order.</p> <p>122. A syndic may, following information to the effect that a professional has committed an offence referred to in section 116, inquire into the matter and require any information or document relating to the inquiry. He may not refuse to hold an inquiry on the sole ground that the request for an inquiry was not made using the form proposed under subparagraph 9 of the third paragraph of section 12</p> <p>Section 114 shall apply to every inquiry held under this section.</p> <p>122.1. A syndic shall inform the professional inspection committee if he has reasonable grounds to believe that a professional's practice of the profession or professional competence should be the subject of an inspection under section 112.</p> <p>On his own initiative or at the request of the professional inspection committee, a syndic may also, if he considers it relevant, disclose any information to the committee for the protection of the public.</p> <p>123.6. A syndic who considers that a settlement could be reached on the facts alleged in support of the request for an inquiry may propose conciliation to the person who made the request and the professional at any time before the complaint against the professional is lodged with the disciplinary council.</p> <p>If the person who requested an inquiry and the professional consent to conciliation, the syndic who proposed conciliation shall take all reasonable steps, having regard to all the circumstances, to attempt to conciliate the parties.</p> <p>143.2. If warranted by the circumstances of a complaint, for instance the complexity or foreseeable duration of the hearing, the chair or substitute chair of the disciplinary council may, on their own initiative or at the request of one of the parties, convene them to a case management conference in order to, among other things,</p> <p>(1) come to an agreement with the parties as to the trial of the complaint, specifying the undertakings of the parties and determining the timetable to be complied with;</p>	Not stated

Professional Association	Ordre des Ingénieurs du Québec and Ordre des Géologues du Québec	The Association of Professional Engineers and Geoscientists of New Brunswick
	<p>(2) if the parties fail to agree, determine a timetable for the proceeding, which is binding on the parties; and</p> <p>(3) determine how the trial of the complaint may be simplified, facilitated or accelerated and the hearing shortened, among other things by better defining the questions at issue or recording admissions concerning any fact or document.</p> <p>143.3. The minutes of the case management conference shall be drawn up by the secretary of the disciplinary council and signed by the chair or substitute chair.</p> <p>149.1. A syndic may, by way of a complaint, seize the disciplinary council</p> <p>(1) of any decision of a Canadian court finding a professional guilty of a criminal offence,</p> <p>(2) of any decision made in Québec finding a professional guilty of an offence under section 188 or of an offence under a provision of a Québec or a federal Act, or</p> <p>(3) of any decision made outside Québec finding a professional guilty of an offence which, if committed in Québec, could have resulted in penal proceedings under section 188 or penal proceedings under a provision of a Québec or a federal Act.</p>	
Notes	<p>The legislation also includes remedies aimed specifically at situations of incapacity, where the board of directors has reason to believe a person's physical or mental condition is incompatible with the practice of his profession. See sections 48 to 52.2 of the Professional Code.</p> <p>Regulations under the <i>Geologists Act</i> include a conciliation and arbitration procedure for accounts of geologists.</p>	

Professional Association	Engineers Nova Scotia	Geoscientists Nova Scotia
Alternative Dispute Resolution	<p><b>Act</b></p> <p>17E (1) The Complaints Committee may</p> <p>(c) attempt to resolve the complaint if, in the opinion of the Committee, the complaint may be satisfactorily resolved and the resolution of the</p>	<p><b>Act</b></p> <p>20(8) The Council may, in the manner provided by the by-laws, appoint a mediator who has those powers and duties conferred or imposed by the by-laws respecting the investigation, mediation,</p>

Professional Association	Engineers Nova Scotia	Geoscientists Nova Scotia
	<p>complaint would properly balance the protection of the public and the rights of the registrant complained against;</p> <p>17I (1) At any time prior to the commencement of the disciplinary hearing, the Secretary may, together with the registrant complained against, tender a written joint recommendation for the disposition of the complaint.</p> <p>17J (1) Where a disciplinary panel accepts a joint recommendation for the disposition of a complaint, the panel shall confirm such acceptance by issuing an order that incorporates a joint statement of facts and the joint recommendation for the disposition of the complaint. (2) The disciplinary panel's acceptance of a joint statement of facts and a joint recommendation for the disposition of the complaint is final and binding on the registrant complained against.</p> <p>17K (1) Where a disciplinary panel rejects a joint recommendation for the disposition of a complaint, the chair of the disciplinary panel shall refer the complaint back to the Chair of the Discipline Committee who shall appoint not more than five members of the discipline committee to serve as a disciplinary panel for the complaint and shall set a date and time for the commencement of a disciplinary hearing. (2) The disciplinary hearing of a complaint must proceed without reference to the proposed joint statement of facts and joint recommendation for the disposition of the complaint.</p> <p><b>Bylaws (Reg 8/46)</b> 20 The Executive Committee of the Council, upon the written request from a member or engineer-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or engineers-in-training or as negotiator on behalf of the member or engineer-in-training respecting any matter pertaining to his professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association.</p>	<p>settlement and referral of complaints, allegations or other reports or information respecting unprofessional conduct or incompetence on the part of a member of the Association, person licensed to practise or member-in-training.</p> <p><b>Bylaws</b> 20 The Executive Committee of the Council, upon the written request from a member or member-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or members-in-training or as negotiator on behalf of the member or member-in-training respecting any matter pertaining to his/her professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association.</p>



Professional Association	Engineers Nova Scotia	Geoscientists Nova Scotia
Who is the case manager for settlement mechanisms	<p><b>Act</b></p> <p>171 (1) At any time prior to the commencement of the disciplinary hearing, the Secretary may, together with the registrant complained against, tender a written joint recommendation for the disposition of the complaint.</p> <p>(2) The joint recommendation must be conditional upon its acceptance by the disciplinary panel</p>	<p><b>Act</b></p> <p>20</p> <p>(8) The Council may, in the manner provided by the by-laws, appoint a mediator who has those powers and duties conferred or imposed by the by-laws respecting the investigation, mediation, settlement and referral of complaints, allegations or other reports or information respecting unprofessional conduct or incompetence on the part of a member of the Association, person licensed to practise or member-in-training.</p> <p><b>Bylaws</b></p> <p>20 The Executive Committee of the Council, upon the written request from a member or member-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or members-in-training or as negotiator on behalf of the member or member-in-training respecting any matter pertaining to his/her professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association</p>
Notes		There is nothing in the bylaws pertaining to the appointment of a mediator contemplated in section 20(8) of the Act.

