



Discipline Committee

Terms of Reference

Purpose

The purpose of the College of Complementary Health Professionals of British Columbia's ("CCHPBC") Discipline Committee (the "Committee") is to hear and determine matters set for hearing by citation issued by the Registrar.

Authority

The Committee is established by section 19(1)(t) of the *Health Professions Act*, RSBC 1996, c 183 (the "HPA") and subparagraph 4.1(c) of the CCHPBC bylaws (the "bylaws"). The Committee derives its authority from the HPA and the bylaws.

Responsibilities of the Committee

The Committee has the responsibility to:

- hear and, following a disciplinary hearing, make one or more determinations about the registrant's conduct, or dismiss the citation (HPA, s.39(1));
- issue disciplinary outcomes to respondents following a determination made (HPA, s. 39 (2));
- issue written reasons for decisions (HPA, s. 39(3)) and consider whether information must be withheld under HPA, s.39.3(3) or (4);
- conduct a Health Profession Corporation Permit Revocation Hearing on receipt of a written complaint, including a referral from the Inquiry Committee or the Registrar;
- take action against a registrant in relation to unprofessional conduct in another jurisdiction or while practicing as a registrant of another college, pursuant to HPA, s.39.1;
- review and assess the Committee's terms of reference and make any appropriate recommendations to the Board.

Everything the Committee does must comply with the HPA, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 (FIPPA), the bylaws, any applicable Board policies, and the principles of administrative law.

Committee Membership

i. *Recruitment and Appointment*

Annually, the Governance Committee recommends a composition matrix to the Board for each College committee. This matrix identifies the ideal collection of skills, backgrounds, and experience for each College committee and includes



individual and collective commitment and capacity in cultural safety, cultural humility, and Indigenous-specific anti-racism.

When a vacancy needs to be filled, the Governance Committee will, in consultation with staff and the Committee chair, compare current committee competencies, backgrounds and experience against the competency matrix for that committee and identify and prioritize needs to be filled. These prioritized needs will support the recruitment and assessment of potential candidates for the Committee. When considering committee and Board composition, the Governance Committee will ensure there is a minimum expectation of two Indigenous members in every setting.

Appointments will be made by the Board upon the recommendation of the Governance Committee. In certain cases, the Board may make appointments directly. The Board will designate the committee chair and vice-chairs from among the Committee members.

ii. Composition

The Committee will be composed of a sufficiently large number of both registrant members from each Designated Health Profession and public Committee members to form a number of panels. There will be a sufficiently large number of Committee members to meet the skills, background, and diversity requirements outlined in the Committee's composition matrix and the *Guidelines: Regulatory Committee Panels*.

The bylaws set out the minimum Committee composition of at least 11 persons. There must be at least two registrants from each of the Designated Health Professions in the College and at least three public Committee members.

iii. Terms of Office

Each member of the Committee will be appointed for a term of up to three years, unless otherwise specified by the Board. Committee members may be reappointed to the Committee but may not serve as a Committee member for more than six consecutive years. A person who completes six consecutive years on the Committee will be ineligible for reappointment to the Committee until three years have elapsed since the end of their service.

The term of office for the chair and vice-chair is one year, renewable by the Board.

iv. Compensation

Compensation for Committee members' time will be paid in accordance with the Board and Committee Member Compensation (Honoraria) Policy.



Responsibilities of all Committee Members

Expectations of all Committee members are set out in the *Board and Committee Code of Conduct*. All Committee members have a responsibility, on an annual basis, to read and sign the Confirmation of Understanding and Acceptance of the Code, and to always comply with the expectations set out within it.

Responsibilities of the Committee and Panel chair

In addition to the general responsibilities of Committee members, the role of the chair includes:

For the Committee chair:

- Appointing Committee members to panels and designating the Panel chair in accordance with the *Guidelines: Regulatory Committee Panels*.
- Where a panel is created for a specific task or is established as a standing, long-term panel and the chair deems it necessary, approving Terms of Reference for the panel.
- Supporting Committee and Committee member evaluations when required.
- Providing oversight, feedback, and mentorship to Panel chairs as required with respect to chair issues.
- Setting meeting dates in consultation with the Committee Members and staff for meetings of the Committee as a whole.
- Presiding at and conducting meetings of the Committee as a whole for purposes of orientation, education, and consultation in a manner that promotes meaningful discussion.
- Encouraging meeting attendance, including speaking with Committee members not attending.
- Encouraging Committee member participation in discussion.

For Panel chairs (disciplinary hearings and associated meetings):

- Coordinating with Panel members and independent legal counsel to set dates for preparation and deliberation meetings of the Panel.
- Presiding at and conducting disciplinary hearings and associated Panel meetings in a manner that promotes rational, defensible decisions and/or recommendations.
- Taking action to address non-attendance of Panel members at disciplinary hearings or deliberation meetings.
- Encouraging Panel member participation in deliberations.

For the Committee chair and Panel chairs:

- Encouraging and maintaining a culturally safe environment for any Indigenous members.
- Creating an agile mechanism to raise harm alarms and identify/untie colonial knots.
- Taking a believing stance when Indigenous Committee members raise concern or comment and expecting the same of other Committee members.



