

DISCIPLINE Committee

Terms of Reference

INTRODUCTION

CPATA regulates the profession in accordance with Act, Regulations, by-laws, Registrar's policies, and the Regulatory Objectives, Standards and Principles. This includes setting and enforcing compliance with required ethical and practice standards through a variety of means, and in a manner that is risk focused, fair, transparent, efficient, proactive, proportionate and principled.

CPATA has developed a Code of Conduct for its Board and Committees that articulates the standards of conduct and behaviour expected of Board and Committee members, including with respect to confidentiality, conflict and decision-making.

ROLE

For the Discipline Committee, the regulatory approach includes fair, efficient and effective adjudication of applications; adopting a restorative approach that strives to address harm, help agents be accountable for their actions, and, where appropriate in the public interest, foster learning from mistakes rather than merely punishing; and making decisions that are clear, concise, well-supported and balance all relevant interests.

Objects of Complaints Process

The objects of the complaints process are to protect and promote the public interest and preserve the integrity of the patent and trademark profession, in a manner consistent with the College's Regulatory Objectives, Standards and Principles. This includes:

- a. Promoting and ensuring competent and ethical delivery of patent and trademark services by licensees;
- b. Addressing concerns of professional misconduct and professional incompetence, including striving for early resolution of complaints when doing so is consistent with the public interest; and
- c. Enforcing compliance with professional and ethical standards.

Discipline Committee

The Discipline Committee is an essential component of the Complaints Process, which includes the Registrar, the Investigations Committee and the Discipline Committee.

The Discipline Committee supports the mandate of the College to regulate the profession in the public interest by carrying out its assigned

responsibilities and advancing the College's Regulatory Objectives, Standards and Principles.

RESPONSIBILITIES

In support of the Regulatory Objectives, Standards and Principles the Discipline Committee:

- Hears applications referred by the Investigations Committee;
- Conducts hearings in accordance with principles of fairness and natural justice; and
- Enhances an efficient, effective, fair, transparent and accountable adjudication process by considering, on its own or on request of the Registrar or the Board, revisions to by-laws and policies.

**MEMBERSHIP
AND VOTING**

The Discipline Committee is comprised of at least five individuals, the majority being individuals who are not licensees and are otherwise qualified to serve under s. 21(1) and Regulation 2. The Committee as a whole will possess the knowledge, skills, experience and attributes set out in the Discipline Committee Skills Matrix.

Applications may be heard by panels of three or five Committee members, in the discretion of the Chair.

Committee member terms are set by the Board.

A Committee member who, without excuse satisfactory to the Chair, is absent from two consecutive meetings of the Committee as a whole, is deemed to have resigned, which resignation will create a vacancy on the Committee to be filled in accordance with the Board Governance Policies.

CHAIR

The Chair will be appointed by the Board, and will possess the knowledge, skills, experience and attributes set out in the Discipline Committee Skills Matrix.

**FREQUENCY OF
MEETINGS AND
MANNER OF CALL**

The Discipline Committee will meet as a whole at least annually and will meet as needed for purposes of hearing Applications. Meetings of the Committee, and the hearing of applications by a panel of the Committee are held by audio-visual means, but in the discretion of the Chair and with agreement of the parties, may be held in person.

QUORUM

For purposes of hearing Applications, quorum of the Discipline Committee will be a majority of the panel hearing an application.

For purposes of matters arising at meetings of the whole Committee, quorum is most of the Committee members.

RESOURCES

The Discipline Committee will have administrative support provided by the Discipline Proceedings Coordinators.

If the Discipline Committee or a panel thereof requires legal advice, the CEO will retain independent counsel for the Committee.

REPORTING

The Committee will provide quarterly reports to the Board.

Decisions

All decisions of the Discipline Committee and any panels thereof will be prepared in writing and made public by the CEO in accordance with the Act, Regulations, and any applicable policies.

DATE

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