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
Alternative Dispute Resolution	<p><b>Act</b></p> <p>16(7) The Act Enforcement Committee in accordance with the information it has received, may</p> <p>(c) take such action as it considers appropriate in the circumstances to resolve the complaint;</p>	<p><b>Act</b></p> <p>23. (1) Where it appears to the registrar after notifying the respondent of the allegation that the allegation may be resolved satisfactorily and where the complainant and the respondent consent, the registrar may attempt to resolve the matter.</p> <p>(2) Where the allegation is not satisfactorily resolved by the registrar under subsection (1), he or she shall refer the allegation and all other allegations to the complaints authorization committee.</p>

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
		<p>(3) The registrar shall inform a complainant and a respondent of the referral of the allegation to the complaints authorization committee.</p> <p>24. (1) Where an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:</p> <p>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;</p> <p>Regulations</p> <p>29. (1) Where the complaints authorization committee refers an allegation back to the registrar for mediation under paragraph 24(1)(a) of the Act, the registrar shall take the steps required for the mediation to take place.</p> <p>(2) The complainant and the respondent must agree to participate in the mediation and to accept the result.</p> <p>(3) The mediator shall conduct the mediation in accordance with a mediation agreement acceptable to the complainant, the respondent and the complaints authorization committee.</p> <p>(4) Where the complaints authorization committee, the complainant and the respondent accept the result of the mediation, the disciplinary process is concluded.</p> <p>(5) Where the complaints authorization committee does not accept the result of the mediation, it may exercise one or more of the powers given it under section 24 of the Act.</p> <p>(6) Where a mediation has not been concluded within 3 months of its commencement or, where, during the 3 month period, the mediator concludes there is no reasonable prospect that the mediation will be concluded satisfactorily, the mediator shall refer the allegation back to the complaints authorization committee and, in that case, the committee may exercise one or more of the powers given it under section 24 of the Act.</p> <p>(7) The association shall bear the costs of the mediator and the place where the mediation is conducted, and the complainant and the respondent shall bear their costs.</p>
Who is the case manager	<p><b>Act</b></p> <p>15. (1) The Council shall appoint annually an Act Enforcement Officer</p>	<p><b>Act</b></p> <p>23. (1) Where it appears to the registrar after notifying the respondent</p>

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
for settlement mechanisms?	<p>whose qualifications, procedures, powers of investigation and remuneration shall be as prescribed in the bylaws.</p> <p>(2) The Act Enforcement Officer shall be by virtue of his office a member of the Act Enforcement Committee and shall investigate complaints against a member, licensee, engineer-in-training, holder of certificate of authorization or any other person, partnership or corporation who is alleged to have violated any provision of this Act or bylaws.</p> <p>(3) In the absence or inability of the Act Enforcement Officer to carry out his duties, the chairman of the Act Enforcement Committee may assume the responsibilities and powers of the Act Enforcement Officer.</p> <p>(4) The Act Enforcement Officer shall carry out all other duties as are directed by the Act Enforcement Committee.</p> <p>16. (3) The Act Enforcement Committee shall require the complaint to be made in writing and signed by the complainant, and upon the filing of a complaint by any person, the Committee shall transfer the complaint to the Act Enforcement Officer who shall</p> <p>(a) forthwith by written notice advise the person complained of that the complaint has been made by</p> <p>(i) enclosing a copy of the complaint, and</p> <p>(ii) advising the person complained of that he has the opportunity to provide the Act Enforcement Officer with his written comments concerning the complaint within fourteen days of the date that a copy of the complaint was sent to him;</p> <p>(b) after the expiration of fourteen days, convey to the Committee any written comments of the person complained of which have been provided pursuant to clause (a);</p> <p>(c) undertake any investigations requested by the Committee and convey any findings of such investigations to the Committee.</p> <p>Investigation</p> <p>(4) If, in the absence of a written complaint, circumstances come to the notice of the Council which, in its opinion, may constitute grounds for discipline pursuant to the Act, the Council may request in writing an investigation by the Act Enforcement Committee and the written</p>	<p>of the allegation that the allegation may be resolved satisfactorily and where the complainant and the respondent consent, the registrar may attempt to resolve the matter.</p> <p>(2) Where the allegation is not satisfactorily resolved by the registrar under subsection (1), he or she shall refer the allegation and all other allegations to the complaints authorization committee.</p> <p>(3) The registrar shall inform a complainant and a respondent of the referral of the allegation to the complaints authorization committee.</p> <p>24. (1) Where an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:</p> <p>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;</p> <p>(3) Where the complaints authorization committee is of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation is considered to constitute a complaint, and the committee may</p> <p>(a) counsel or caution the respondent; or</p> <p>(b) instruct the registrar to file the complaint against the respondent and refer it to the disciplinary panel;</p> <p><b>Regulations</b></p> <p>29. (1) Where the complaints authorization committee refers an allegation back to the registrar for mediation under paragraph 24(1)(a) of the Act, the registrar shall take the steps required for the mediation to take place.</p> <p>(2) The complainant and the respondent must agree to participate in the mediation and to accept the result.</p> <p>(3) The mediator shall conduct the mediation in accordance with a mediation agreement acceptable to the complainant, the respondent and the complaints authorization committee.</p> <p>(4) Where the complaints authorization committee, the complainant and the respondent accept the result of the mediation, the disciplinary process is concluded.</p> <p>(5) Where the complaints authorization committee does not accept the result of the mediation, it may exercise one or more of the powers given it under section 24 of the Act.</p>

Professional Association	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
	request shall indicate the circumstances which have come to the notice of the Council.	

