

Terms of Reference for Legislated Committees of SCRT Document

Committee Name: **Discipline Committee (DC)**

Authority: *The Respiratory Therapists Act (The Act)* section 28(1) 2009 states: *the discipline committee is [to be] established...*

- *The DC is a statutory committee and is mandated to ensure protection of the public by establishing and maintaining a framework for dealing with matters referred to it for discipline by the Professional Conduct Committee (PCC).*
- *Upon receiving a report from the SCRT Professional Conduct Committee (PCC,) the DC is to hold a disciplinary hearing to hear and determine a formal complaint [The Act section 29(1)]*
- *The DC will follow all regulations as laid out in The Respiratory Therapists Act.*

Date Approved:

Date Revised:

1. Purpose/ Responsibilities

The Discipline Committee will;

- Conduct a hearing as detailed in *The Act*, Regulatory Bylaws and applicable policies, upon a referral from the PCC, that is open to the public.
- Make the determination of guilt of professional incompetence and/or professional misconduct, based on the evidence and testimony of witnesses given and heard at the hearing.
- Ensure committee members are aware of their disciplinary powers and execute them appropriately.
- Ensure the report of a DC decision, as agreed to by a majority of members, is provided to the RT named, the complainant, legal counsel to the PCC and ED/Registrar for council, and that the decision is made public.
- Review and update policies and documents of the college with regard to the disciplinary process, including the Standards of Practice, and make rules regulating its business proceedings, subject to *The Act* when needed, ensuring any suggested amendments are transparent, objective, impartial and fair.
- Ensure the confidentiality and secure handling of all information and files surrounding its work.

2. Membership

- The committee shall consist of at least three persons appointed by council the majority of whom are to be practicing members [*The Act section 28(1)*].
- No member of the PCC and no elected member of the council is eligible to be a member of the DC [*The Act section 28(2)*].
- A public representative from council must be a member of the DC [*The Act section 28(1)*].
- It is the responsibility of council to identify, recruit, and select replacement members.
- Members shall be selected based on information supplied in a resume directed to council. Preference will be given to members with former PCC experience.
- Full geographical representation of the province shall be considered, whenever possible, when assigning members.

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- Term of appointment to the committee will be 3 years: normally commencing with a January appointment: (post review of new volunteer forms after the AGM)
 - The terms will be staggered to ensure continuity of membership.
 - A member may be appointed twice to the same committee for successive terms.
- Core membership will be reviewed annually; maximum planned turnover should not exceed 40%.
- The decision to renew a member or appoint a new member will be made always ensuring the optimal functioning of the committee.
- New members will be sought from the college's volunteer pool based on their experience with committee work, as well as their understanding of governance, bylaws, and *The Act* associated with the SCRT.
- Members shall be required to receive training in [Conduction of..] Tribunal Hearings in the timeliest manner possible, and may also receive training in Investigation [..for PCC members of a Regulated profession].
- Where regular attendance and participation on a reliable basis is not maintained by a member, *Administrative Bylaw 31(5)* provides a means for removal of committee members by council.
- When a disciplinary hearing has started, and the term of office of a member expires before the work is completed, the member shall remain a member until the hearing is completed (*The Act section 31*).
- Every member shall preserve confidentiality with respect to all information that comes to their knowledge in the course of their duties and shall not communicate any information to any other person. Furthermore, the member agrees to use all reasonable efforts to protect all confidential information in their possession or control, and recognizes their obligations to confidentiality continue indefinitely, even after their term on the committee is completed.

3. Organization

a. Chairperson:

- Committee members shall nominate a member for the chair position for council's approval.
- Chair responsibilities;
 - Ensure the business of the committee is conducted with processes consistent with the SCRT and its values.
 - Ensure new committee members receive an orientation and training, with assistance of ED/Registrar.
 - The chair may serve their full 3-year term as chair or, the committee may elect to use a regular replacement model, requesting a new chair be appointed by council.
 - When outgoing, will ensure an orientation is given to the incoming chair, once they have been appointed by council.
 - Ensure agendas and minutes are prepared and taken for all meetings, meeting minutes are circulated to members, after each meeting (to ensure accuracy) and subsequently filed with the college, with the assistance of college staff if required.

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- In conjunction with the ED/Registrar, ensure all materials and information are prepared and distributed prior to a meeting.
- Ensure full and proper disclosure of all names involved in any hearing (named RT, witnesses etc.) are provided at the first meeting held to discuss a new case to all DC members, so any conflict of interest can be declared and the member recused.
- Provide reports for council meetings when requested, summarizing meeting business as permitted and, any other work of the committee.
- Provide an annual report to the college when requested, summarizing the committee's business for the year.
- Link with ED/Registrar/staff and council for all communications to/from the committee.
- Link with legal counsel for the DC for communications.

b. Meetings

- Meetings will be held at least twice a year;
 - One to complete necessary administrative work and, provide some education to members with assistance of ED/Registrar; and
 - One to prepare submission for the Annual Report to the Ministry or, more often, in order to fulfill its terms of reference, ensuring the work outlined in the points above is completed.
- Chair should endeavour to ensure at least one meeting annually has all members in attendance, either in person or via teleconference.
- Meetings and committee business may be conducted in person, via teleconference, or by electronic communication. (electronic meetings must record participants).
- Quorum: as per *Administrative Bylaw 31(4)*
- Members are expected to; attend all meetings, unless an excused absence is approved in advance and, to ensure confirmation or regrets are submitted in a timely manner.
- Meetings may be cancelled/rescheduled at the direction of the chair.

4. Hearings

- When the PCC recommends that the DC hear and determine a formal complaint pursuant to *The Act*, the DC shall conduct a hearing, execute its powers, taking necessary action against members found guilty in accordance with all measures as described in *The Act*. (*The Act sections 29, 30, 31, 32, 33, and 34*).

5. Budget/ Resources

- Expenses of committee members to participate in meetings will be reimbursed according to *Governance Policy (GP-5)*.
- The committee may employ at the expense of the college any legal or other assistance that it considers necessary [*The Act section 29(5)*].



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6. Other

- Subject to *the Act* and the bylaws, the DC may make rules regulating its business and proceedings [*RT Act section 28(3)*].
- The committee will review its own terms of reference every 2 years for submission to council.