

Discipline Committee: Policy on Assignment of Panels

NAME OF POLICY	Policy on Assignment of Panels		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	CPATA Act ss. 21, 51 – 63; Regulation 2; refer also to Policy on Pre-hearing Conferences; Discipline Committee Skills Matrix		
RESPONSIBILITY	Discipline Committee		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Discipline Committee	2022-11-28	-	-

1. Background

CPATA regulates the profession in accordance with the Act, Regulations, By-Laws, policies, Regulatory Objectives, Standards and Principles. For the Discipline Committee, this regulatory approach includes fair and effective adjudication of applications by Committee members who possess the knowledge, skills, experience and attributes set out in the Discipline Committee Skills Matrix.

- 1.1 The Discipline Committee must hold an oral hearing for every application made by the Investigations Committee to determine whether a licensee has committed professional misconduct or was incompetent (s. 51).
- 1.2 The majority of Discipline Committee members must be individuals who are not licensees (Reg. 2). In addition, the College is committed to the foundational principles of equity, diversity and inclusion, and adhering to the Official Languages Act by conducting all aspects of proceedings in the official language of choice of a licensee.
- 1.3 The Discipline Committee's Terms of Reference provide that applications may be heard by panels of three or five members, at the discretion of the Chair.
- 1.4 Under its s. 63 authority, the Discipline Committee has determined that it is the responsibility of the Discipline Committee Chair, or their designate, to determine the composition of panels to consider each application under s. 51.

1.5 For purposes of this policy, "Chair" means the Chair of the Discipline Committee or their designate from the Discipline Committee members.

2. Purpose

The purpose of this policy is to articulate the factors that may be considered by the Chair when appointing Committee members to serve as a panel for purposes of hearing an Investigations Committee application.

3. Process

3.1 Following receipt of an application from the Investigations Committee, the Chair will schedule a Pre-hearing Conference (refer to Policy on Pre-hearing Conferences), during which the Parties will be asked to identify any potential conflicts with any Committee members, the licensee will confirm their official language of choice for the proceedings, and tentative days needed and dates for the proceedings will be agreed upon.

3.2 The Chair will then instruct the Discipline Proceedings Coordinator to communicate with and ascertain all Committee members available and eligible to serve as panelists for the application on the tentative dates agreed upon.

3.3 From the list of available and eligible Committee members, the Chair will select and confirm three or five panelists, in their discretion.

3.4 When selecting Committee members for a panel, the Chair may consider factors including the following:

- 3.4.1 The commitment of the College to equity, diversity and inclusion;
- 3.4.2 The licensee's official language of choice for the proceedings;
- 3.4.3 The need to avoid conflicts;
- 3.4.4 The availability of committee members; and
- 3.4.5 The need to fairly balance the proceedings workload among Committee members.

3.5 If one member of a panel ceases to be able to serve before the hearing of evidence has commenced, the Committee Chair will appoint another panel member.

3.6 If one member of a panel of three ceases to be able to serve after the hearing of evidence has commenced, the hearing must end and the Committee Chair will appoint a new panel, which will reschedule the hearing from the beginning, unless the Parties agree otherwise.