Professional Association	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Alternative Dispute Resolution	<p><b>Act</b> 26(3) Despite section 29, a person designated by the registrar as a mediator may assist in settling a complaint if the complainant and the professional engineer, holder of a limited licence, engineer-in-training or permit holder about whose conduct the complaint was made agree, but if within 60 days from the date of receipt of the complaint or a longer period to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred immediately by the registrar to the Discipline Committee.</p> <p><b>Regulations</b> 32.(1) The Registrar may designate only a professional member who is not a member of the Discipline Committee or Council as a mediator under section 26(3) of the Act. (2) The mediator may consult with the Registrar, but the Registrar shall not assume the role of mediator. (3) The mediator shall review the complaint in consultation with the complainant and the person about whose conduct the complaint was made. (4) The mediator shall advise the Registrar if, in their opinion, a settlement of the complaint is not likely to occur.</p>	<p><b>Act</b> 46. (1) The chairperson of the Discipline Committee may, at any time before the commencement of a hearing into a complaint, appoint a referee to conduct an alternative dispute resolution process in respect of the complaint if (a) the chairperson considers that an attempt to settle the complaint through the process is appropriate in the circumstances; and (b) the complainant and practitioner agree to attempt to have the complaint settled through an alternative dispute resolution process, and agree to comply with the procedures that will apply to the process. (2) The referee shall terminate the process and refer the complaint back to the chairperson of the Discipline Committee if (a) the complainant or practitioner request a termination of the process; or (b) the referee considers it unlikely that the complaint will be settled through the process. (3) The chairperson of the Discipline Committee shall provide the complainant and practitioner with a written notice of (a) the appointment of a referee to conduct an alternative dispute resolution process in respect of a complaint under subsection (1); or (b) the referee's referral of the complaint back to the chairperson under subsection (2).</p> <p>48. (1) If a complaint is settled through an alternative dispute resolution process, the referee shall provide the chairperson of the Discipline Committee with a copy of the settlement agreement signed by the complainant and practitioner. (2) The chairperson of the Discipline Committee may (a) approve the settlement agreement; (b) with the consent of the complainant and practitioner, amend the</p>

Professional Association	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
		<p>terms and conditions of the settlement agreement and then approve it; or</p> <p>(c) refuse to approve the settlement agreement.</p> <p>(3) A settlement of a complaint does not come into effect unless the chairperson of the Discipline Committee approves the settlement agreement under paragraph (2)(a) or (b).</p> <p>(4) The chairperson of the Discipline Committee may deal with a complaint under this Part as if there had been no appointment of a referee to conduct an alternative resolution process if</p> <p>(a) the complaint is referred back to the chairperson under subsection 46(2);</p> <p>(b) the chairperson refuses to approve the settlement agreement under paragraph (2)(c); or</p> <p>(c) the chairperson is satisfied that the practitioner has not complied with the terms and conditions of an approved settlement agreement.</p> <p>(5) The chairperson of the Discipline Committee shall notify Council of the disposition of a complaint referred to an alternative dispute resolution process.</p>
Who is the case manager for settlement mechanisms	<p><b>Regulation</b></p> <p>32. (1) The Registrar may designate only a professional member who is not a member of the Discipline Committee or Council as a mediator under section 26(3) of the Act.</p> <p>(2) The mediator may consult with the Registrar, but the Registrar shall not assume the role of mediator.</p> <p>(3) The mediator shall review the complaint in consultation with the complainant and the person about whose conduct the complaint was made.</p> <p>(4) The mediator shall advise the Registrar if, in their opinion, a settlement of the complaint is not likely to occur</p>	<p><b>Act</b></p> <p>46. (1) The chairperson of the Discipline Committee may, at any time before the commencement of a hearing into a complaint, appoint a referee to conduct an alternative dispute resolution process in respect of the complaint if</p> <p>(a) the chairperson considers that an attempt to settle the complaint through the process is appropriate in the circumstances; and</p> <p>(b) the complainant and practitioner agree to attempt to have the complaint settled through an alternative dispute resolution process, and agree to comply with procedures that will apply to the process.</p> <p><b>Termination</b></p> <p>(2) The referee shall terminate the process and refer the complaint back to the chairperson of the Discipline Committee if:</p> <p>(a) the complainant or practitioner requests a termination of the process; or</p> <p>(b) the referee considers it unlikely that the complaint will be settled through the process.</p>

### Appendix 3 – Summary and Analysis of Alberta Professional Associations

This table summarizes the research for the Registrar’s Authority regarding investigating complaints, suspensions, and alternative dispute resolution. Appendix 3A contains the relevant legislative provisions that form the basis of this summary.

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta (CPAA)	Law Society of Alberta	Alberta Association of Architects
Alternative Dispute Resolution	Registrar can designate mediator if parties agree	CIC secretary can appoint mediator, conciliator, or other to assist in resolution, if parties agree	Executive Director may attempt to resolve.  Pre-hearing conferences must be held to consider resolution by alternative measures.	A person designated by the Council as a mediator may assist in settling a complaint if parties agree.
Who is the case manager for settlement mechanisms	Case manager – a revolving role among Discipline Committee members	Complaints Inquiry Committee performs this role, accepting or rejecting proposed agreements	Conduct Committee performs this role, accepting an admission of guilt by a member in a form acceptable to the committee	Mediator
Notes		CIC secretary reviews complaint or information and refers it to CIC chair, who may appoint an investigator who reports to the CIC.	Executive Director is similar to a Registrar; Benchers are similar to Council.  Unauthorized Practice of Law Committee considers complaints of unauthorized practice under Part 6 of the Act.	Reviewer of practice may refer matter to Complaint Review Committee.

<b>Professional Association</b>	<b>Alberta Dental Association and College</b>	<b>College of Physicians and Surgeons of Alberta</b>	<b>Alberta Veterinary Medical Association</b>
Alternative Dispute Resolution	<p>Complaints director may attempt to resolve the complaint, with consent of parties; may make a referral to alternative complaint resolution process, if parties agree, before commencement of hearing by the hearing tribunal.</p> <p>Complaint review committee reviews and ratifies settlements.</p> <p>Complaints director appoints person to conduct the process and establishes procedures and objectives in consultation with the complainant and the investigated person.</p>		<p>Complaints director may attempt to resolve the complaint, with consent of parties; may make a referral to alternative complaint resolution process if parties agree, before commencement of hearing by the hearing tribunal; parties agree to process set out in writing; Complaint Review Committee reviews and ratifies settlements.</p>
Who is the case manager for settlement mechanisms	<p>Process conductor/mediator.</p> <p>Proposed settlement agreement is forwarded to the complaint review committee, which may accept, amend, or reject it</p>		<p>Complaints Director.</p> <p>Proposed settlement agreement is forwarded to the complaint review committee, which may accept, amend, or reject it</p>
Notes	Complaint review committee conducts review of decision to dismiss complaint.		

