

Discipline Committee: Policy on Consent Dispositions

2023-01-30

NAME OF POLICY	Policy on Consent Dispositions		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	CPATA Act ss. 51-62		
RESPONSIBILITY	Manager of Professional Responsibility		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Discipline Committee	2023-01-30	Insert Date	Insert Date

1. Purpose

The purpose of this policy is to provide guidance and clarity to the Discipline Committee/Panel, based on its authority under the Act and Regulations, regarding the process for considering a proposed settlement agreement.

Administrative and common law principles emphasize that adjudicative tribunals should show considerable deference to the parties when proposed consensual dispositions of the Application are brought forward for approval, in the public interest.

In the event of a conflict between this policy and the Act, the Act prevails.

2. Proposed consent disposition

- 2.1 After a Notice of Application is served on a licensee, the College and the licensee, at any time prior to the commencement of the hearing, may notify the Discipline Committee Chair of a proposed Consent Disposition the parties wish to tender before a Discipline Panel.
- 2.2 A proposed Consent Disposition must include:

- 2.2.1 A statement of sufficient facts in relation to the Application against the licensee to support the admitted violations and the proposed disposition; and
- 2.2.2 An admission by the licensee to one or more of the allegations in the Application, and that the admissions constitute professional misconduct and/or incompetence; and
- 2.2.3 The licensee's consent to a specified disposition, conditional upon the acceptance of the agreement by the Discipline Panel.

3. Process

- 3.1 A Discipline Panel will be assigned by the Committee Chair to consider whether to approve or reject the proposed Consent Disposition.
- 3.2 A hearing to consider a proposed Consent Disposition is public.
- 3.3 The Discipline Panel may invite the parties to make submissions with respect to the proposed Consent Disposition either orally at the hearing or in writing prior to the hearing or both.
- 3.4 Following the hearing, the Discipline Panel will either:
 - 3.4.1 Approve the proposed Consent Disposition;
 - 3.4.2 Reject the proposed Consent Disposition, in which case the matter will move forward to a hearing.
- 3.5 The Discipline Panel will prepare written reasons for its decision to approve or not approve the Consent Disposition, which reasons may be prepared at the time of issuance of the decision, or at a later date following release of an oral decision on the record.
- 3.6 If the Consent Disposition is not approved, a subsequent Discipline Panel will not consider it and will make no reference to it in relation to any future proceedings.

4. Publication

- 4.1 If a proposed Consent Disposition is approved by the Discipline Panel, the College will publish the Agreement and the panel's decision and reasons.
- 4.2 If a proposed Consent Disposition is not approved by the Discipline Panel, the College will publish the Panel's written decision and reasons without publication of the rejected proposed Consent Disposition.