



Memo

Date: January 23, 2020
To: Members of Council
From: John Hamilton, OCT
Chair, Discipline Committee
Subject: Report of the Discipline Committee

Committee Meetings/Hearing Dates

Meetings

A Discipline Committee meeting was held on November 28, 2019.

Hearing Dates (From December 9, 2019 to March 4, 2020)

December: 9, 16

January: 17, 20, 21, 23, 24, 28, 30, 31

February: 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 24, 25, 26, 27, 28

March: 3.

Summary of Discussions

1. Joint Training

At the November 27, 2019 Joint Training Session of the Discipline and Fitness to Practise Committees and their roster members, the following topics were covered by Julie Maciura, Steinecke Maciura LeBlanc:

- Definitions of Misconduct, Incompetence and Incapacity (including jurisdiction issues regarding pre-registration conduct and retired members);
- Rules of Evidence;
- Witnesses; and
- Agreements and Joint Submissions (ASF/JSP).

2. Meeting

At the November 28, 2019 Discipline Committee meeting, the committee members discussed the following topics:

Amendments to the Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee

The Committee received a presentation from the Manager, Tribunals, Andy Rosenhek, regarding proposed amendments to certain sections of the *Rules of Procedure of the Discipline and of the Fitness to Practise Committee*. The amendments were proposed to ensure consistency with recent amendments to the *Ontario College of Teachers Act, 1996* and to ensure that the Rules remained consistent with current hearings processes. The Committee voted in favour of a motion to amend the Rules in accordance with the proposed amendments.

Chair's Update

The Chair of the Discipline Committee addressed several issues with the Committee, including:

- providing an update on the process for filling Committee vacancies;
- explaining the panel selection process for Discipline hearings and agreeing that the Tribunals Coordinator could provide further information at the next Committee meeting.

Statistics

The following is a summary of the disposition and status of 32 cases concluded by panels of the Discipline Committee from October 1 to December 31, 2019.

The total number of hearings during this period was 32 out of which 2 were contested.

Disposition of Cases	Cases Disposed of by the Discipline Committee
Revocation	10
Suspension	12
Reprimand	8
Withdrew Notice of Hearing	2
Withdrew Notice of Hearing + TCL	0
Not Guilty	0
Cancelled-Resigned	0
Incompetent	0
TOTAL	32

Duties/Mandate of the Discipline Committee

The duties and mandate of the Discipline Committee are described in Appendix 1 of this document.

Future Committee Training and Meeting Dates

- Thursday, April 2, 2020: Joint Training of the Discipline and Fitness to Practise Committees and Roster Members
- Friday, April 3, 2020: Discipline Committee Meeting.

Upcoming Hearings (March 5 to June 3, 2020)

March: 9, 10, 23, 24, 27, 30, 31
April: 7, 15, 16, 17, 20, 21
May: 5, 6, 7, 13, 14, 26, 27.

Members of the Discipline Committee

Diane Ballantyne, OCT
John Cammarata (from December 6, 2019)
Irene Dembek, OCT
Richard Fillion
Rebecca Forte, OCT (Vice-Chair)
Mary Ellen Gucciardi, OCT
John Hamilton, OCT (Chair)
Godwin Ifedi
Marlène Marwah
Sara Nouini, OCT
Thomas Potter
Nicola Powadiuk, OCT
Jonathan Rose
Stéphane Vallée, OCT.



John Hamilton, OCT

APPENDIX 1

Discipline Committee

Mandate

To deal with discipline issues. (OCTA, s. 3(1))

Nature of the Discipline Committee's Work

The Discipline Committee:

- a) shall hear and determine matters directed or referred to it under section 26, 29 or 33 (OCTA, s. 30(1)(a))
- b) shall perform such other duties as are assigned to it by the Council (OCTA, s. 30(1)(b))
- c) may, after a hearing, find a member guilty of professional misconduct, if the member has been guilty, in the opinion of the Committee, of professional misconduct (OCTA, s. 30(2))
- d) may, after a hearing, find a member to be incompetent if, in its opinion, the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a student of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations. (OCTA, s. 30(3)).

Powers of the Discipline Committee

Where the Discipline Committee finds a member guilty of professional misconduct or to be incompetent, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke any certificate held by the member under the Act.
2. Directing the Registrar to suspend any certificate held by the member under the Act for a stated period, not exceeding 24 months.
3. Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under the Act.
4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period. (OCTA s. 30(4)).

Where the Discipline Committee finds a member guilty of professional misconduct, it may, in addition to exercising the powers described above, make an order doing one or more of the following:

- a) Requiring that the member be reprimanded, admonished or counselled by the Committee or its delegate and, if considered warranted, directing that the fact of the reprimand, admonishment or counselling be recorded on the register for a specified period of more than three years.
- b) Imposing a fine in an amount that the Committee considers appropriate, to a maximum of \$5,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.
- c) Fixing costs to be paid by the member to the College. (OCTA, s. 30(5)).

In making an order directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period, the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the successful completion by the member of specified courses of study. (OCTA, s. 30(6)).

In making an order revoking or suspending a certificate or imposing terms, conditions or limitations on a certificate, the Committee may fix a period during which the member may not apply for reinstatement or variation of the order. (OCTA, s. 30(7)).

Where the Discipline Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or such portion of them as the Discipline Committee fixes. (OCTA, s. 30(9)).

A hearing of the Discipline Committee shall, subject to making an order that the public be excluded from the hearing in accordance with the Act (OCTA, s. 32(7) and (7.1)), be open to the public. (OCTA, s. 32(6)).