

Discipline Committee – Terms of Reference

MANDATE

The Discipline Committee is a statutory committee 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.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee shall be those set out in the RHPA, the Code, the *Midwifery Act, 1991*, the Regulations under the *Midwifery Act, 1991*, the by-laws, and the Terms of Reference for that Committee, as approved by the Board, where applicable.

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 and issue written decision and reasons for their decisions.
- 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) 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.



ADMINISTRATIVE DUTIES

The Discipline Committee shall:

- 1) Meet at such frequency as necessary for the Committee to conduct its business.
- 2) Maintain minutes of its meetings in which shall be recorded all decisions and actions taken by it.
- 3) Report its actions to the Board at each Board meeting or more frequently if needed.
- 4) Submit annually a report of its activities to the Board of the College.
- 5) Maintain a handbook to standardize the disciplinary process.

MEMBERSHIP

Committee

Unless stated otherwise in the by-laws, and subject to the Code and Regulations, the Board may constitute the Discipline Committee as it deems necessary or advisable, from time to time. The Board may, at its discretion, appoint members to the Committee who are not Board Directors. The Chair of the Board and the Registrar-CEO shall both be designated as non-voting *ex-officio* members of the Committee.

Any member of any such Committee may be removed from a Committee at any time at the discretion of the Board.

Unless otherwise required by the Code or the by-laws, a simple majority of members of the Discipline Committee that includes at least one (1) member who is a registrant and one (1) non-registrant member (public), shall constitute a quorum for the purpose of a meeting.

Panels

Panels of the Discipline Committee shall be appointed by the Chair and shall be comprised of at least three (3) and no more than five (5) members of the Discipline Committee, at least two (2) of whom shall be Public Board Directors and at least one (1) of whom shall be a Professional Board Director. The Chair of the Discipline Committee shall, at the time of appointing a panel, designate one (1) member of the panel as the Chair.

Three (3) members of a Discipline panel, at least one (1) of whom is a Public Board Director, constitute a quorum.

No member shall be selected for a panel if they have participated in the investigation of the matter before the panel or in any consideration of the same matter before the Inquiries, Complaints and Reports Committee.

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 Board shall appoint the Chair of the Discipline Committee.



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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. When a vote is called, the decision will be made by a simple majority.

EQUITY

The Committee's decision-making processes will be evidence-based, equity-informed and address biases in decision-making.

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.

REVIEW

The Discipline Committee terms of reference shall be reviewed every four (4) years and amended where necessary, for example in response to statutory, regulatory or policy amendments. Any amendments to the terms must be approved by the Board.