## Appendix 3A – Relevant Provisions from Legislation of Alberta Professional Associations

This table summarizes the research for a Registrar’s authority regarding investigating complaints, suspensions, and alternative dispute resolution. The following text is quoted from the legislation and has not been modified to match APEGA’s writing style.

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
Alternative Dispute Resolution	<p><b>Act</b>                      43(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator’s opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p>	<p><b>Act</b>                      71(1) At any time before an allegation of unprofessional conduct is referred to the discipline tribunal roster chair under section 80(1)(c), the CIC secretary may, with the agreement of the parties, appoint or facilitate the appointment of a mediator, conciliator or other individual who may be able to assist in resolution of the complaint.                      (2) The CPAA is entitled to participate in any complaint resolution process under this section.                      (3) Any document prepared or generated for the purposes of a complaint resolution process under this section is confidential.                      (4) Any communication and evidence arising from anything said, evidence of anything said or evidence of an admission or communication made in the course of a complaint resolution process under this section is confidential and not admissible in any proceedings under this or any other Act or in any action, matter or proceeding before a court                      (a) without the written consent of the investigated party and the complainant, and                      (b) in the case of written evidence, without the written consent of the person who prepared the written evidence, the</p>	<p><b>Act</b>                      53(1) Any conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall first be reviewed by the Executive Director.                      (2) If the conduct that comes to the attention of the Society under subsection (1) involves a dispute between the member and another person, the Executive Director,                      (a) before commencing a review of the matter pursuant to subsection (1), may attempt to resolve the dispute, and                      (b) if the dispute is resolved to the satisfaction of the member and the other person, may direct that no further proceedings be taken under this Part in respect of the matter.                      (5) If the conduct of a member comes to the attention of the Society by way of a complaint, the Executive Director shall endeavour to resolve the complaint but shall perform the duties under subsections (1) to (4) whether the complaint is resolved or not.</p> <p><b>Rules</b>                      90.1 (1) Pre-hearing conferences must be held.                      (2) The purpose of the pre-hearing conference is to consider the resolution</p>



Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>investigated party and the complainant.</p> <p>(5) If no resolution under subsection (1) is reached within the time specified by the CIC secretary or as otherwise agreed, the CIC secretary must complete the review and refer the complaint to the CIC chair under section 68(7).</p> <p>(6) If during the complaint resolution process information is introduced that causes the individual conducting the complaint resolution process to believe that the matter is substantially different from the original complaint, the individual must notify the CIC secretary and the CIC secretary must determine whether to continue proceedings under this section.</p> <p>(7) The CIC secretary or the CIC chair may continue to take any steps under this Part even if the complaint is resolved as between the complainant and the investigated party pursuant to this section.</p> <p>72(1) In the course of proceedings under this Part or in the course of an appeal under Part 7, a complainant and the investigated party may settle the complaint.</p> <p>(2) The CIC chair may continue proceedings under this Act even if the complaint is settled by agreement of the complainant and the investigated party.</p> <p>74(1) At any time before a discipline tribunal starts to hear evidence about an allegation of unprofessional conduct, the complaints inquiry committee and the</p>	<p>of matters by alternative measures and otherwise to resolve issues for the fair and efficient conduct of proposed hearings and appeals and move matters towards hearings or appeals in a timely manner.</p> <p>(5.1) The chair of the pre-hearing conference may, for the fair and efficient conduct of a proposed hearing or appeal:</p> <p>(a) make directions as to material to be prepared in advance of the proposed hearing and appeal for delivery to the hearing or appeal panel,</p> <p>(b) set the date for the hearing or appeal unless the hearing or appeal has commenced,</p> <p>(c) grant adjournments of hearings and appeals which have not commenced,</p> <p>(d) permit or direct amendments or withdrawal of citations where the amendments or withdrawal does not result in discontinuance of conduct proceedings referred to a hearing before a hearing committee,</p> <p>(e) permit or direct particulars or issues lists,</p> <p>(f) permit or direct severance or consolidation of citations,</p> <p>(g) make interim directions as to the publication of citations pending consideration of the issue by the Benchers of whether the citation should not be published,</p> <p>(h) set a plan and schedule for completion of pre-hearing preparedness, including deadlines for delivering proposed witness lists or expert</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>investigated party may, in accordance with this section, enter into an agreement</p> <p>(a) setting out the relevant agreed facts,</p> <p>(b) admitting the unprofessional conduct of the investigated party, and</p> <p>(c) stating the sanction to be imposed on the investigated party, including any one or more of the matters described in sections 95, 96 and 98.</p> <p>(2) The CIC chair must select a panel consisting of 2 members of the complaints inquiry committee, the CIC chair and one public member from the public members roster established under section 23(1)(b) to recommend an agreement to the complaints inquiry committee.</p> <p>(3) If a panel of the complaints inquiry committee is unable to recommend an agreement under subsection (2), the proceedings under this Part continue.</p> <p>(4) A member of the panel may not vote as a member of the complaints inquiry committee.</p> <p>(5) The CIC chair may appoint a chair for a panel, but if the CIC chair does not do so, the members of a panel must choose a chair from among themselves.</p> <p>(6) The quorum for a panel is 3 members, which must include the public member.</p> <p>(7) Each member of the panel has a vote and the agreement recommended by the panel must be approved by a majority vote.</p> <p>(8) On receipt of the agreement</p>	<p>disclosure, and for making applications relating to pre-hearing readiness including disputes concerning particulars or disclosure,</p> <p>(i) make directions for mediation between the Law Society and the member, (j) determine disputes over records disclosure in the proceeding, (k) determine applications to abey hearings of citations, and (l) make any other direction contemplated to be made by the pre-hearing chair in the pre-hearing or appeal guide in force from time to time.</p> <p>(6) The chair of the pre-hearing conference may participate in a later hearing or appeal unless either the member, the member's counsel, or counsel for the Law Society objects to such participation.</p> <p>(7) Whether or not a pre-hearing conference has been held, the hearing committee or the appeal panel of the Benchers may proceed with the hearing or appeal.</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		<p>recommended by the panel, the complaints inquiry committee may</p> <ul style="list-style-type: none"> <li>(a) approve the agreement, or</li> <li>(b) reject the agreement and continue the proceedings under this Part.</li> </ul> <p>(9) If an agreement is made under this section,</p> <ul style="list-style-type: none"> <li>(a) each admission of unprofessional conduct is to be considered and treated, for all purposes, as a finding of unprofessional conduct made by a discipline tribunal, and</li> <li>(b) the agreement is to be considered and treated, for all purposes, as a decision and order of a discipline tribunal.</li> </ul> <p>(10) The complaints inquiry committee must give the complainant written notification of any agreement made under this section.</p> <p>(11) An agreement made under this section may not be appealed to an appeal tribunal.</p> <p>(12) If the complaints inquiry committee is of the opinion that there are reasonable and probable grounds to believe that the investigated party has committed a criminal offence, the complaints inquiry committee must</p> <ul style="list-style-type: none"> <li>(a) direct the CIC secretary to send a copy of the agreement made under this section to the Minister of Justice and Solicitor General, and</li> <li>(b) on request, send a copy of any other information related to the agreement to the Minister of Justice and Solicitor General, except information that</li> </ul>	

