



COLLEGE OF
PSYCHOLOGISTS
OF ONTARIO

MEETING OF THE COLLEGE COUNCIL

2020.02

DATE: JUNE 12, 2020

TIME: 9:00AM - 4:00PM

LOCATION: TO BE HELD VIRTUALLY

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COUNCIL MEETING AGENDA

2020.02

June 12, 2020
9:00 AM to 4:00 PM

AGENDA ITEM	TOPIC	ACTION	PAGE #	STRATEGIC DIRECTION*
.00	CALL TO ORDER			
.00a	Welcome of New and Returning Members	--	--	--
.00b	Election of Executive Committee and Officers	Decision	4	M8/M9
.01	APPROVAL OF AGENDA & MINUTES			
.01a	Review & Approval of Agenda	Decision	2	
.01b	Declarations of Conflicts of Interests	Discussion	--	
.01c	Review & Approval of Minutes - Council Meeting 2020.01 March 12, 2020	Decision	14	
.01d	Review & Approval of IN CAMERA ¹ Minutes – Council Meeting 2020.01 March 12, 2020	Decision	--	
.01e	Review of Action List	Discussion	19	
.02	CONSENT AGENDA ITEMS	Information		
.02a	Registrar’s & Executive Director’s Report		20	
.02b	Committee Reports	--	--	
	(1) Discipline Committee		29	
	(2) Quality Assurance Committee		31	
	(3) Client Relations Committee		34	
	(4) Fitness to Practice Committee		35	
	(5) Finance & Audit Committee Report		36	
	(6) Jurisprudence and Ethics Examination Committee Report		40	
.03	POLICY ISSUES			
.03a	Peer Assisted Review: Criteria for Exemption or Deferral	Decision	42	M1-M3
.03b	Discipline Committee Rules of Procedure	Decision	45	M4/M8/M9
.04	BUSINESS ISSUES			
.04a	Registration Committee Quarterly Report	Information	91	M9
.04b	Inquiries, Complaints and Reports Committee Quarterly Report	Information	94	M9
.04c	President’s & Executive Committee Report	Oral Report	--	--
.04d	Directors of Clinical Training Programs Meeting Report	Oral Report	--	
.04e	Committee Audits 2020-2021	Decision	97	M9
.04f	Appointment of Signing Officers	Decision	99	M9

¹ Materials Not Included in Public Package – Personnel Matter

.05	STRATEGIC ISSUES			
.05a	Strategic Direction Implementation: Chart Update	Discussion	100	All
.06	OTHER BUSINESS			
.06a	Next Council Meeting: <ul style="list-style-type: none"> • Training Day – September 24, 2020 • Meeting – September 25, 2020 	Information	--	
.06a	Proposed Council Meeting: <ul style="list-style-type: none"> • December 11, 2020 	Decision	--	
.07	ADJOURNMENT			

*In accomplishing our Mission, the College promotes excellence in the practice of psychology by:

M1 - *Enforcing standards fairly and effectively through: Developing, establishing and maintaining standards of qualifications for individuals seeking registration,*

M2 - *Enforcing standards fairly and effectively through: Developing, establishing and maintaining standards of practice and professional ethics for all members,*

M3 - *Enforcing standards fairly and effectively through: Developing, establishing and maintaining standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among members;*

M4 - *Communicating clearly and effectively with stakeholders, particularly applicants, members and the public;*

M5 - *Supporting and assisting members to meet high standards;*

M6 - *Responding to changing needs in new and emerging practice areas;*

M7 - *Collaborating in shaping the regulatory environment;*

M8 - *Acting in a responsibly transparent manner; and,*

M9 - *Advancing the Council's governance practices.*



BRIEFING NOTE

2020.02.00b

JUNE 2020 COUNCIL MEETING

EXECUTIVE COMMITTEE ELECTIONS 2020-2021

STRATEGIC DIRECTION REFLECTION

Acting in a responsibly transparent manner; Advancing the Council's governance practices.

PROCEDURE

The first order of business at the Council meeting will be the election of the Executive Committee for 2020/2021 administered by the Registrar.

As set out in *By-law 21: Committee Composition* [21.1(1)]:

The Executive Committee shall be composed of:

- (a) four members of the Council who are members of the College;
- (b) both titles shall be represented among the members in section (a); and,
- (c) two members of the Council appointed to the Council by the Lieutenant Governor in Council

Given that the Council meeting is being held by Zoom, the procedure for the Executive Elections necessarily will be conducted virtually.

