



Investigation Committee

Terms of Reference

Purpose

The purpose of the College of Complementary Health Professionals of British Columbia's ("CCHPBC" or the "College") Investigation Committee (the "Committee") is to direct CCHPBC's investigation program in conjunction with the Registrar and College staff. The Committee acts as a statutory decision-maker on certain matters arising from complaint investigations conducted by the College. The Committee may also initiate and conduct investigations in the absence of a complaint.

Authority

The Committee is defined in Part 1 of the *Health Professions and Occupations Act* (the "HPOA") and derives its authority from section 541(3)(a) of the HPOA and subparagraph 3.1(c) of the CCHPBC Bylaws (the "Bylaws").

Responsibilities of the Committee

The Committee has the responsibility to:

- Review requests for summary protection orders from the Registrar and direct that a summary protection order be made, where appropriate.
- Direct the Registrar to make, vary, or terminate a summary protection order at any point in an investigation.
- Where requested by a respondent, review a decision of the Registrar to issue an administrative disciplinary order.
- Receive all relevant information of disposition of an administrative discipline matter by the Registrar.
- Receive notice of compliance or lack of compliance with an administrative discipline order by the Registrar.
- Initiate investigations without a regulatory complaint, where appropriate.
- Direct the registrar to make a summary dismissal order, where appropriate.
- Where the Committee determine that a case cannot reasonably proceed, make a suspension order or termination order.
- If the Committee has reasonable grounds to believe that capacity is in question, direct the Registrar to order a capacity evaluation. If applicable, the Committee has the responsibility to direct that an investigation be delayed until the completion of the capacity evaluation.
- Direct that all or part of an investigation is delayed until a competency assessment or capacity evaluation has been completed, where appropriate.



- Make a new regulatory complaint where a new matter that requires investigation becomes apparent during the course of an investigation, whether or not it is related to the complaint that is the subject of investigation.
- Direct the Registrar to appoint one or more Investigators to conduct all or part of an investigation
- Receive investigator progress reports.
- Dispose of matters by dismissing a complaint, giving advice or recommendations; making a disciplinary order; directing the Registrar to issue a disciplinary order for restorative justice; directing that the Registrar request the Director of Discipline to issue a citation.
- Review and approve policy relating to investigations-related functions.
- 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 HPOA, 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

The Governance and Human Resources Committee recommends a Committee Composition Matrix to the Board that is applicable to all committees. 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. The Committee Composition Matrix is reviewed every two years in accordance with the review cycle for the Committee Composition and Appointments Policy.

Appointments will be made by the Board in accordance with the committee appointments process outlined in the Committee Composition and Appointments Policy. The Committee chair and vice chair may either be designated by the Board from among Committee Members or be elected by majority vote of the Committee Members.

When a vacancy needs to be filled, the Governance and Human Resources Committee will, in consultation with staff and the Committee chair, compare current Committee competencies, backgrounds and experience against the Committee Composition Matrix and identify and prioritize needs to be filled. These prioritized needs will support the recruitment and assessment of potential candidates for the Committee.



ii. Composition

The Committee will be composed of a sufficiently large number of both licensee Committee 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 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 licensees 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 unless the Board is satisfied that there are extenuating circumstances.

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*.
- Supporting Committee and Committee Member evaluations when required.
- Providing oversight, feedback, and mentorship to Panel chairs as required with respect to chair issues.



For the Committee chair and Panel chairs:

- Setting meeting dates in consultation with the Committee or Panel Members and staff.
- Developing and/or approving the agenda in consultation with staff.
- Encouraging and maintaining a culturally safe environment.
- Take 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.
- 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, duty, or function of the Committee, except the power to appoint a Panel or a Committee chair or vice chair.



ii. Selection and composition

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

Where a panel is considering a matter of Indigenous-specific racism or discrimination or the matter relates to Indigenous practices, the Committee chair must make reasonable efforts to ensure that Indigenous perspectives are included in the panel membership.

If the Committee chair is of the opinion that a matter requires profession-specific advice, the panel must include at least one licensee from the Designated Health Profession regulated by the College connected with or affected by the matter at issue.

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/Panel Meetings

i. Frequency

The frequency of Committee and panel meetings will be determined by the Committee chair in consultation with staff. There is usually required pre-reading for each meeting. The Committee will usually meet in panels and rarely meet as a whole.

ii. Method of Meeting

The Committee and its panels may meet and conduct business in person, by telephone, by videoconference or by any other method of telecommunication.

iii. Voting

Each Committee member has one vote. Committee and Panel decisions will ideally be achieved through consensus whenever possible, as outlined in the Consensus Decision-Making Policy. Should consensus not be reached, a vote will be held as directed by the Committee chair in accordance with the Committee Decision-Making Policy.

iv. Attendance

Committee Members are expected to participate actively and regularly in Committee 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

Quorum for a meeting of a panel consists of all members if the panel has three members and a majority of panel members if the panel has more than three members, including at least one Public Committee Member.

vi. Minutes

It is the responsibility of the chair to ensure that minutes are taken at each meeting of the Committee and retained on file. In practice, the chair delegates this responsibility to support staff for approval at the next meeting.

Removal

The Board may, by Special Resolution, remove a Committee chair or vice chair. The Board may remove a Committee Member by majority vote. Removal of a Committee Member must be carried out in accordance with the removal provisions of the Committee Composition and Appointments Policy. 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.

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 in a form 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 may engage outside cultural, legal or other professional advice, in accordance with budget allocation.

Date Approved	Date Effective	Next Review
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