



**THE COLLEGE OF PEDORTHICS OF CANADA ("The CPC")**  
**COMPLAINTS AND DISCIPLINE**  
**RULES AND PROCEDURES**

A Complaint may be received from the public, another Member of The CPC, or from The CPC itself. Complaints shall be in written form and shall be sent to the Head Office of The College, to the attention of the Executive Director. The Executive Director of The College shall process the Complaint in the following manner:

1. Forward the Complaint to the Chair of the Ethics Committee; and
2. Within 14 days of receipt of the Complaint, send a written acknowledgement of receipt of the Complaint to the complainant, advising that the Complaint has been forwarded to the Chair of the Ethics Committee;

**REVIEW OF COMPLAINT BY CHAIR OF ETHICS COMMITTEE**

Upon receipt of a Complaint, the Chair of the Ethics Committee shall assign a case number to the Complaint and shall review the Complaint and determine:

1. Whether the Complaint is unfounded, or not within the jurisdiction of The CPC, and ought to be dismissed;
2. Whether the Complaint ought to be resolved informally;
3. Whether the Complaint ought to be resolved by way of Mediation; or,
4. Whether further investigation is required.

**Member Need not be Notified of Complaint if Complaint is Dismissed by Chair of Ethics Committee**

In the event that the Chair of the Ethics Committee determines that the Complaint is unfounded or not within the jurisdiction of The CPC and is therefore to be dismissed, it shall not be necessary for the Member that is the subject matter of the Complaint (the "Member involved") to be informed of the Complaint made against him or her.

**Informal Resolution of Complaint**

In the event that the Chair of the Ethics Committee feels that he or she has all the necessary information, and that an informal resolution is appropriate in the circumstances, the Chair of the Ethics Committee shall:

1. Inform the Member involved of the Complaint;
2. Advise the Member involved of the proposal to resolve the Complaint on an informal basis and inquire whether such informal resolution is acceptable to the Member involved; and,

3. Advise the complainant of the proposal to resolve the Complaint on an informal basis and inquire whether such informal resolution is acceptable to the complainant involved.

In the event that the complainant and Member involved consider an informal resolution to be acceptable, the Chair of the Ethics Committee shall undertake to implement such an informal resolution, either by meeting with the complainant and the Member involved in person or by teleconference, or by way of written communication between the parties.

### **Mediation**

In the event that the Chair of the Ethics Committee is of the view that the Complaint is one that is capable of being resolved by way of mediation, the complainant shall be advised in writing that the Chair of the Ethics Committee is of the view that the Complaint ought to be resolved by way of mediation. The complainant will be asked to advise within 14 days whether mediation is an acceptable method of resolution of the Complaint. In the event that the complainant does not accept mediation as a method of resolution of the Complaint, then the Chair of the Ethics Committee may conclude that a formal investigation is required and the Complaint may be referred to the Complaints and Investigation Committee.

In the event that the complainant advises that mediation is an acceptable method of resolution of the Complaint, the Chair of the Ethics Committee shall notify the Member involved, in writing, within 14 days of the date of receipt of the advice from the complainant and advise as to the particulars of the Complaint, together with reference to any section of the Code of Ethics that the Member involved is alleged to have violated. The Member involved will be asked to respond to the Complaint in writing within 21 days of the date of the notification. The Member involved will be further advised of the opinion of the Chair of the Ethics Committee that the matter ought to be resolved by way of mediation and the Member involved will be asked to advise whether mediation is an acceptable method by which the Complaint may be resolved.

In the event that the Member involved advises that mediation is an acceptable method of resolving the Complaint, the Chair of the Ethics Committee shall advise both the Member involved and the complainant, in writing, of the decision to refer the matter to mediation and, further, advise that a Mediator shall be appointed and that they will be advised of the proposed dates for the conduct of the Mediation itself.

In the event that the Member involved advises that mediation is not an acceptable method by which to resolve the Complaint, the Chair of the Ethics Committee may conclude that a formal investigation is required and the Complaint may be referred to the Complaints and Investigation Committee.

### **Requirement for Investigation**

In the event that the Chair of the Ethics Committee determines that the Complaint is of a nature that warrants further investigation, the Chair of the Ethics Committee shall refer the Complaint to the Complaints and Investigation Committee who may appoint such individual or individuals that are deemed necessary (including outside investigators) to conduct an investigation into the conduct of the Member involved.

