

BRIEFING NOTE

TO: Board of Directors

FROM: Governance Committee

DATE: October 5, 2020

SUBJECT: 9.6 Discipline Committee Terms of Reference and Mandate Policy 4-12

☒ For Decision

☐ For Information

☐ Monitoring Report

Purpose:

To review the proposed Discipline Committee Terms of Reference and Mandate Policy 4-12.

Background:

The Discipline Committee Terms of Reference and Mandate Policy 4-12 falls into the Governance Process Policy category. This policy is designed to describe the purpose, scope and authority of the Discipline Committee. The Discipline Committee Terms of Reference and Mandate were created on May 14, 2012 and have not had a revision since that time.

For Consideration:

The proposed amendments to the Discipline Committee Terms of Reference and Mandate Policy 4-12 reflect the scope of responsibility the committee has been asked to undertake over the last eight years.

The original policy with the proposed revisions is redlined in **APPENDIX A** below and a clean version, **APPENDIX B**, is attached. Items no. 1 and 2 of the section, "Accountability and Authority" as well as 4 under, "Committee Composition and Meetings," are matters that are not referred to in the current terms of reference.

Public Interest Considerations:

Committee Terms of Reference create accountabilities for the members of each Committee and outline the Board's expectations on how a committee will work together to accomplish specific roles and responsibilities that execute the College's mandate of public protection.

Recommendation:

To approve the Discipline Committee Terms of Reference Policy 4-12 as recommended by the Governance Committee.

DISCIPLINE COMMITTEE

Terms of Reference

Committee Type: ~~Statutory~~

Terms of Reference Committee Composition and Meetings

1. ~~The~~ Board shall appoint the members of the Discipline Committee for the following year at the ~~first~~last Board meeting of the year in accordance with the by-laws.
2. The Discipline Committee shall be composed of:
 - a. ~~at least four members of Board~~Directors who are members of the College;
 - b. ~~all members of Board~~Directors appointed to the Board by the Lieutenant Governor in ~~Board~~Council;
 - a-c. and at least four members of the College who are not ~~members of Board~~Directors; and
 - b-d. if the Board so decides, and the by-laws so permit, up to three individuals who are not registrants of the College and who are not Directors.
3. The chair and vice-chair of the Discipline Committee shall be elected from among the members of the Discipline Committee and the election may take place at or before the first Committee meeting of the year.
- ~~2-4.~~ No one may serve as chair and vice-chair of the Discipline Committee while they are also a member of the Inquiries, Complaints and Reports Committee.
- ~~3-5.~~ When required, panels of the Discipline Committee shall be selected by the chair of the Discipline Committee from among the members of the Committee and each panel shall be composed of at least three and no more than five persons, at least two of whom shall be persons appointed to the Board by the Lieutenant Governor in ~~Board~~Council.
- ~~4-6.~~ Panels of the Discipline Committee, and the committee as a whole, shall meet as required.
- ~~5-7.~~ All Discipline Committee members are required to attend such training sessions as may be deemed appropriate by the chair of the Discipline Committee and/or the Board ~~an annual orientation session.~~

Mandate Authority and Accountability

1. The Discipline Committee is a statutory committee of the College as set out in section 10(1)4 of the Health Professions Procedural Code (the "Code").~~The Discipline Committee shall:~~
2. The Discipline Committee is accountable to the Board for:
 - a. Acting in accordance with the Regulated Health Professions Act, 1991 (the "RHPA"), including the Code, the Opticianry Act, 1991, the regulations under those acts, the by-laws and any other laws that apply to its processes and decision making.
 - b. Fulfilling any other duties and responsibilities assigned to it by the Board.

Responsibilities of the Discipline Committee

The Discipline Committee Shall:

- ~~1.—~~
- ~~2.1.~~ Perform such functions as are assigned to it under the RHPA, Health Professions Procedural Code, Regulations, by-laws, and policies of the College including providing a fair hearing and rendering a decision in cases of alleged professional misconduct or incompetence in accordance with applicable legislation, and established rules and procedures.
- ~~3.2.~~ Consider and make recommendations to the Board for changes to applicable legislation, regulations, and by-laws, as well as programs that fall within its mandate and/or support the discipline process.
- ~~4.— Not elect as chair or vice chair a member of the Inquiries, Complaints and Report Committee.~~
- ~~5.3.~~ Submit an annual report to the Board. The report will include information on the number of hearings, the types of matters dealt with, and the dispositions of those matters generally.

The Discipline Committee may:

1. Submit a report to Board in between ~~the~~ annual reports.

POLICY TYPE: GOVERNANCE PROCESS**4-11 Discipline Committee Terms of Reference and Mandate Policy**

Committee Composition and Meetings

1. The Board shall appoint the members of the Discipline Committee for the following year at the last Board meeting of the year in accordance with the by-laws.
2. The Discipline Committee shall be composed of:
 - a. at least four Directors who are members of the College;
 - b. all Directors appointed to the Board by the Lieutenant Governor in Council;
 - c. and at least four members of the College who are not Directors; and
 - d. if the Board so decides, and the by-laws so permit, up to three individuals who are not registrants of the College and who are not Directors.
3. The chair and vice-chair of the Discipline Committee shall be elected from among the members of the Discipline Committee and the election may take place at or before the first Committee meeting of the year.
4. No one may serve as chair and vice-chair of the Discipline Committee while they are also a member of the Inquiries, Complaints and Reports Committee.
5. When required, panels of the Discipline Committee shall be selected by the chair of the Discipline Committee from among the members of the Committee and each panel shall be composed of at least three and no more than five persons, at least two of whom shall be persons appointed to the Board by the Lieutenant Governor in Council.
6. Panels of the Discipline Committee, and the committee as a whole, shall meet as required.
7. All Discipline Committee members are required to attend such training sessions as may be deemed appropriate by the chair of the Discipline Committee and/or the Board.

Authority and Accountability

1. The Discipline Committee is a statutory committee of the College as set out in section 10(1)4 of the Health Professions Procedural Code (the “Code”).

2. The Discipline Committee is accountable to the Board for:
 - a. Acting in accordance with the Regulated Health Professions Act, 1991 (the “RHPA”), including the Code, the Opticianry Act, 1991, the regulations under those acts, the by-laws and any other laws that apply to its processes and decision making.
 - b. Fulfilling any other duties and responsibilities assigned to it by the Board.

Responsibilities of the Discipline Committee

The Discipline Committee Shall:

1. Perform such functions as are assigned to it under the RHPA, Code, regulations, by-laws, and policies of the College including providing a fair hearing and rendering a decision in cases of alleged professional misconduct or incompetence in accordance with applicable legislation, and established rules and procedures.
2. Consider and make recommendations to the Board for changes to applicable legislation, regulations, and by-laws, as well as programs that fall within its mandate and/or support the discipline process.
3. Submit an annual report to the Board. The report will include information on the number of hearings, the types of matters dealt with, and the dispositions of those matters generally.

The Discipline Committee may:

1. Submit a report to Board in between annual reports.