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
		is subject to solicitor-client privilege.	
Who is the case manager for settlement mechanisms	<p><b>Act</b>  43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.  (2) A complaint must be in writing.  (3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.  (4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.  (5) If a complaint is settled with the</p>	<p><b>Act</b>  71(1) At any time before an allegation of unprofessional conduct is referred to the discipline tribunal roster chair under <a href="#">section 80(1)(c)</a>, the CIC secretary may, with the agreement of the parties, appoint or facilitate the appointment of a mediator, conciliator or other individual who may be able to assist in resolution of the complaint.  (5) If no resolution under subsection (1) is reached within the time specified by the CIC secretary or as otherwise agreed, the CIC secretary must complete the review and refer the complaint to the CIC chair under <a href="#">section 68(7)</a>.   74(1) At any time before a discipline tribunal starts to hear evidence about an allegation of unprofessional conduct, the complaints inquiry committee and the investigated party may, in accordance with this section, enter into an agreement  (a) setting out the relevant agreed facts.  (b) admitting the unprofessional conduct of the investigated party, and  (c) stating the sanction to be imposed on the investigated party, including any one or more of the matters described in <a href="#">sections 95, 96 and 98</a>.  (2) The CIC chair must select a panel consisting of 2 members of the complaints inquiry committee, the CIC chair and one public member from the</p>	<p><b>Act</b>  53(1) Any conduct of a member that comes to the attention of the Society, whether by way of a complaint or otherwise, shall first be reviewed by the Executive Director.  (4) On the completion of a review under subsection (1), the Executive Director shall either  (a) direct that the matter be dismissed, or  (b) refer the matter, together with the Executive Director's report respecting the review,  (i) to the Practice Review Committee,  (ii) to the Conduct Committee, or  (iii) to both Committees.   60(1) Subject to the rules, a member may, at any time after the commencement of proceedings under this Division regarding the member's conduct and before a Hearing Committee makes its findings in respect of the member's conduct, submit to the Executive Director a statement of admission of guilt of conduct deserving of sanction in respect of all or any of the acts or matters that are the subject of the proceedings.  (2) A statement of admission of guilt shall not be acted on until it is in a form acceptable to  (a) the Conduct Committee, if the statement is submitted before the day on</p>

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta
	<p>assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may</p> <ul style="list-style-type: none"> <li>(a) approve the agreement, or</li> <li>(b) proceed with a preliminary investigation in accordance with <a href="#">section 47</a>.</li> </ul> <p>Power of Investigative Committee to recommend an order</p> <p>52(1) If an investigation is not terminated under <a href="#">section 51</a>, the Investigative Committee may</p> <ul style="list-style-type: none"> <li>(a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or</li> <li>(b) refer the matter to the Discipline Committee for a formal hearing.</li> </ul> <p>(2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.</p> <p>(3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the</p>	<p>public members roster established under <a href="#">section 23(1)(b)</a> to recommend an agreement to the complaints inquiry committee.</p> <p>(3) If a panel of the complaints inquiry committee is unable to recommend an agreement under subsection (2), the proceedings under this Part continue.</p> <p>(7) Each member of the panel has a vote and the agreement recommended by the panel must be approved by a majority vote.</p> <p>(8) On receipt of the agreement recommended by the panel, the complaints inquiry committee may</p> <ul style="list-style-type: none"> <li>(a) approve the agreement, or</li> <li>(b) reject the agreement and continue the proceedings under this Part.</li> </ul> <p>(9) If an agreement is made under this section,</p> <ul style="list-style-type: none"> <li>(a) each admission of unprofessional conduct is to be considered and treated, for all purposes, as a finding of unprofessional conduct made by a discipline tribunal, and</li> <li>(b) the agreement is to be considered and treated, for all purposes, as a decision and order of a discipline tribunal.</li> </ul>	<p>which a Hearing Committee is appointed to conduct a hearing respecting the matter, or</p> <ul style="list-style-type: none"> <li>(b) the Hearing Committee, if the statement is submitted on or after the day on which the Hearing Committee is appointed.</li> </ul> <p>(3) If a statement of admission of guilt is accepted under subsection (2)(a), the chair of the Conduct Committee shall appoint a Hearing Committee consisting of one person, who must be a Bencher or former Bencher, or 3 persons, at least one of whom must be a Bencher or former Bencher.</p> <p>(3.1) For the purposes of subsection (3), the President and any person disqualified from sitting on the Hearing Committee may not be appointed to the Hearing Committee.</p> <p>(4) If a statement of admission of guilt is accepted, each admission of guilt in the statement in respect of any act or matter regarding the member's conduct is deemed for all purposes to be a finding of</p> <ul style="list-style-type: none"> <li>(a) the Hearing Committee appointed under subsection (3), or</li> <li>(b) the Hearing Committee that accepted the statement, as the case may be, that the conduct of the member is conduct deserving of sanction.</li> </ul> <p>(5) The Hearing Committee appointed under subsection (3) or the Hearing Committee that accepted the statement, as the case may be, shall proceed with a</p>

