



POLICY – Publication of Discipline Related Decisions

Purpose:

When and how discipline and related decisions are made public and posted at the College website is addressed in this policy.

Scope:

This policy applies to the following decisions:

- Decisions by the Discipline Committee to dismiss a complaint
- Conditional Admissions agreed to by the Discipline Committee and the subject member
- Citations issued by the Discipline Committee and Notices of Hearing issued by a Discipline

Panel

- Final decisions of a Discipline Panel following a discipline hearing.

Balance of Interests:

In making the above noted decisions public in print or electronically, the College is:

- demonstrating that members are held to account by the College,
- providing learning opportunities for the profession and the public, and
- sensitive to the privacy interest of third parties, and of its members.

In all cases when a decision is being made public, every effort will be made to protect the privacy of third parties.

Only in cases where, in the opinion of the deciding body (the Discipline Committee, a Discipline Panel, or Council in the case of a Review on the

Record), “grievous harm” could result, will the subject member name not be made public or posted at the College website.

Discipline Committee Decisions to Dismiss/Reject a Complaint:

Decisions to dismiss/reject a complaint are of interest to the professions and to the public. Consequently, where a complaint is dismissed or rejected by the Discipline Committee, the Committee will prepare a statement setting out in brief terms the nature of the complaint and the reasons for its dismissal/rejection. All care will be taken to ensure the complainant and subject member remain anonymous in these circumstances. The statement will be posted on the website.

Citations:

Citations issued by the Discipline Committee will be posted at the College website. Citations will remain posted until a Conditional Admission has been agreed to by the subject member and the Discipline Committee, or until a final decision is released by a Discipline Panel.

Notice of Hearing:

A Notice of Hearing issued by the Discipline Panel will be posted on the website and will remain until a Conditional Admission has been agreed to by the subject member and the Discipline Committee, or until a decision is released by the Panel.

Conditional Admissions:

The Conditional Admission accepted by the Discipline Committee and the subject member will be posted in full at the website for 2 years from the date of acceptance of the admission, or from 2 years after the member has met any conditions set out in that admission, whichever is longer. On conclusion of the stated time frame, the member is responsible for contacting the office to effect the change.

After two years, a summary of a Conditional Admission will be posted at the website, and the subject member’s name will be removed from that on-line summary. On conclusion of the stated time frame, the member is responsible for contacting the office to effect the change.

Where a subject member chooses to surrender voluntarily his or her membership in response to a complaint by way of Conditional Admission, the summary Conditional Admission will generally be posted indefinitely on the website, and the full Conditional Admission will be removed after a period of 2

years. On conclusion of the stated time frame, the member is responsible for contacting the office to effect the change.

Discipline Panel Decisions:

The full text of a Discipline Panel final decision will be provided to the subject member and the complainant. A copy of the full decision will be kept in the member's file indefinitely.

(a) Cancellation / resignation

The full decision of a Discipline Panel involving a member whose membership was cancelled or who has resigned as a result of a discipline action will be posted at the College the website for a period of 2 years after which time the full decision will be removed. After 2 years, a summary of such a Discipline Panel decision will be posted on the website indefinitely. On conclusion of the stated time frame, the member is responsible for contacting the office to effect the change.

(b) Suspension

The full decision of a Discipline Panel involving a member who has been suspended will be posted at the website until the member has been reinstated and for approximately 2 years thereafter, at which time the full decisions will be removed. After this time, a summary of such a decision with the member's name removed will remain on the website indefinitely. On conclusion of the stated time frame, the member is responsible for contacting the office to effect the change.

(c) Other penalties or conditions

For all other Discipline Panel decisions that do not involve a cancellation or suspension, the full decision will be posted at the website for 2 years from the date of the decision or from 2 years after the member has met any conditions set out in that decision, whichever is longer. After this time, a summary of the decision with the member's name removed will remain on the website indefinitely. On conclusion of the stated time frame, the member is responsible for contacting the office to effect the change.

Distribution of a decision:

The distribution of Discipline Panel decisions will generally be restricted to college print and electronic publications unless the Discipline Panel, in its decision, directs otherwise. Subject members may address the issue of nature

and manner of decision publication and distribution during a Discipline Panel hearing.

A Discipline Panel will, at the time of writing the full decision, also prepare a summary of its decision. The full decision and the summary decision will be available upon their release.

Notices to the General Membership:

An electronic notice will be issued to the general membership upon the issuance of a Conditional Admission that has been accepted by the subject member and the deciding body, or of a decision of a Discipline Panel. Where the notice regards the issuance of a Discipline Panel decision, the notice will contain the summary of the decision as prepared by the Discipline Panel.

Grievous Harm:

For the purposes of this policy, “grievous harm” includes harm that can occur only in rare and exceptional circumstances with the focus on the member’s personal circumstances. The harm must be exceptional, unusual, onerous, injurious to the member and cause the member to experience catastrophic loss both personally and professionally. The harm must involve significantly more than the normal damage to reputation or embarrassment that would normally flow from being found guilty of professional wrongdoing.

Where the decision body is of the opinion that publication of the subject member’s name will cause grievous harm that outweighs the interest of the public and the College in full publication, the decision body may direct that the subject member’s name not be included in any published account of the decision.