



Memo

Date: September 30, 2020
To: Members of Council
From: John Hamilton, OCT
Chair, Discipline Committee
Subject: Report of the Discipline Committee

Committee Meetings/Hearing Dates

Meetings

The Discipline Committee meeting scheduled for April 3, 2020 was postponed due to the COVID-19 pandemic.

A Joint Session of the Discipline Committee and Fitness to Practise Committee was held on May 14, 2020.

Hearing Dates (From March 9, 2020 to September 30, 2020)

Due to government restrictions and public health concerns related to the COVID-19 pandemic, all in-person hearings were postponed as of March 17, 2020. Hearings that were postponed during this period were either rescheduled to a later date or held electronically.

March: 9, 10
April: 22, 30
May: 7, 13, 25, 27
June: 1, 8, 17, 23, 24
July: 7, 8, 9, 14, 15, 21, 22, 28, 29
August: 5, 10, 19, 21, 26, 28
September: 1, 2, 3, 30

Summary of Discussions

1. Joint Training

The April 2, 2020 Joint Training Session of the Discipline and Fitness to Practise Committees and their roster members was postponed due to the COVID-19 pandemic. The following topics will be covered by Independent Legal Counsel, Julie Maciura, Steinecke Maciura LeBlanc, at the next training session:

- Sanction/Orders;
- Uncontested Hearings (ASF/JSPs);
- Motions;
- Standard of Review update; and
- Self-represented litigants.

2. Meeting / Joint Session

The April 3, 2020 Discipline Committee meeting was postponed due to the COVID-19 pandemic. The next scheduled meeting for the committee at this time is October 30, 2020.

At the May 14, 2020 Joint Session of the Discipline and Fitness to Practise Committees, the preliminary 2021 budget was presented to the Committees. Following the presentation, members engaged in a question and answer session on the proposed funding options for the Investigations and Hearings Department.

Statistics

The following is a summary of the disposition and status of 53 cases concluded by panels of the Discipline Committee from January 1 to July 31.

The total number of hearings during this period was 53, of which 8 were contested.

Disposition of Cases	Cases Disposed of by the Discipline Committee
Revocation	17
Suspension	17
Reprimand	12
Withdrew Notice of Hearing	4
Withdrew Notice of Hearing + TCL	0
Not Guilty	0
Cancelled-Resigned	1
Incompetent	1
Reinstatement permitted	1
TOTAL	53

Duties/Mandate of the Discipline Committee

The duties and mandate of the Discipline Committee are described in Appendix 1 of this document.

Future Committee Training and Meeting Dates

Thursday, October 29, 2020: Joint Training of the Discipline and Fitness to Practise Committees and Roster Members

Friday, October 30, 2020: Discipline Committee Meeting.

Upcoming Hearings (October 5 to December 2, 2020)

Please note that some of the following hearings may be rescheduled depending on the circumstances of the COVID-19 pandemic at the time.

October 6, 7, 9, 13, 14, 20, 22, 23, 27 and 28

November 3, 5, 18, 24, 25 and 30

December 1

Members of the Discipline Committee

Diane Ballantyne, OCT

John Cammarata

Irene Dembek, OCT

Richard Fillion

Rebecca Forte, OCT (Vice-Chair)

Mary Ellen Gucciardi, OCT

John Hamilton, OCT (Chair)

Élaine Legault

Marlène Marwah

Sara Nouini, OCT

Wanda Percival

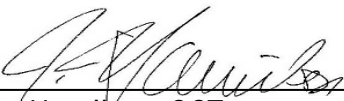
Thomas Potter

Nicola Powadiuk, OCT

Jonathan Rose

Nancy Saunders, OCT

Stéphane Vallée, OCT



John Hamilton, OCT

APPENDIX 1

Discipline Committee

Mandate

To deal with discipline issues. (OCTA, s. 3(1)).

Nature of the Discipline Committee's Work

The Discipline Committee:

- a) shall hear and determine matters directed or referred to it under section 26, 29 or 33 (OCTA, s. 30(1)(a))
- b) shall perform such other duties as are assigned to it by the Council (OCTA, s. 30(1)(b))
- c) may, after a hearing, find a member guilty of professional misconduct, if the member has been guilty, in the opinion of the Committee, of professional misconduct (OCTA, s. 30(2))
- d) may, after a hearing, find a member to be incompetent if, in its opinion, the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a student of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations. (OCTA, s. 30(3)).

Powers of the Discipline Committee

Where the Discipline Committee finds a member guilty of professional misconduct or to be incompetent, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke any certificate held by the member under the Act.
2. Directing the Registrar to suspend any certificate held by the member under the Act for a stated period, not exceeding 24 months.
3. Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under the Act.
4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period.
5. If the act of professional misconduct consists of or includes sexual abuse or a prohibited act involving child pornography, requiring the member to reimburse the College for funding provided for a person under the program required under section 58.1.

6. If the panel makes an order under paragraph 5, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse the College under the order under paragraph 5. (OCTA s. 30(4)).

Where the Discipline Committee finds a member guilty of professional misconduct, it may, in addition to exercising the powers described above, make an order doing one or more of the following:

- a) Requiring that the member be reprimanded, admonished or counselled by the Committee or its delegate and, if considered warranted, directing that the fact of the reprimand, admonishment or counselling be recorded on the register for a specified period of more than three years.
- b) Imposing a fine in an amount that the Committee considers appropriate, to a maximum of \$5,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.
- c) Fixing costs to be paid by the member to the College. (OCTA, s. 30(5)).

In making an order directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period, the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the successful completion by the member of specified courses of study. (OCTA, s. 30(6)).

In making an order revoking or suspending a certificate or imposing terms, conditions or limitations on a certificate, the Committee may fix a period during which the member may not apply for reinstatement or variation of the order. (OCTA, s. 30(7)).

Where the Discipline Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or such portion of them as the Discipline Committee fixes. (OCTA, s. 30(9)).

A hearing of the Discipline Committee shall, subject to making an order that the public be excluded from the hearing in accordance with the Act (OCTA, s. 32(7) and (7.1)), be open to the public. (OCTA, s. 32(6)).