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	<p>same force and effect as an order made by the Discipline Committee following a formal hearing.</p> <p>(4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.</p>		<p>hearing for the purpose of making its determination, if any, under section 71(4), its order under section 72 and its order, if any, under section 73.</p> <p>63(3) If a Hearing Committee is directed to deal with a member's conduct and considers it warranted in the circumstances to do so having regard to the nature of the conduct, the Hearing Committee, at any time after the direction is made and without prior notice or hearing, may order the suspension of the membership of the member pending the making of the Committee's decision under section 71(1) and, if the Committee finds the member guilty of conduct deserving of sanction, pending the making of the Committee's order under section 72.</p>
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Professional Association	Alberta Association of Architects	Alberta Dental Association and College
Alternative Dispute Resolution	<p><b>Act</b></p> <p>31(3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar if the complainant and the person about whose conduct the complaint was made so agree, but if within 30 days from the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall, if it is in writing, be referred forthwith by the mediator to the chair.</p> <p>32(1) The chair shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct</p> <p>(a) is brought to the chair's attention by a complainant or any other person, or</p> <p>(b) when section 31(3) applies, is referred to the chair by a mediator.</p> <p><b>Regulation</b></p> <p>51 On receipt of a written complaint the Registrar shall, or on receipt of an anonymous complaint or other information, the Registrar may</p> <p>(a) notify the complainant, if known, in writing that</p> <p>(i) if the complaint is capable of being the subject of mediation that it will be referred to a mediator if both parties so agree in accordance with section 31(3) of the Act, or</p> <p>(ii) the complaint has been referred to the chair or a vice-chair of the Complaint Review Committee under section 32(1) of the Act, and send the complainant a copy of the relevant sections of the Act and this Regulation that pertain to complaints and complaint review proceedings, and</p> <p>(b) notify in writing the authorized entity that the complaint has been made and the action that will be taken if both parties agree under clause (a)(i) or that the matter has been referred to the chair or a vice-chair of the Complaint Review Committee.</p>	<p><b>Act</b></p> <p>17(2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68.</p> <p>55(1) Within 30 days after being given a complaint or treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.</p> <p>(2) The complaints director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(a.1) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,</p> <p>(b) may make a referral to an alternative complaint resolution process under Division 2,</p> <p>58(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.</p> <p>(2) If the complaints director makes a referral under subsection (1), a member of the college must participate in or conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(4) If a report has been prepared under section 55(2)(c) with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(5) If a report has not been prepared by an expert, the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(6) A person who conducts an alternative complaint resolution</p>

Professional Association	Alberta Association of Architects	Alberta Dental Association and College
		<p>process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.</p> <p>(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).</p> <p>(8) On being notified under subsection (6) or section 60(7)(b) or on deciding under subsection (7) to process a matter under this subsection, the complaints director must</p> <p>(a) if an investigation has not been commenced, commence an investigation under Division 3,</p> <p>(b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,</p> <p>(c) dismiss the complaint, or</p> <p>(d) in all other cases, refer the matter to the hearings director for a hearing.</p> <p>60(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.</p> <p>(1.1) As part of the review of a proposed settlement reported to the complaint review committee under subsection (1), the complaint review committee may</p> <p>(a) review the records and proposed settlement it received pursuant to section 59(1)(a), and</p> <p>(b) require any of the following to appear before it to answer questions regarding the proposed settlement:</p> <p>(i) the complainant;</p>



Professional Association	Alberta Association of Architects	Alberta Dental Association and College
		<p>(ii) the investigated person;</p> <p>(iii) the member of the college who participated in or conducted the alternative complaint resolution process.</p> <p>(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <p>(a) ratify the settlement,</p> <p>(b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or</p> <p>(c) refuse to ratify the settlement.</p> <p>(3) The complaint review committee must notify the complaints director of its actions under subsection (2).</p> <p>(4) On being aware that a ratified settlement is not complied with, the complaints director may</p> <p>(a) treat it as information and act on it under section 55, or</p> <p>(b) treat it as a complaint and refer it to the hearings director for a hearing.</p> <p>(5) If the complaints director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the complaints director must notify the complainant and the investigated person.</p> <p>(6) The college must retain a copy of the ratified settlement and must release information related to the complaint, investigated person and ratified settlement as required by this Act and</p> <p>(a) may publish, in accordance with the bylaws, information respecting a complaint and a ratified settlement, and</p> <p>(b) may reveal the identity of the investigated person or the complainant, or both, if it is authorized to do so by the ratified settlement.</p> <p>(7) Subject to subsections (4) and (6), if a ratified settlement</p> <p>(a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or</p> <p>(b) relates to only part of the matters complained of or that arose during the alternative complaint resolution process, the</p>

Professional Association	Alberta Association of Architects	Alberta Dental Association and College
		<p>person who conducted the alternative complaint resolution process must notify the complaints director of the matters that do not form part of the ratified settlement and the complaints director must act on it under section 58(8).</p> <p>64 If during the investigation the complaints director refers the complainant and the investigated person to an alternative complaint resolution process in accordance with this Part, the investigation and hearing must not proceed unless the complaints director is notified as described in section 58(6) or makes a decision under section 58(7).</p> <p><b>Dentists Profession Regulations</b></p> <p>21 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.</p> <p>22 The person conducting the alternative complaint resolution process must in consultation with the complainant and the investigated person establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.</p> <p>23 The complainant and the investigated person must, subject to section 59 of the Act, agree to treat all information shared during the process as confidential.</p> <p>24 The complainant and the investigated person may withdraw from the alternative complaint resolution process at any time.</p>
Who is the case manager for settlement mechanisms	<p><b>Act</b></p> <p>31 (3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar if the complainant and the person about whose conduct the complaint was made so agree, but if within 30 days from the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not</p>	<p><b>Act</b></p> <p>58(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.</p> <p>(2) If the complaints director makes a referral under</p>

