

## Discipline Committee – Terms of Reference

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### **MANDATE**

The Discipline Committee is a statutory committee whose role is set out in the Health Professions Procedural Code (the Code) which is Schedule 2 of the *Regulated Health Professions Act, 1991* (RHPA).

The Discipline Committee is mandated to ensure protection of the public interest by establishing and maintaining a framework for dealing with matters referred to it by the Inquiries, Complaints and Reports Committee.

Although the Discipline Committee is a committee of the College it is independent of the College. It fairly and impartially holds public hearings between the College and registrants of the College.

### **POWERS AND RESPONSIBILITIES**

The Discipline Committee shall:

- 1) Review and update all policies and documents of the College with regard to the Disciplinary process;
- 2) Conduct hearings, by way of panels, on specified allegations of a registrant's conduct and/or competence referred by the Inquiries, Complaints and Reports Committee;
- 3) Conduct hearings, by way of panels, upon the referral of the Registrar, of a registrant's application for reinstatement of a certificate of registration, if the certificate was suspended or revoked on the grounds of professional misconduct or incompetence;
- 4) Consider applications from persons who are not parties to the hearing to participate in the hearing and to determine the extent of the participation;
- 5) Make orders excluding the public from a hearing or a part of a hearing and/or make orders preventing public disclosure of matters discussed at the hearing in accordance with the circumstances defined in section 45 of the Code;
- 6) Upon request of a witness in a sexual abuse case, to make an order that no person shall publish the identity of the witness;
- 7) Make an order(s) for penalty or costs of the Code, when a registrant has been found to have committed an act of professional misconduct or to be incompetent, in accordance with section 51.53, 53.1 and 54;
- 8) Issue written decisions and reasons and provide a copy to the parties, including any complainant in a complaints matter, and ensure that the findings of the hearing are made public;
- 9) Ensure that documents and things put into evidence at a hearing are released to the person who produced them, on request, within a reasonable time after the matter has been finally determined.

The Chair of the Discipline Committee shall:

- 1) Appoint a pre-hearing conference chair, specific to each pre-hearing conference;
- 2) Appoint a panel, including the appointment of a Chair for each Discipline hearing.

### **ADMINISTRATIVE DUTIES**

The Discipline Committee shall:

- 1) Meet at least one (1) time per year to ensure the proper functioning of the Discipline Committee;
- 2) Maintain minutes of its meetings in which shall be recorded all decisions and actions taken by it;
- 3) Report its actions to Council at each Council meeting or more frequently if needed;
- 4) Submit annually a report of its activities to the Council of the College;
- 5) Maintain a handbook to standardize the disciplinary process.

### **MEMBERSHIP**

#### **COMMITTEE**

The Discipline Committee shall be comprised of every member of Council and one (1) or more members who are not members of Council, if Council so wishes. The Chair of the Council shall be designated as *ex-officio* member of the Discipline Committee.

Unless stated otherwise in the by-laws, and subject to the Code and Regulations, the Council may constitute every Committee of the College as it deems necessary or advisable, from time to time. Any member of any such Committee may be removed from a Committee at any time at the discretion of the Council.

#### **PANELS**

Panels of the Discipline Committee shall be comprised of at least three (3) members of the Discipline Committee and no more than five (5) members of the Discipline Committee, at least two (2) of whom shall be publicly appointed members of the Council and at least one (1) of whom shall be a professional member of the Council. At the time of appointing a panel, one (1) member of the panel shall be appointed as the Panel Chair.

No member shall be selected for a panel who has taken part in the investigation of what is to be the subject-matter of the panel's hearing or who has taken part in the matter before the Inquiries, Complaints and Reports relating to the same member who is the subject of the panel's hearing.

If a member of the Discipline Committee is appointed to a panel and the member ceases to be a member of the Discipline Committee after the hearing has commenced, the member shall remain a member of the panel until the final disposition of the hearing.

### **CHAIR OF THE COMMITTEE**

The Council shall appoint the chair of the Discipline Committee.

### **QUORUM**

A simple majority of members of the Discipline Committee, that includes at least one (1) member of the Committee who is an elected professional member of Council and one (1)

member of the Committee who is a publicly appointed member of Council, shall constitute a quorum for decision-making for a meeting.

Quorum for panels of the Discipline Committee is constituted with three (3) members of a panel, at least one (1) of whom must be a publicly appointed member of Council.

### **DECISION MAKING**

The Discipline Committee and panels of the Discipline Committee will endeavour to arrive at decisions by consensus and all members may contribute to the consensus-making process. Where a decision cannot be reached by consensus, the decision shall be made by a majority of the votes cast by all members present. The Chair of the Council, as *ex-officio*, does not have voting privileges.

### **CONFIDENTIALITY**

Every member of the Discipline Committee shall preserve confidentiality with respect to all information that comes to their knowledge in the course of their duties and shall not communicate any information to any other person.

### **EVALUATION**

The Discipline Committee terms of reference shall be reviewed every two (2) years and amended where necessary, for example in response to statutory, regulatory or policy amendments. Any amendments to the terms must be approved by Council.