### **Informing Member Involved**

Upon making the determination that an investigation is warranted the Chair of the Ethics Committee shall notify the complainant and the Member involved, in writing within 14 days of the date of the decision to conduct a further investigation (or receipt of a request for a formal investigation from the complainant or the Member involved).

The notification to the complainant and of the Member involved shall include a copy of these Complaints and Discipline Rules and Procedures and shall make reference to various sections contained herein as it relates to the procedures involved. In addition, the notification shall make reference to the particulars of the Complaint, together with any reference to any section of the Code of Ethics that the Member is alleged to have violated. The Member involved will be asked to respond to the Complaint in writing within 45 days of the date of the notification.

### **ACTION TO BE TAKEN BY THE COMPLAINTS AND INVESTIGATION COMMITTEE**

#### **(a) Interim Suspension or Placement of Conditions on Practice**

In the event that the Complaints and Investigation Committee determines that, it is in the best interests of the public to suspend the Member involved or to impose or place conditions on his or her practice on an interim basis, the Committee shall within 7 days inform the Member involved and the complainant in writing that there will be an interim suspension of the Member's Certificate of Registration or, alternatively, the placement of conditions on the practice of the Member involved, pending completion of the investigation.

#### **(b) Determining No Further Action is Warranted**

If upon completion of its investigation, the Complaints and Investigation Committee determines that the Complaint is without merit, it shall inform the Member involved and the complainant that no further action shall be taken against the Member involved.

#### **(c) Ordering Member Involved to Cease Particular Conduct**

If upon completion of its investigation, the Complaints and Investigation Committee concludes that a breach of the Code of Ethics has occurred, which does not warrant a suspension, a formal reprimand, the imposition of specific conditions on the Member's practice, suspension or revocation of the Member's Certificate of Registration, the Complaints and Investigation Committee shall inform the Member involved that it has concluded that a violation of the Code of Ethics has occurred and shall order the Member involved to cease from engaging in any further such conduct. The Complaints and Investigation Committee shall also notify the complainant of the decision it has made and the action it has taken in this regard.

(d) **Referring the Matter to Mediation**

If upon completion of its investigation, the Complaints and Investigation Committee concludes that the Complaint is of a nature that it may potentially be resolved by way of mediation, it shall inform the Member involved and the complainant of its recommendation to refer the matter to mediation. If either the complainant or the Member involved (or both) do not accept mediation as an acceptable manner in which to resolve the Complaint, the Complaints and Investigation Committee shall advise both the Member involved and the complainant of this fact and shall then resolve the Complaint in one of the other manners prescribed herein (i.e. interim suspension or placement of conditions, Order to cease particular conduct, referral of Complaint to the Discipline Panel, etc.)

In the event that both the Member involved and the complainant advise that mediation is an acceptable manner of resolving the Complaint, the Chair of the Ethics Committee shall advise both the Member involved and the complainant, in writing, of the decision to refer the matter to mediation. Thereafter, the Member involved and complainant will be advised of the proposed dates for the conduct of the Mediation itself.

(e) **Accepting Voluntary Surrender of Member's Certificate of Registration**

In the event that upon notification to the Member involved, regarding the Complaint, the Member involved proposes to voluntarily surrender his or her Certificate of Registration, the Complaints and Investigation Committee may accept such surrender as the resolution, in whole or in part, of the Complaint. However, notwithstanding the voluntary surrender of the Member's Certificate of Registration, the Complaints and Investigation Committee shall be entitled to refer the matter to the Discipline Panel if it deems further investigation and discipline may be warranted.

(f) **Referring the Matter to the Discipline Panel**

In the event that the Complaints and Investigation Committee determines that the conduct complained of may warrant further review and possible discipline, the Complaints and Investigation Committee shall notify the Chair of the Ethics Committee who shall appoint a Discipline Panel to hear the matter.

**Decisions to be made in Writing**

Any of the Complaints and Investigation Committee's decisions shall be in writing and shall contain information regarding the procedure for appealing the decision, all of which shall be sent to both the complainant and the Member involved. The Complaints and Investigation Committee shall send its decision via the head office of The CPC.

**Chair of Ethics Committee and Chair of The CPC to be Informed of Status of Complaint**

The Chair of the Ethics Committee shall be informed on a regular basis as to the status of the Complaint before the Complaints and Investigation Committee and any determinations made by that Committee. The Chair of the Ethics Committee shall then advise the Chair of The CPC accordingly.