Professional Association	Alberta Association of Architects	Alberta Dental Association and College
	<p>likely to occur, the complaint shall, if it is in writing, be referred forthwith by the mediator to the chair.</p>	<p>subsection (1), a member of the college must participate in or conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(4) If a report has been prepared under <a href="#">section 55(2)(c)</a> with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(5) If a report has not been prepared by an expert, the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.</p> <p>(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).</p> <p>(8) On being notified under subsection (6) or <a href="#">section 60(7)(b)</a> or on deciding under subsection (7) to process a matter under this subsection, the complaints director must</p> <ul style="list-style-type: none"> <li>(a) if an investigation has not been commenced, commence an investigation under Division 3,</li> <li>(b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,</li> <li>(c) dismiss the complaint, or</li> <li>(d) in all other cases, refer the matter to the hearings director for a hearing.</li> </ul>

Professional Association	Alberta Association of Architects	Alberta Dental Association and College
		<p>60(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.</p> <p>(1.1) As part of the review of a proposed settlement reported to the complaint review committee under subsection (1), the complaint review committee may</p> <ul style="list-style-type: none"> <li>(a) review the records and proposed settlement it received pursuant to section 59(1)(a), and</li> <li>(b) require any of the following to appear before it to answer questions regarding the proposed settlement: <ul style="list-style-type: none"> <li>(i) the complainant;</li> <li>(ii) the investigated person;</li> <li>(iii) the member of the college who participated in or conducted the alternative complaint resolution process.</li> </ul> </li> </ul> <p>(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <ul style="list-style-type: none"> <li>(a) ratify the settlement,</li> <li>(b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or</li> <li>(c) refuse to ratify the settlement.</li> </ul> <p>(3) The complaint review committee must notify the complaints director of its actions under subsection (2).</p> <p>(4) On being aware that a ratified settlement is not complied with, the complaints director may</p> <ul style="list-style-type: none"> <li>(a) treat it as information and act on it under section 55, or</li> <li>(b) treat it as a complaint and refer it to the hearings director for a hearing.</li> </ul> <p><b>Regulation</b></p> <p>21 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.</p>

Professional Association	Alberta Association of Architects	Alberta Dental Association and College
		22 The person conducting the alternative complaint resolution process must in consultation with the complainant and the investigated person establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.
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Professional Association	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
Alternative Dispute Resolution	<p><b>Act</b></p> <p>17(2) A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68.</p> <p>55(1) Within 30 days after being given a complaint or treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.</p> <p>(2) The complaints director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(a.1) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,</p> <p>(b) may make a referral to an alternative complaint resolution process under Division 2,</p> <p>58(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.</p> <p>(2) If the complaints director makes a referral under subsection (1), a member of the college must participate in or</p>	<p><b>Act</b></p> <p>28 (2) The Complaints Director</p> <p>(a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,</p> <p>(b) may, with the consent of the complainant and investigated person, attempt to resolve the complaint,</p> <p>(c) may make a referral to an alternative complaint resolution process under Division 2,</p> <p>29(1) The Complaints Director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process at any time before the commencement of a hearing by the Hearing Tribunal.</p> <p>(2) If the Complaints Director makes a referral under subsection (1), a member of the Association must participate in or conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts the alternative complaint resolution process must set out the process in writing and include a statement that the investigated person or the complainant or both may cease participating in the alternative complaint resolution process at any time.</p> <p>(4) The complainant and the investigated person must agree to the process as written under subsection (3) before the</p>

Professional Association	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
	<p>conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(4) If a report has been prepared under section 55(2)(c) with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(5) If a report has not been prepared by an expert, the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.</p> <p>(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).</p> <p>(8) On being notified under subsection (6) or section 60(7)(b) or on deciding under subsection (7) to process a matter under this subsection, the complaints director must</p> <p>(a) if an investigation has not been commenced, commence an investigation under Division 3,</p> <p>(b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,</p> <p>(c) dismiss the complaint, or</p> <p>(d) in all other cases, refer the matter to the hearings director for a hearing.</p>	<p>alternative complaint resolution process may begin.</p> <p>(5) A person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(6) If a report has been prepared under section 28(2)(d) with respect to the subject-matter of the complaint, the Complaints Director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(7) If a report has not been prepared under section 28(2)(d), the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(8) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if</p> <p>(a) in the opinion of that person, a settlement is not likely to occur, or</p> <p>(b) the Complaint Review Committee does not ratify the settlement under section 30.1,</p> <p>the person must notify the Complaints Director.</p> <p>(9) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the Complaints Director, and the Complaints Director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (10).</p> <p>(10) On being notified under subsection (8) or section 30.1(3) that a settlement has not been ratified or under section 30.1(8)(b) of the matters that do not form part of a ratified settlement, or on deciding under subsection (9) to process a matter under this subsection, the Complaints Director must</p> <p>(a) if an investigation has not been commenced, commence an investigation under Division 3,</p> <p>(b) if an investigation has been commenced but no report on the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make</p>

Professional Association	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
	<p>60(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.</p> <p>(1.1) As part of the review of a proposed settlement reported to the complaint review committee under subsection (1), the complaint review committee may</p> <p>(a) review the records and proposed settlement it received pursuant to section 59(1)(a), and</p> <p>(b) require any of the following to appear before it to answer questions regarding the proposed settlement:</p> <p>(i) the complainant;</p> <p>(ii) the investigated person;</p> <p>(iii) the member of the college who participated in or conducted the alternative complaint resolution process.</p> <p>(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <p>(a) ratify the settlement,</p> <p>(b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or</p> <p>(c) refuse to ratify the settlement.</p> <p>(3) The complaint review committee must notify the complaints director of its actions under subsection (2).</p> <p>(4) On being aware that a ratified settlement is not complied with, the complaints director may</p> <p>(a) treat it as information and act on it under section 55, or</p> <p>(b) treat it as a complaint and refer it to the hearings director for a hearing.</p> <p>(5) If the complaints director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the complaints director must notify the complainant and the investigated person.</p> <p>(6) The college must retain a copy of the ratified settlement and must release information related to the complaint, investigated person and ratified settlement as required by this</p>	<p>a report, or</p> <p>(c) refer the matter to the Complaint Review Committee to determine whether the complaint should be dismissed or referred to the Hearings Director for a hearing.</p> <p>30.1(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the Complaint Review Committee.</p> <p>(2) The Complaint Review Committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <p>(a) ratify the settlement,</p> <p>(b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or</p> <p>(c) refuse to ratify the settlement.</p> <p>(3) The Complaint Review Committee must notify the Complaints Director of its actions under subsection (2) and if the settlement was not ratified the Complaints Director must act under section 29(10).</p> <p>(4) On being aware that a ratified settlement is not complied with, the Complaints Director may</p> <p>(a) treat the non-compliance as information under section 27.1 and act on the information in accordance with section 27.1, or</p> <p>(b) treat the non-compliance as a complaint and refer it to the Complaint Review Committee to determine whether it should be referred to the Hearings Director for a hearing.</p> <p>(5) If the Complaints Director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the Complaints Director must notify the complainant and the investigated person.</p> <p>(6) On a settlement being ratified, the Association may publish, in accordance with the bylaws, information respecting the complaint and the ratified settlement as authorized by the ratified settlement.</p>

