



## BRITISH COLUMBIA MEDIATOR ROSTER SOCIETY PRACTICE ADVISORY PROCESS

### Part 1 – Objectives

- 1.1 The practice advisory process is intended to respond to issues of mediator competence where the Society receives information about possible inappropriate or unbecoming conduct or breach of the Society’s Standards of Conduct by a Roster member, or information that a Roster member may be unable to practice mediation competently. It is also intended to respond to situations where the Society receives an allegation of misconduct or breach of the Society’s Standards of Conduct by a Roster member, but the person making the allegation is not prepared to initiate a complaint under the Society’s Complaint Process.
- 1.2 The objective of the practice review process is to promote mediator competence and, in so doing, to protect the public interest.

### Part 2 – Definitions

- 2.1 In this practice advisory process, unless the context otherwise requires
- “**member**” means a member of the Society’s Civil or Family Roster,
  - “**Practice Advisory Committee**” means the committee appointed to administer this process,
  - “**Roster Coordinator**” means the Roster Coordinator of the Society,
  - “**Society**” means the British Columbia Mediator Roster Society.

### Part 3 – Guiding Principles

- 3.1 The Practice Advisory Process is guided by the following principles:
- (a) *Mediator competence*: The process will promote the competent practice of mediation by members;
  - (b) *Public interest*: By promoting the competent practice of mediation the process will help to protect the public interest;
  - (c) *Respect*: The process will be respectful of the independence of members;
  - (d) *Confidentiality*: Except where the Practice Advisory Committee decides that disclosure may be necessary to protect the public interest, the process will respect the right to privacy of persons who provide information to the Society;
  - (e) *Informality*: The process will be informal and flexible in order to meet the needs of individual cases.

#### **Part 4 – Receipt of Information**

- 4.1 When the Roster Coordinator becomes aware of information about possible inappropriate or unbecoming conduct by a Roster member or competence issues concerning a Roster member, the Roster Coordinator may, where a person provides the information,
- (a) advise the person of the following processes and options:
    - (i) Complaint Process – the Society has a formal Complaint Process which requires that complaints be in writing, and
    - (ii) Practice Advisory Process – the Society has a Practice Advisory Committee which can discuss practice and ethical issues with Roster members; and
  - (b) ask the person if he or she wishes to initiate a formal complaint.
- 4.2 If the person indicates that he or she wishes to initiate a formal complaint, the Roster Coordinator will
- (a) advise the person that he or she can provide information concerning the complaint to the Roster Coordinator,
  - (b) advise the person that, depending upon the nature of the information provided, if he or she does not initiate a formal complaint within 30 days the Roster Coordinator may decide to forward the information to the Practice Advisory Committee, and
  - (c) provide the person with a copy of the Society’s Complaint Process and Standards of Conduct.
- 4.3 If the person indicates that he or she does not wish to initiate a formal complaint, the Roster Coordinator will
- (a) advise the person that he or she can provide information to the Roster Coordinator, who will then determine whether the information will be forwarded to the Practice Advisory Committee,
  - (b) advise the person that, depending upon the nature of the information, she may have no alternative but to forward the information to the Practice Advisory Committee, and
  - (c) ask the person if he or she wishes to be identified in the event that the information is forwarded to the Practice Advisory Committee.
- 4.4 If a director receives information about possible inappropriate or unbecoming conduct by a Roster member or competence issues concerning a Roster member, the director will forward the information to the Roster Coordinator.
- 4.5 If the Roster Coordinator otherwise becomes aware of information about possible inappropriate or unbecoming conduct by a Roster member or competence issues concerning a Roster member, the Roster Coordinator may forward the information to the Practice Advisory Committee under section 5.1.

## **Part 5 – Forwarding of information to the Practice Advisory Committee**

- 5.1 Upon receipt of information about possible inappropriate or unbecoming conduct by a Roster member or competence issues concerning a Roster member, the Roster Coordinator will forward the information to the Practice Advisory Committee unless, in the opinion of the Roster Coordinator,
- (a) the information provided does not raise sufficient concern to warrant referral to the Committee, or
  - (b) the information appears to be frivolous or vexatious.

## **Part 6 – Appointment and composition of Practice Advisory Committee**

- 6.1 A Practice Advisory Committee and Committee chair will be appointed as soon as practicable following each annual general meeting.
- 6.2 At least one member of the Civil Roster and one member of the Family Roster will be appointed to the Committee.
- 6.3 Practice Advisory Committee members hold office for terms of one year which expire at the end of the annual general meeting following their appointment.

## **Part 7 – Action by the Practice Advisory Committee**

- 7.1 Upon receipt of information about possible inappropriate or unbecoming conduct by a Roster member or competence issues concerning a Roster member, the Committee will determine what, if any, action to take. A member of the Committee may:
- (a) contact the person who provided the information, if that person agreed to be identified,
  - (b) discuss the information with the member in a manner that is respectful of the member's independence, and focuses upon best practices, which discussion may include
    - (i) a suggestion to the member that he or she participate in professional development opportunities, or
    - (ii) a suggestion to the member that he or she or seek assessment, counseling or treatment,
  - (c) request ongoing reporting by the member to the Committee,
  - (d) where appropriate, contact organizations which provide peer support and related assistance to their members (e.g. LAP).