



Setting the Standard for Great Teaching
Fixer la norme pour un enseignement de qualité

Memo

Date: September 30, 2020
To: Members of Council
From: Irene Dembek, OCT
Chair, Fitness to Practise Committee
Subject: Report of the Fitness to Practise Committee

Committee Meetings/Hearing Dates

Meetings

The Fitness to Practise 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 10
April 30
May: no hearings
June 15 and 18
July: no hearings
August 17
September: no hearings

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 Fitness to Practise Committee meeting was postponed due to the COVID-19 pandemic.

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

There were seven Fitness to Practise matters concluded from January 1 to July 31, 2020. Six members were found to be incapacitated and had terms, conditions or limitations placed on their certificates and one member was revoked.

Duties/Mandate of the Fitness to Practise Committee

The duties and mandate of the Fitness to Practise Committee are described in Appendix 1 of this document.

Future Committee Training and Meeting Dates

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

Friday, October 30, 2020: Fitness to Practise Committee Meeting.

Upcoming Hearings (October 5 to December 2, 2020)

There are currently no hearings scheduled.

Duties/Mandate of the Fitness to Practise Committee

The duties and mandate of the Fitness to Practise Committee are described in Appendix 1 of this document.

Members of the Fitness to Practise Committee

Diane Ballantyne, OCT (Vice-Chair)

John Cammarata

Irene Dembek, OCT (Chair)

Richard Fillion

Rebecca Forte, OCT

Mary Ellen Gucciardi, OCT

John Hamilton, OCT

Élaine Legault

Marlène Marwah

Sara Nouini, OCT

Wanda Percival

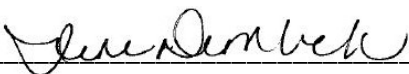
Thomas Potter

Nicola Powadiuk, OCT

Jonathan Rose

Nancy Saunders, OCT

Stéphane Vallée, OCT



Irene Dembek, OCT

APPENDIX 1

Fitness to Practise Committee

Mandate

To deal with fitness to practise issues. (OCTA, s. 3(1)).

Nature of the Fitness to Practise Committee's work

The Fitness to Practise Committee:

- a) shall hear and determine matters directed or referred to it under section 26, 29 or 33. (OCTA, s. 31(1)(a));
- b) shall perform such other duties as are assigned to it by the Council. (OCTA, s. 31(1)(b)); and
- c) may, after a hearing, find a member to be incapacitated if, in its opinion, the member is suffering from a physical or mental condition or disorder such 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. 31(2)).

Powers of the Fitness to Practise Committee

Where the Fitness to Practise Committee finds a member to be incapacitated, it may make an order doing one or more of the following:

- a) Directing the Registrar to revoke any certificate held by the member under the Act.
- b) Directing the Registrar to suspend any certificate held by the member under the Act for a stated period, not exceeding 24 months.
- c) Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under the Act.
- d) 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. (OCTA, s. 31(3)).

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 it considers appropriate, including but not limited to terms requiring the production to the Committee of evidence satisfactory to it that any physical or mental condition or disorder in respect of which the penalty was imposed has been resolved. (OCTA, s. 31(4)).

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. 31(5)).

Where the Fitness to Practise 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 Committee fixes. (OCTA, s. 31(7)).

A hearing of the Fitness to Practise Committee shall, subject to written notice by the member received by the Registrar before the day the hearing commences, be closed to the public. (OCTA, s. 32(8)).