

**THE UNIVERSITY OF BRITISH COLUMBIA, FACULTY OF MEDICINE
DISPUTE RESOLUTION PROCESS FOR CLINICAL FACULTY**

Clinical Faculty members should find their University of British Columbia (“UBC”) academic activities a rewarding, productive, and agreeable experience. In the unlikely situation that issues arise with respect to the Appointment or the provision of academic services pursuant to the Appointment, the Faculty of Medicine (“FOM”) has developed, with stakeholder input, various mechanisms to help resolve such issues. The FOM encourages Clinical Faculty to engage in an informal process of discussions between the affected parties as an initial method of settling issues. The parties may seek the assistance of the FOM Associate Dean, Equity and Professionalism to provide direction and advice on possible solutions. If such informal discussions and processes do not result in resolution of the issues, then the following methods of dispute resolution are available.

The Clinical Faculty member may contact the British Columbia Medical Association (“BCMA”), or other professional organization in which he/she is a member, for support during any dispute resolution process.

- 1) Disputes related to the UBC FOM Policy on Clinical Faculty Appointments are resolved pursuant to the terms of that policy.
- 2) Disputes related to the FOM’s determination as to whether Clinical Faculty members are eligible for compensation are resolved through the process described in UBC FOM Clinical Faculty Compensation Terms;
- 3) Disputes arising under any other UBC or FOM policies must be resolved pursuant to the processes and procedures set out in the applicable policy where such processes and procedures exist. During the resolution of any matter arising under a UBC or FOM policy a Clinical Faculty member may choose to be accompanied by a support person or may elect to engage representation to assist during the process subject to the terms of the applicable policy.
- 4) Disputes other than those set out in Paragraphs 1, 2 or 3, should first be raised directly between the Clinical Faculty member and the administrative leader most appropriate for the originating dispute. This may be the Clinical Faculty member’s Department/Division/Program Head/Site Leader and /or Regional Associate Dean. If the dispute cannot be resolved at this level, the Department/Division/Program Head/Site Leader/Regional Associate Dean will advise the Office of the Clinical Faculty Affairs (“OCFA”) of the matter in dispute, and of any steps taken to attempt to resolve the dispute. The Clinical Faculty member may also refer the matter to the OCFA for investigation and attempted resolution. Alternatively, and depending on the nature of the dispute, the Clinical Faculty member may request that the matter be referred to the Associate Dean Equity and Professionalism for either formal or informal resolution. During any of these processes the Clinical Faculty member may be accompanied by a third party, including a representative from the BCMA or other professional organization in which he/she is a member, whose role shall be to support, rather than advocate for, the Clinical Faculty member. If a dispute is not resolved, the matter may be addressed through the mediation/arbitration process described below. Both parties to the mediation/arbitration process are entitled to be represented by a third party advocate.

Mediation/Arbitration Process

1. The parties to the dispute will appoint a single mediator/arbitrator, by mutual agreement, within 2 weeks of the party referring the dispute to mediation/arbitration, and advising the other party in writing of the intention to refer to mediation/arbitration. If mutual agreement cannot be reached either party may request that a mediator/arbitrator be appointed in accordance with the *Commercial Arbitration Act* RSBC 1996, c.55 as amended.
2. If the dispute cannot be resolved through mediation the mediator/arbitrator will conduct a hearing into the matter. The arbitration will be conducted pursuant to the terms and procedures set out in the *Commercial Arbitration Act* RSBC 1996, c.55 as amended. The mediator/arbitrator will issue a final and binding award on all outstanding matters related to the dispute.
3. The parties may agree to proceed directly to arbitration without first participating in mediation.
4. The arbitrator shall award costs to the successful party with a minimum award of Scale 3 party-party costs in accordance with the British Columbia Supreme Court Rules of Court. The arbitrator may exercise his or her discretion to award special costs, or costs on a higher scale, to the successful party
5. Each party will share the fees and expenses of the mediator/arbitrator, and the other costs associated with holding the mediation /arbitration.