

BY-LAW 15: COMPLAINTS AND DISCIPLINE – ADDITIONAL INFORMATION

Continuing with Council’s by-law renewal project, By-Law 15, which concerns complaints and discipline procedures, has been reviewed.

The review of the by-law helped to clarify the wording, eliminate redundancies with the Act and other By-Laws, and determine if there were any changes to be made. While the bulk of By-Law 15 remains the same in principle, there are a few changes to highlight.

One change is the introduction of an “investigator”, defined in section 15.1 and seen throughout the document. This investigator, who would be an employee of the Association, or a third party retained by the Association, would assist the Investigation Committee (IC). While right now the brunt of investigation work is on the shoulders of the volunteer members of the IC, the investigator would instead be able to complete some of the preliminary leg work. The IC would still retain full control over decisions on how to proceed, after receiving reports from the fully trained investigator. This would help to streamline and formalize the investigation processes.

Another change would be the ability to expunge the public record. Currently, any public record of misconduct remains on a person’s file forever. With the change to the by-law the practitioner would be able to submit a petition to Council, no fewer than ten years after the charge had been laid, to get their public record expunged. Factors that would be considered by the Council before deciding to expunge the record would include severity of the charge, and if any other charges had been laid against the practitioner since then. The charges would still remain on the practitioner private record.

Finally, a clause was added to allow for charges to be published according to a set of procedures and policies. This will help the Association be more transparent, and help other practitioners to learn from published decisions.