




<b>Policy Title:</b> <b>DISCIPLINE COMMITTEE TERMS OF REFERENCE</b>		<b>Policy Section: IV</b> Governance Process		<b>Policy Number:</b> IV-20.07
<b>Approved By:</b>	<b>Date Approved:</b>	<b>Last Revision Date:</b>		<b>Board Chair's Signature:</b>
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## BACKGROUND

The Discipline Committee's purpose, mandate, and authority is derived from the [Regulated Health Professions Act, 1991](#), CMLTO By-Law, CMLTO Board Policies, and the Discipline Committee Terms of Reference Policy.

## PURPOSE

This policy has been created to outline the CMLTO Discipline Committee Terms of Reference, including the purpose, responsibilities, authority, and structure of this Committee.

The Discipline Committee (the "Committee") is established as a Statutory Committee pursuant to the [Health Professions Procedural Code](#), Schedule 2 to the [Regulated Health Professions Act, 1991](#). Relevant Board Policy and/or section(s) of the CMLTO By-Law are referenced at the end of policy statements, as required.

## POLICY

### 1.0 PURPOSE AND MANDATE OF THE DISCIPLINE COMMITTEE

The Discipline Committee determines if a registrant has committed an act of professional misconduct or incompetence in allegations referred by the Inquiries, Complaints and Reports Committee and if so, the penalty to be imposed.

### 2.0 MANDATE OF THE DISCIPLINE COMMITTEE

#### 2.1. Statutory Mandate

The Discipline Committee protects the public interest by:



- Developing policies and procedures that provide direction to the College and its staff when addressing allegations referred to it by the Inquiries, Complaints and Reports Committee,
- Conducting panel hearings to consider allegations of professional misconduct or incompetence against a registrant and determine the penalty to be imposed if a finding has been made. Discipline panels issue written decisions and reasons for every matter.

## **2.2. Governance Mandate**

The Discipline Committee supports the Board of Directors by providing input, as necessary, in the development of the CMLTO Ends, Executive Limitations, and Governance Process Policies on matters identified by this Committee and providing guidance on policies and processes pertaining to hearings.

The Committee, in its decision-making process, will examine all relevant legal or regulatory requirements and evidence-informed guidance while considering the public interest and key risks. Further, the Committee will make recommendations to the Board of Directors, as required.

The Committee conducts its activities through the lens of and with a commitment to equity, diversity, inclusion, and justice principles of the College.

## **3.0 DUTIES AND RESPONSIBILITIES**

### **3.1. Duties**

In fulfilling its responsibilities, the Discipline Committee will collaborate with the Board of Directors, its Committees, and the Registrar & CEO to:

- Hold hearings, by way of panels, on allegations referred to it by the Inquiries, Complaints and Reports Committee,
- Explore and provide guidance to the Board of Directors on potential changes to applicable legislation, regulations, CMLTO By-law, policies, and programs falling within the Committee's defined scope.
- Report to the Board of Directors on the number of hearings and a summary of discipline matters and outcomes.

## **4.0 AUTHORITY**



#### **4.1. Reporting Relationships**

The Discipline Committee collectively reports to the Board of Directors through the Committee Chair.

### **5.0 COMPOSITION**

#### **5.1. Membership**

##### **5.1.1. Committee Membership**

The Discipline Committee is composed of:

- At least two (2) Professional Board Members who are not members of the Inquiries, Complaints and Reports Committee,
- At least three (3) Public Board Members who are not members of the Inquiries, Reports and Complaints Committee, and
- At least five (5) Registrants who are not Board Members, and who are not members of the Inquiries, Complaints and Reports Committee.

##### **5.1.2. Panel Membership**

Panel members of the Discipline Committee shall be appointed by the Chair of the Discipline Committee from among the members of the Committee to hold a hearing of allegations of a registrant's professional misconduct or incompetence referred to the Committee by the Inquiries, Complaints and Reports Committee.

Pursuant to the Code, a panel shall be composed of at least three (3) and no more than five (5) persons, at least two (2) of whom shall be persons appointed to the Council by the Lieutenant Governor in Council.

The Chair of the Discipline Committee, when appointing a panel, shall designate one member as the Panel Chair.

#### **5.2. Term of Office**

The term of office of a Statutory Committee member is one (1) year commencing immediately after the appointment at the first regular Board meeting of the year and expiring when a new Committee member's term of office begins. (By-Law Section 5.4.1)

#### **5.3. Committee Chair**



The Board of Directors, after considering the Committee compositions proposed by the Executive Committee, appoints the members and Chairs of the committees at its first regular meeting of the year in accordance with the CMLTO By-Law.

## **6.0 MEETINGS**

The Committee meetings are governed by the provisions of the CMLTO By-Law / Section - 5.8 Committee Meetings.

### **6.1. Frequency of Meetings**

The Discipline Committee meets as required throughout the year when a Panel must be convened.

### **6.2. Quorum**

A majority of the members of the Committee, at least one (1) of whom is a Public Board Member, constitute a quorum for any meeting of the Committee.

Three members of a panel, at least one (1) of whom must be a member who was appointed to the Council by the Lieutenant Governor in Council, constitute a quorum.

## **7.0 MONITORING AND REPORTING**

The Discipline Committee:

- Reports its regular actions to the Board of Directors at regular Board meetings or more frequently if required,
- Keeps the Board of Directors updated on all achievements related to the mandate of the Committee, and
- Prepares reports and other documents to enable the Board of Directors to carry out its duties.

The Committee Chair, on behalf of the Committee, is required to keep the Registrar & CEO updated on all achievements related to any regulatory mandate held by the Committee.

If a specific Board motion is required on an issue or topic, the President/Committee Chair will submit a request to the Registrar & CEO that the issue or topic be included on the regular Board agenda.

## **8.0 RESOURCES AND BUDGET**

Operations of the Discipline Committee are conducted within an allocated annual budget.



## 9.0 ADMINISTRATIVE SUPPORT

Administrative support is provided to the Discipline Committee by:

- Registrar & CEO
- Senior Director, Regulatory Programs
- Coordinator, Professional Conduct
- Other advisors, as requested

## 10.0 REFERENCES

The Discipline Committee Terms of Reference are in line with the values outlined throughout the CMLTO By-Law and the Board Policies, and must be reviewed and implemented in conjunction with:

- [Regulated Health Professions Act, 1991](#)
- [Health Professions Procedural Code](#) / Schedule 2 to the [Regulated Health Professions Act, 1991](#)
- [Medical Laboratory Technology Act, 1991](#)
- [Ontario Regulation 207/94](#)
- [CMLTO By-Law:](#)
  - Article 5 – Committees
  - Article 6 – Code of Conduct
  - Article 7 – Conflict of Interest
  - Article 8 – Confidentiality
- CMLTO Board Policies
  - GP IV-20 Statutory and Board Committee Principles Policy
  - GP IV-22 Role of Committee Chair Policy
- Discipline Committee Policy Manual