- Committing to mounting a timely and active response when an issue of Indigenous-specific racism is raised.
- Presiding at and conducting all Committee or Panel meetings in a manner that promotes meaningful discussion and rational, defensible decisions and/or recommendations.
- Being aware of and facilitating meetings in accordance with principles of Indigenous cultural safety including when relevant any local First Nations customs, laws or protocols, and any other guidelines set out by the Board or Committee (e.g., Committee Meeting Guidelines).
- Encouraging Committee and Panel member participation in discussion.
- Utilizing facilitator, coaching, and other interpersonal skills to ensure meaningful discussions occur.
- Encouraging meeting attendance, including speaking with Committee or Panel members not attending.
- Monitoring Committee or Panel member compliance with the Board and Committee Code of Conduct.
- Ensuring relevant Board directives are followed; and ensuring timely communication with the Board on extraordinary situations as they occur, including any concerns with the functioning of the Committee or Panel.

Responsibilities of the Committee vice-chair

In addition to the general responsibilities of committee members, a vice-chair will assist and support the chair in the execution of their responsibilities as determined by the chair and will assume the responsibilities of the chair if the chair is unable to for any reason.

Panels

While the Committee may meet as a whole, where needed, for purposes such as orientation, education, and consultation, the Committee will usually meet in panels.

i. Duties

A panel may exercise any power and perform any duty of the Committee under the Act and bylaws, subject to any procedures, policies, or rules established by the Board.

ii. Selection and composition

Each panel consists of at least three Committee members, including one public Committee member and must be composed of at least three members. Members of a Panel are appointed by the Committee chair from among Committee members, in consultation with staff using the Guidelines: Regulatory Committee Panels.



If an issue, decision, or exercise of power or duty of the Committee relates to a particular registrant, all panels must include at least one Committee member who is a registrant from the same Designated Health Profession of the registrant to whom the matter relates.

In practice, panel chairs will be designated by the Committee chair from among Committee vice-chairs appointed by the Board, however any committee member can be appointed a panel chair if required.

Committee Meetings

i. Frequency

The frequency of meetings of the Committee as a whole for orientation, education, and consultation will be determined by the Committee chair in consultation with staff. There may be pre-reading for each meeting.

ii. Method of Meeting

The Committee may meet and conduct business in person, by telephone, by videoconference or in a hybrid manner. The Committee may make a decision by email by majority vote, if quorum requirements are met.

iii. Voting

Each committee member has one vote. Committee decisions will ideally be achieved through consensus whenever possible. Should consensus not be reached, a vote will be held. Decisions are made by majority vote.

iv. Attendance

Committee members are expected to participate actively and regularly in meetings. If a Committee member is absent for three consecutive meetings or is absent on a regular basis the Committee chair shall discuss the absence with the Committee member and determine whether it is appropriate for the Committee member to resign.

v. Quorum

A majority of the Committee constitutes quorum, as long as at least one third of the members in attendance are public Committee members.

vi. Minutes

It is the responsibility of the Committee chair to ensure that minutes are taken at each meeting of the Committee as a whole for purposes such as orientation, education, and consultation and retained on file. In practice, the chair delegates this responsibility to support staff for Committee approval at the next meeting.



Panel meetings

- i. Frequency*

The frequency of disciplinary hearings and related meetings (such as deliberations) will be determined by the number of matters directed to citation by the Inquiry Committee. Independent legal counsel may assist with scheduling of meetings for deliberations.
- ii. Method of Meeting*

Panels may meet and conduct business in person, by telephone, by videoconference or in a hybrid manner. A Panel may make a decision by unanimous email vote.
- iii. Voting*

Each Panel member has one vote. Decisions will ideally be achieved through consensus whenever possible. Should consensus not be reached, a vote will be held. Decisions are made by majority vote.
- iv. Attendance*

Once appointed to a Panel for a specific disciplinary matter, Panel members are expected to attend the disciplinary hearing and all associated preparation and deliberation meetings for that Panel. If a Panel member fails to attend a disciplinary hearing or associated meeting, the Panel Chair must take action to address this with the Panel member.
- v. Quorum*

Quorum for a meeting of a Panel consists of all members if the Panel has three members and three quarters of Panel members if the Panel has four members or more, including at least one public Committee member.
- vi. Minutes*

All disciplinary hearings must be recorded and it is the responsibility of the Panel chair to ensure that a court reporter attends. Minutes of confidential preparation and deliberation meetings attended by independent legal counsel and Panel members only are not retained by the College.

Removal

The Board may by Special Resolution remove a Committee or Panel Member and appoint a replacement for any person removed. Special care must be taken when removing a Committee or Panel Member when the Committee or Panel on which the person sits is in the process of considering a matter. If a member of Panel resigns or is otherwise unable to continue after a hearing has commenced but before a decision has been reached under s. 39(1) or 39(2) of the HPA, proceedings must not be halted, and the remaining Panel members may proceed. The chair of the Committee may appoint a replacement if the proposed appointee agrees to the appointment.



Reporting

The Committee must report to the Board annually or at a frequency determined by the Board, outlining the Committee's activities as well as the activities of its panels, where decisions have been rendered, in a manner prescribed by the Board in consultation with staff responsible for Board governance and committee reporting.

Resourcing and Staff Liaison

The Committee and its panels will be supported by one or more members of staff, as determined by the Registrar. The Committee and its panels may consult experts as required. The Committee may engage outside cultural, legal or other professional advice, in accordance with budget allocation.

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