The College has received nominations for each Executive position. In keeping with section 4.7 of *By-law 4: Election of Members of the Executive Committee* further nominations will not be accepted at the meeting. Therefore, a number of positions will be acclaimed as shown below.

CANDIDATES FOR POSITIONS

President:	Michael Grand	Acclaimed
Vice President:	Denise Milovan	Acclaimed
Public Member of Council:	Graeme Goebelle	Acclaimed
	Paul Stopciati	Acclaimed
Member of the College:	Paula Conforti	Acclaimed (Psychological Associate Member required)
	Janice Currie	
	Philip Ricciardi	
	Wanda Towers	

} One to be elected

Prior to the balloting, each candidate for office will answer questions from other Council members for a maximum of 10 minutes. There will be an opportunity to ask questions of all members seeking a position on the Executive including those who are acclaimed.

The only election will be for the final “Member of the College” position for which there are three Council members running. Two rounds of voting may be necessary unless one candidate receives a majority of the votes cast on the first ballot. If a second round is necessary, it will be between the two candidates receiving the highest number of votes.

The voting will be done using SurveyMonkey. At the appropriate time, each Council member will be sent the SurveyMonkey link and asked to indicate their choice.

NOTE: *It is very important that all Council members have access to their email so they can receive the SurveyMonkey ballot and return it promptly.*

On the ballot, Council members will be asked to enter their name and indicate their choice. When the responses are in, Caitlin will review the summary page only. This page provides the number of voters and the number of votes received by each candidate. Should the number of voters be less than the number of eligible voters, Caitlin can access the names of the voters without viewing their choice. This will enable her to know whose vote has not been received and to contact them to vote. Once the voting is complete, Council will be asked for a motion to destroy the ballots which in this case will be to delete the survey and responses.

In order to optimize Council time, once the voting begins, the President will take over as Chair and begin the regular meeting with the voting results or the need for a second vote taking place between agenda items.

As required by *By-law 4: Election of Members of the Executive Committee* each candidate has provided a biographical statement and candidate statement. These are attached.

ATTACHMENTS

Biographical Statement and Candidate Statements (presented alphabetically)

- Paula Conforti
- Janice Currie
- Graeme Goebelle
- Michael Grand
- Denise Milovan
- Philip Ricciardi
- Paul Stopciati
- Wanda Towers

CONTACT FOR QUESTIONS

Dr. Rick Morris, Registrar & Executive Director



EXECUTIVE COMMITTEE STATEMENT OF INTEREST

Paula Conforti, D.C.S., C. Psych. Assoc., RP (PhD Candidate) – Professional Member

Expression of Interest

The Executive assists in providing organizational direction to the College Council who ultimately decides on issues brought forward by each of our standing Committees. In the spirit of equal representation and diversity I would welcome your support in granting me the opportunity to serve on the Executive as Director at Large. I recognize this role would have a steep learning curve and I am new to College Council; however, I have observed College Council meetings for the last 3 years, with increasing active involvement, and I will strive to be a quick study and to advance everyone, bridge inequities, and maintain a high level of professional integrity.

Brief Biography

I began my career and training at the Hospital for Sick Children, moved to the Toronto District School Board while maintaining a private practice, and was the Chief Psychologist and Manager of Career, Education and Psychology at JVS Toronto. I am the past Vice-President of one of the two provincial psychology associations, the former OAPA. Additionally, I am a member of OPA. As many of my fellow colleagues know, the OAPA Board formed strong partnerships with various Ministries to raise awareness of psychological services and the barriers faced. Collectively we have steered key discussions around improved service delivery and evidence-based practice. The work of Master's level Psychologists/Psychological Associates throughout the years has arguably lent itself to being one of the strongest and most resilient voices at Ministry tables and the government has become more aware of the challenges facing psychology, regulatory systems and most importantly, the public as a result of our work.