## **APPOINTMENT OF DISCIPLINE PANEL BY CHAIR OF THE ETHICS COMMITTEE**

Upon receipt of notification by the Complaints and Investigation Committee of the need for further review and possible discipline, the Chair of the Ethics Committee shall appoint a Discipline Panel from amongst a predetermined group of 10 members of the Discipline Committee, which may include a non-CPC member.

### **Notification of Referral to Discipline Panel**

Upon deciding to refer the matter to the Discipline Panel, the Chair of the Ethics Committee shall notify both the Member involved and the complainant, in writing, of such determination within 14 days of such decision being made. Both the complainant and the Member involved shall further be advised that the Discipline Panel shall determine whether additional information is required from either of them and, further, advise that a hearing will be necessary for the determination of the Complaint (a "Disciplinary Hearing").

### **Scheduling of Disciplinary Hearing**

Upon the matter being referred to the Discipline Panel, the Chair of the Ethics Committee, shall schedule a Disciplinary Hearing to take place within 90 days of the receipt of the referral from the Complaints and Investigation Committee. In doing so, the Chair of the Ethics Committee shall inform the Member involved and complainant, in writing, that a Disciplinary Hearing is to be scheduled, with proposed dates, times and location of the Hearing. In scheduling the date and location of the Disciplinary Hearing, the Chair of the Ethics Committee shall consider what is mutually convenient for all parties.

### **Complainant and Member to Pay Own Costs of Attending Disciplinary Hearing**

The complainant and the Member involved shall pay their own transportation, accommodation and other costs associated with attendance at the Disciplinary Hearing.

## **PROCEDURE FOR CONDUCTING DISCIPLINARY HEARING**

The Disciplinary Hearing will be conducted by a Discipline Panel of no less than 3. A Chair of the Panel shall be appointed by the Panel.

The Chair of the Panel shall commence the Disciplinary Hearing by reviewing the Complaint and calling on legal counsel for The CPC to present its case. The Panel will ask any questions as may be required. The Panel shall then afford an opportunity for the Member involved to respond to the Complaint and make such submissions as the Member feels are relevant for the purposes of the Disciplinary Hearing.

### **Member Involved Entitled to Have Counsel**

The Member involved shall be entitled to be represented by legal counsel at the Disciplinary Hearing. Notwithstanding this, the Member must still be in attendance. Failure by the Member involved to attend the Disciplinary Hearing may result in an adverse inference being drawn against the Member involved in respect of the Complaint.

### **Power of Committee to Call Witnesses**

The Discipline Panel shall have the authority to call any witnesses it deems necessary in order to conduct the Disciplinary Hearing and make a determination regarding the Complaint before it.

### **Discipline Panel's Determination**

Within 30 days of the conclusion of the Disciplinary Hearing, the Discipline Panel shall render its decision, which decision shall be comprised of one or more of the following dispositions:

1. **Dismissal of the Complaint**

If the Discipline Panel is satisfied that the Complaint is without merit, the Discipline Panel shall issue an Order dismissing the Complaint.

2. **Reprimand**

In the event that the Discipline Panel feels that a breach of the Code of Ethics has occurred, which does not warrant the imposition of conditions on the Member's Certificate of Registration, a suspension or revocation of the Member's Certificate of Registration, the Discipline Panel may issue a formal reprimand to the Member involved.

3. **Imposition of Specific Conditions on the Member's Certificate of Registration**

In the event that the Discipline Panel determines that a breach of the Code of Ethics has occurred, but that the Member's Certificate of Registration ought not to be suspended or revoked the Panel may impose specific conditions on the Member's Certificate of Registration for a specified or indefinite period of time.

Examples of such conditions may be restrictions on the practice of the Member involved pending completion of certain educational programs or the satisfaction of such other conditions as the Discipline Panel deems appropriate.

4. **Suspension of Certificate of Registration**

Should the Discipline Panel determine that the conduct complained of amounts to a breach of the Code of Ethics, which warrants the temporary revocation of the Member's Certificate of Registration, the Discipline Panel may issue an Order for the Registrar of The CPC to suspend the Member's Certificate of Registration for a specified period of time. Upon the expiry of the period of suspension, the Discipline Panel may impose

conditions upon the Member's Certificate of Registration for a specified or indefinite period of time.