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	<p>Act and</p> <p>(a) may publish, in accordance with the bylaws, information respecting a complaint and a ratified settlement, and</p> <p>(b) may reveal the identity of the investigated person or the complainant, or both, if it is authorized to do so by the ratified settlement.</p> <p>(7) Subject to subsections (4) and (6), if a ratified settlement</p> <p>(a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or</p> <p>(b) relates to only part of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the complaints director of the matters that do not form part of the ratified settlement and the complaints director must act on it under section 58(8).</p> <p>64 If during the investigation the complaints director refers the complainant and the investigated person to an alternative complaint resolution process in accordance with this Part, the investigation and hearing must not proceed unless the complaints director is notified as described in section 58(6) or makes a decision under section 58(7).</p> <p><b>Physicians, Surgeons and Osteopaths Regulations</b></p> <p>31 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.</p> <p>32 The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.</p>	<p>(7) The Association must retain a copy of the ratified settlement.</p> <p>(8) Subject to subsections (4) and (6), if a ratified settlement</p> <p>(a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or</p> <p>(b) relates to only some of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the Complaints Director of the matters that do not form part of the ratified settlement and on being notified the Complaints Director must act under section 29(10).</p>



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	<p>33 The complainant and the investigated person must, subject to sections 59 and 60 of the Act, agree to treat all information shared during the process as confidential.</p> <p>34 The complainant or the investigated person may withdraw from the alternative complaint resolution process at any time.</p>	
<p>Who is the case manager for settlement mechanisms</p>	<p><b>Act</b></p> <p>58(1) The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.</p> <p>(2) If the complaints director makes a referral under subsection (1), a member of the college must participate in or conduct the alternative complaint resolution process.</p> <p>(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.</p> <p>(4) If a report has been prepared under <a href="#">section 55(2)(c)</a> with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.</p> <p>(5) If a report has not been prepared by an expert, the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.</p> <p>(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.</p> <p>(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).</p>	<p><b>Act</b></p> <p>29(1) The Complaints Director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process at any time before the commencement of a hearing by the Hearing Tribunal.</p> <p>(2) If the Complaints Director makes a referral under subsection (1), a member of the Association must participate in or conduct the alternative complaint resolution process.</p> <p>30.1(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the Complaint Review Committee.</p> <p>(2) The Complaint Review Committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <p>(a) ratify the settlement,</p> <p>(b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or</p> <p>(c) refuse to ratify the settlement.</p> <p>(3) The Complaint Review Committee must notify the Complaints Director of its actions under subsection (2) and if the settlement was not ratified the Complaints Director must act under section 29(10).</p> <p>(4) On being aware that a ratified settlement is not complied with, the Complaints Director may</p> <p>(a) treat the non-compliance as information under section 27.1 and act on the information in accordance with section 27.1, or</p> <p>(b) treat the non-compliance as a complaint and refer it to the Complaint Review Committee to determine whether it</p>

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	<p>(8) On being notified under subsection (6) or section 60(7)(b) or on deciding under subsection (7) to process a matter under this subsection, the complaints director must</p> <ul style="list-style-type: none"> <li>(a) if an investigation has not been commenced, commence an investigation under Division 3,</li> <li>(b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,</li> <li>(c) dismiss the complaint, or</li> <li>(d) in all other cases, refer the matter to the hearings director for a hearing.</li> </ul> <p>60(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.</p> <p>(1.1) As part of the review of a proposed settlement reported to the complaint review committee under subsection (1), the complaint review committee may</p> <ul style="list-style-type: none"> <li>(a) review the records and proposed settlement it received pursuant to section 59(1)(a), and</li> <li>(b) require any of the following to appear before it to answer questions regarding the proposed settlement: <ul style="list-style-type: none"> <li>(i) the complainant;</li> <li>(ii) the investigated person;</li> <li>(iii) the member of the college who participated in or conducted the alternative complaint resolution process.</li> </ul> </li> </ul> <p>(2) The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),</p> <ul style="list-style-type: none"> <li>(a) ratify the settlement,</li> <li>(b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or</li> <li>(c) refuse to ratify the settlement.</li> </ul>	<p>should be referred to the Hearings Director for a hearing.</p> <p>(5) If the Complaints Director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the Complaints Director must notify the complainant and the investigated person.</p> <p>(7) The Association must retain a copy of the ratified settlement.</p> <p>(8) Subject to subsections (4) and (6), if a ratified settlement</p> <ul style="list-style-type: none"> <li>(a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or</li> <li>(b) relates to only some of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the Complaints Director of the matters that do not form part of the ratified settlement and on being notified the Complaints Director must act under section 29(10).</li> </ul>

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	<p>(3) The complaint review committee must notify the complaints director of its actions under subsection (2).</p> <p>(4) On being aware that a ratified settlement is not complied with, the complaints director may</p> <ul style="list-style-type: none"> <li>(a) treat it as information and act on it under section 55, or</li> <li>(b) treat it as a complaint and refer it to the hearings director for a hearing.</li> </ul> <p><b>Regulation</b></p> <p>31 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.</p> <p>32 The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.</p>	
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