

Discipline Subcommittee Terms of Reference

Mandate:

A Discipline Subcommittee is established after a determination by the Complaints Subcommittee. The Discipline Subcommittee will hear and determine matters directed or referred to it relating to the performance or behaviour of a member.

Reporting Structure:

A Discipline Subcommittee is an ad-hoc subcommittee of the Registration and Professional Practice Committee (RPPC) and its members will be recommended by the OACETT Nominating Committee for appointment by the Board of Directors for each complaint referred by the Complaints Subcommittee.

Responsibilities:

The Discipline Subcommittee will:

- Hold a hearing to determine whether a member is guilty of misconduct or a breach of the Code of Ethics and/or the Rules of Professional Conduct.
- Where the Discipline Subcommittee determines that the allegation is substantiated, make an order doing one or more of the following:
 - directing the Registrar to revoke membership in the Association for a period fixed by the Subcommittee.
 - directing the Registrar to suspend membership in the Association for a period fixed by the Subcommittee.
 - directing the Registrar to impose specified terms, conditions or limitations on the Member's certification and membership in the Association. These may include:
 - successful completion of specified courses of study.
 - periodic inspections by the Subcommittee or its delegate for a specified or indefinite period.
 - a requirement to report to the Registrar or a specified committee or subcommittee on matters relating to the Member's professional responsibilities for a specified or indefinite period.

- requiring that the Member be reprimanded, admonished, or counselled by the Subcommittee or its delegate and, if warranted, that such discipline be recorded in the Register for a specified or unlimited period.
- directing that the finding and the order of the Discipline Subcommittee be published, in detail or in summary, in the official publication of the Association and other media the Subcommittee considers appropriate in the case; or
- fixing fines to be paid by the Member to the Association.
- Where an allegation is deemed by the Subcommittee to be unfounded, make an order doing one or more of the following:
 - directing that the finding and order of the Discipline Subcommittee be published in detail or in summary in the official publication of the Association when requested by the Member against whom the allegation was made.
 - directing that the Association reimburse the Member for their costs or such portion of them as the Discipline Subcommittee deems appropriate.

Voting Structure:

Where a vote is required, a quorum will be defined as 50 percent plus one of the subcommittee members. A majority will pass a motion. The Chair will only vote to break a tie.

- Members cannot abstain from voting.

Discipline Subcommittee: Timelines

- Discipline Subcommittee to be appointed by the Nominating Committee within 45 days from the referral by the Complaints Subcommittee.
 - **See Appendix A:** Nominating Committee recommending certified volunteers to the Discipline Subcommittee.
- Hearing shall take place within 60 days of the appointment of the Discipline Subcommittee. OACETT will obtain an opinion on the procedure for holding the discipline hearing.
- Discipline Subcommittee renders its decision within 30 days of the Hearing.

- Both parties to the complaint shall be notified within 15 days of a decision being made.

Discipline Subcommittee Composition:

Discipline Subcommittee shall be comprised of at least three (3) certified members who cannot be members of the RPPC.

The Registrar is not a member of the Discipline Subcommittee but may attend.

No individual who has participated on the Complaints Subcommittee with respect to a complaint may participate as a member of the Discipline Subcommittee on that complaint.

Meeting Frequency:

The Discipline Subcommittee is appointed and meets as required to address a specific complaint or complaints and is then dissolved.

Expenses:

Members of the Subcommittee receive no honorarium for the services they provide.

Reasonable expenses will be reimbursed in accordance with the expense policy of the Association upon submission of an OACETT expense form.

Appendix A: Nominating Committee Recommending Certified Volunteers to the Discipline Subcommittee.

Requirement:

The OACETT Nominating Committee is to recommend at least three certified members to participate in a disciplinary hearing if the OACETT Complaints Subcommittee refers that a disciplinary action may be warranted.

Such hearing must be held within 60 days of the appointment of the Discipline Subcommittee.

Process to recruit volunteers:

Week 1: Registrar to provide notice to the Nominating Committee and notice to members inviting applications including the timing of the hearing.

Weeks 2 and 3: The application period occurs.

Weeks 4 and 5: Nominating Committee reviews applications and meets to make its recommendations.

Week 6: Email vote of the Board of Directors to appoint the subcommittee, which meets the 45-day deadline.