5. **Revocation of Certificate of Registration**

In the event that it is determined that the conduct complained of is such that the imposition of any other form of discipline available to the Discipline Panel is insufficient or inappropriate, having regard to the public interest, the Discipline Panel may issue an Order for the Registrar of The CPC to revoke the Member's Certificate of Registration.

6. **Ordering the Payment of a Fine**

In addition to the sanctions referred to herein, the Discipline Panel shall have the discretion, to require the Member to pay a fine.

**Order of Costs**

The Discipline Panel, may in its absolute discretion, order the Member involved to pay costs, as part of its decision to reprimand, impose conditions, require the payment of a fine, suspend the Member's Certificate of Registration or revoke the Member's Certificate of Registration. In doing so, the Discipline Panel shall have regard to expenses incurred in respect of the complaints and disciplinary process, as well as the fees and expenses incurred as a result of any investigations leading up to the Discipline Hearing, as well as the Discipline Hearing itself. The Discipline Panel shall have the discretion to assess costs on a solicitor and client basis.

**Decisions to be in Writing**

The Discipline Panel's decision shall be in writing and shall contain its reasons for the determination made. The decision, together with information regarding the procedure for appealing the decision shall be sent to the complainant and the Member involved by the Chair of the Ethics Committee. The Discipline Panel shall issue its decision via the head office of The CPC.

**Publication of Decision of The Discipline Panel**

The Head Office of The CPC shall publish the decision of the Discipline Panel in any publication that it regularly circulates to its Members.

Where the decision of the Discipline Panel involves the suspension of the Member's Certificate of Registration or the revocation of the Member's Certificate of Registration, the Head Office of The CPC shall cause notification of such decision to be published in a local newspaper in the city, town or village where the Member involved carries on business or is employed as a Pedorthist, Pedorthic Master Craftsman or Pedorthic Technician, as the case may be.

**Chair of Ethics Committee and Chair of The CPC to be Informed of Proceedings**

The Chair of the Ethics Committee shall be informed on a regular basis as to the status of the Complaint before the Discipline Panel and any determinations made by that Panel. The Chair of the Ethics Committee shall then advise the Chair of The CPC accordingly.

## **APPEAL PROCEDURES**

### **Appeal of Order of Interim Suspension by Complaints and Investigation Committee**

The Member involved may appeal a decision by the Complaints and Investigations Committee ordering the interim suspension of the Member's Certificate of Registration pending further investigation. The Notice of Appeal must be submitted in writing and sent to the Chair of The CPC by registered mail within 7 days of receipt by the Member involved of the notice of interim suspension. The Member involved must set out in the Notice of Appeal the grounds for such appeal. Upon receipt of the notice of appeal, the Chair of The CPC will refer the Notice of Appeal to the Board of Directors of The CPC (excluding those who were on the Complaints and Investigation Committee), who will consider the Appeal. The Board of Directors shall determine the Appeal in one of the following ways:

1. Dismiss the Appeal; or,
2. Grant the Appeal and set aside the Order of Interim Suspension

The decision of the Board of Directors shall be sent to the Member involved in writing within 72 hours of its decision.

### **Appeal by Complainant of Decision of Complaints and Investigation Committee that no further action is warranted**

A complainant may appeal a decision of the Complaints and Investigation Committee that no further action is warranted to the Chair of The CPC. The Notice of Appeal must be submitted in writing and sent to the Chair of The CPC by registered mail within 7 days of receipt of the decision of the Complaints and Investigation Committee. Upon receipt of the Notice of Appeal, the Chair of The CPC will refer the Notice of Appeal to the Board of Directors of The CPC, who will consider the Appeal. Both the complainant and the Member involved will be advised of the filing of this Appeal. The Board of Directors shall, determine the Appeal in one of the following ways:

1. Dismiss the Appeal; or,
2. Grant the Appeal and refer the Complaint to the Discipline Committee

The decision of the Board of Directors shall be sent to the complainant and the Member involved in writing within 72 hours of its decision.

### **Appeal by Member Involved of Decision of Discipline Panel**

The Member involved may appeal the decision of the Discipline Panel by making application to the Superior Court in the nearest Judicial Center in the Province where the Member involved resides, for judicial review of the decision of the Discipline Panel. The Application must be filed within 60 days of the receipt by the Member involved of the decision of the Discipline Panel.