



Professional Conduct Committee

Approved February 2021 Revised	Authority Board of Directors Committee Support Administrative Coordinator	Status Statutory Occasional
Policy & Procedures	Supporting Legislation/Regulation/By-Laws <ul style="list-style-type: none"> • <i>CTA 43-49</i> • <i>Regulations 24-47</i> • <i>NSCCT By-Laws 24(1)-(6)</i> 	

TERMS OF REFERENCE

Function

- Review referrals from the Complaints Committee in order to determine appropriate disposition of the matter (including sanctions or revocation of license)
- In cooperation with the Policy and Procedures Committee, establish written Procedures to outline in clear detail, the process of review in accordance with *the Act, Regulations, and Bylaws*, including the types of sanctions available to the Committee and the criteria used to determine their imposition. The Procedures will also include clear information regarding the Respondent's rights and responsibilities in respect to a hearing by the Committee.
- To ensure that Registrants have easy access to the Procedures of the Committee
- Create, maintain and make public, a *Professional Conduct Digest* which contains copies of all full decisions and license sanctions made by the Professional Conduct Committee. The *Digest* will include the full name and registration number of the Registrant and any disciplinary action taken.

The Chair of the Professional Conduct Committee shall appoint a panel of five persons from the Committee, at least one of whom must be a public representative, to act as the Professional Conduct Committee for purposes of the professional conduct process.

The Chair of the Professional Conduct Committee may sit on the panel and shall act as the Chair of the panel in this event.

Where the Chair of the Professional Conduct Committee is not appointed to the panel, the Chair of the Professional Conduct Committee shall appoint a chair for such panel.

- Where the Complaints Committee refers a matter to the Professional Conduct Committee the Registrar shall, within thirty days from the date of the referral, fix a date, time and place for holding a hearing, which must commence not later than ninety days from the date of the referral by the Complaints Committee, or such later date as the respondent and the College may agree or the Professional Conduct Committee may order following an opportunity or submissions from both parties as to such date.
- A notice of hearing, containing such information as required by the regulations, shall be forwarded by the Registrar to the respondent and the complainant at least thirty days prior to the hearing.
- At any stage of the professional conduct process, any document required to be served on or provided to a respondent or any other individual is deemed to be served or provided if
 - the intended recipient or their counsel acknowledges receipt of the document;
 - a registered mail receipt is provided from Canada Post;
 - an affidavit of service on the respondent is provided; or
 - the College provides evidence satisfactory to the Professional Conduct Committee that all reasonable efforts to effect service have been exhausted.

Where the Complaints Committee refers a matter to the Professional Conduct Committee, the College, before the commencement of a hearing by the Professional Conduct Committee, may enter into a settlement proposal with the respondent, which proposal shall be dealt with in accordance with the regulations.

A proceeding held by the Professional Conduct Committee must be conducted in accordance with the regulations.

In a proceeding before the Professional Conduct Committee, the parties have the right to

- be represented by legal counsel or another representative;

- present evidence and make submissions, including the right to cross examine witnesses; and
- receive written reasons for a decision within a reasonable time.

Evidence is not admissible before the Professional Conduct Committee unless the opposing party has been given, at least ten days before a hearing,

- in the case of written or documentary evidence, an opportunity to examine the evidence;
- in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; or
- in the case of evidence of any other witness, the identity of the witness.

The Professional Conduct Committee may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible and may make directions it considers necessary to ensure that a party is not prejudiced.

Where the Professional Conduct Committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity, the Committee shall dispose of the matter or matters in accordance with the regulations.

Where the Professional Conduct Committee has revoked the registration of a member, the Committee shall determine whether the member is entitled to apply for re-instatement of registration or whether the revocation is final.

Where the Professional Conduct Committee determines that a member whose registration has been revoked may apply for re-instatement, the Committee shall determine the time when the member may apply for reinstatement, which cannot be earlier than two years from the date of the Committee's decision.

Membership [Terms are 2 years (with option for a 2nd term) with 50% staggered]

1. Chair, as appointed by the Board from among the Membership
2. Vice Chair, as appointed by the Board from among the membership
3. Licensed Member
4. Licensed Member
5. Licensed Member
6. Licensed Member
5. Public Representative

Note: Not open to members of the Complaints Committee;

Members of the Professional Conduct Committee who have participated in any capacity in the investigation or adjudication of the current Respondent must recuse themselves from hearing or adjudicating the matter;

Members of the Professional Conduct Committee who are parties to the Complaint must recuse themselves from hearing or adjudicating the matter.

Where a proceeding is commenced before the Professional Conduct Committee and the term of office of any person sitting on the Committee expires, that person remains part of the Committee until the proceeding is concluded.

Quorum

- Any three (3) persons from a panel, regardless of whether they are registrants or public representatives, constitute a quorum.
- All members of the Committee are voting members unless otherwise indicated under “Membership.”
- The Chair shall vote only if the votes on a question are evenly divided.

Meetings

The Chair will call a meeting of the Committee as soon as practicable upon receipt of a referral from the Complaints Committee. *Pro forma* meetings of the Committee will be held twice annually. Special meetings may be called by the Chair or at the request of the Board. *Roberts Rules of Order (Revised)* will govern.

Outcomes of meetings are reflected in individual written Committee decisions.

Note: The Committee may elect to exempt from publication or redact to any extent, minutes or summary notes which in their judgment risk breaching confidentiality.

Review and Revision

The Committee, under the guidance of the Policy and Procedures Committee, will review its Terms of Reference every two (2) years. The Board must approve proposed revisions or administrative updates.