



COMMONWEALTH of VIRGINIA

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

3600 West Broad Street, Richmond, Virginia 23230-4917
Telephone (804) 367-8500 TDD (804) 367-9753
<http://www.dpor.virginia.gov>

LOUISE FONTAINE WARE
DIRECTOR

SANDRA WHITLEY RYALS
CHIEF DEPUTY

DEPUTY DIRECTORS

KAREN W O'NEAL
Licensing & Regulation

NICK A CHRISTNER
Compliance & Investigations

STEVEN L ARTHUR
Administration & Finance

DIRECTOR'S POLICY

#100-18

ALTERNATIVE DISPUTE RESOLUTION

EFFECTIVE DATE: May 23, 2005

APPROVED BY:

I. HISTORY

This policy replaces Enforcement Policy #800-03, Alternative Dispute Resolution effective December 18, 2003.

II. PURPOSE

The Commonwealth of Virginia recognizes that a fundamental function of government is collaborative problem solving, including the fair and efficient management of conflict and resolution of disputes. Litigation and other adversarial means of dispute resolution, while necessary at times, are costly in terms of dollars, human resources, and good will. §§ 2.2-4115-4119 of the *Code of Virginia*, The Virginia Administrative Dispute Resolution Act (VADRA) establishes an alternative, non-adversarial means of addressing stakeholder concerns while minimizing the costs associated with conflict management and dispute resolution.

III. POLICY

The Department of Professional and Occupational Regulation is committed to utilizing stakeholder collaboration and alternative dispute resolution processes, as appropriate and as set forth in the Virginia Administrative Dispute Resolution Act, as means by which the Department and affected parties may attempt to achieve mutually-agreed upon settlements of matters in controversy without incurring the costs associated with adversarial proceedings. The VADRA Interagency Council shall serve as a resource for consultation and guidance.

IV. DEFINITIONS

Alternative Dispute Resolution (ADR) Process

A structured, non-adversarial approach (i.e., mediation, conciliation, etc.) to reaching a voluntary settlement between disputing parties which is facilitated by a neutral party.

V. PROCEDURES

A. DESIGNATION OF AGENCY DISPUTE RESOLUTION COORDINATOR

The Director designates the Alternative Dispute Resolution Director as the Department's Dispute Resolution Coordinator (DRC), and authorizes him to attend DRC training provided by the VADRA Council. The Department's DRC, with the Director's approval, shall be responsible for development of agency dispute resolution procedures and training agency personnel involved in implementing any such written procedures.

B. INTEGRATION OF ADR INTO DEPARTMENT OPERATIONS

The Department shall conduct an annual review of its Strategic Plan, as well as its policies, procedures, operations, fiscal resources, and regulations to identify new opportunities for adopting collaborative practices and alternative dispute resolution processes.

C. VADRA COUNCIL

The Department shall cooperate with and provide assistance to the VADRA Council as requested, including providing periodic reports on the agency's activities and any associated outcomes resulting from its efforts to promote and use collaborative practices, conflict management techniques, and alternative dispute resolution processes.

The Department shall acknowledge the VADRA Council as a resource for (i) training and briefing sessions, (ii) information and technical assistance in the development and use of such practices in state government, (iii) promoting networking among agency DRCs statewide, and (iv) coordinating and collaborating with similar initiatives in other states.

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