Due to my Managerial role at JVS Toronto, I became a member of the Association of Chief Psychologist for Ontario School Boards, a position very few achieve; as this group guides ministry decisions and represents the province on educational affairs. While I would have been a strong contributor, in my opinion, my rounded successes to date afforded me the luxury to continue to contribute to this group in a different capacity and I made the conscious decision to go back to school to reignite my PhD. My current research interests are in early intervention/prevention, mental health literacy, suicidality across the lifespan with an emphasis on children/youth, and comprehensive school health frameworks. I am currently a professional and affiliated member of the Sunnybrook Research Ethics Board and have advised on Curriculum development as part of the Strategic Advisory Committee at the Institute of Medical Science, Faculty of Medicine, at the University of Toronto. I have most recently been serving on the Registration Committee at the CPO and as an Oral Examiner in addition to my work as a Peer Reviewer for the College as part of Quality Assurance initiatives. I divide my time between private practice and both Sunnybrook Health Sciences Centre and The Hospital for Sick Children.

Candidate's Statement

Change and growth have been occurring in psychology for some time. While change seems to be off-putting to some, the changes that I have seen throughout the years require policies and regulations that can meet and accept the realities of this positive movement and regulatory authorities that can embrace change themselves. As a member of CPO, we are all acutely aware that change and growth are the necessary and expected outcomes of good education, ongoing professional development, advancing in an employment role and in raising awareness of the needs we see and work with everyday. As a result, we bring key perspectives to public service.

I am a firm believer that individuals in the Regulatory professional landscape excel when they have had many diverse lived experiences, as they can connect the dots and be the boots on the ground to translate what they experience to bridge gaps in the service of the public. I believe I am ideally suited to know what is missing not only in terms of psychological care particularly in the school system, but in the training and professional development of psychological practitioners who ultimately translate the direction of the College to ensure the protection of the public. I currently strive to fill the gaps in order to bring the best care possible to students in Ontario. I am a proud member of our College and will bring with me the many stories that I have had the privilege of hearing, impacting and experiencing first-hand within the caveat of ensuring that I listen with an open mind to all sides before respectfully discussing a path.



EXECUTIVE COMMITTEE STATEMENT OF INTEREST

Janice Currie, Ph.D., C.Psych. – Professional Member

Brief Biography:

I love the practice of psychology and I have been involved in the field in a variety of settings and roles over the course of my 38 year career. Initially, I trained at the University of Toronto (Bachelor's degree) and obtained my Master's and Ph.D. at the University of Waterloo. I developed my passion for Clinical Neuropsychology and School Psychology during those years. I started my career at the Hospital for Sick Children on a postdoc, and then moved to what is now a part of the Toronto District School Board as a field Psychologist. Over the years, I have moved through both field and administrative positions at the TDSB. I left there in 2008 and took on a brief role as the Vice President of Counselling for Kid's Help Phone. Currently, I am back practicing as a field Psychologist with the Durham Catholic District School Board.

During my career, I have represented the profession through my appointments to the Minister's Advisory Council for Special Education (Ministry of Education) and through serving as an elected representative on College Council. During my years on Council, I have had the opportunity to participate on a number of Committees, such as the Executive Committee (Vice-President of the College for two years), Discipline (chair), Client Relations, Inquiries, Complaints and Reports, and the Quality Assurance Committees. I have also participated as a member of the examining teams for the College Oral Examinations for a number of years. I certainly have appreciated these various opportunities I have had to bring my experiences as a Psychologist to help shape policies at the College, which in turn, affect the way we practice in this province.

Candidate's Statement:

As a member of Council, I have had the opportunity to discuss and offer opinions about the current issues impacting the profession which are brought before Council. This year, I would again like to put my name forward to serve as a Member-at-Large on the Executive. Having previously served terms on both Council and the Executive Committee, I understand and respect the roles of the Executive Committee members in streamlining the functioning of the College Council. In the role of Member-at-Large on the Executive Committee, I can continue to contribute my perspective and ideas which stem from my work as a practicing psychologist and also, as informed by my previous experiences on Council, the Executive Committee and the other College committees on which I have served.

In closing, let me say that I believe myself to be an informed and clear-thinker, who listens carefully to all sides of an argument and then tries to develop a path that incorporates the best of the ideas, while maintaining the integrity of the participants. Ultimately, though, the goal is to recommend the best path for the College, to ensure the protection of the public interest. I look forward to continuing to bring my leadership strengths in service of the profession and the public through my involvement with the College Council, and if selected, on the Executive Committee.

Sincerely,
Janice Currie



EXECUTIVE COMMITTEE STATEMENT OF INTEREST

Graeme Goebelle – Public Member

I was delighted to receive the notice of my reappointment to the Council of the College of Psychologists of Ontario and this has inspired me to extend my contribution to this College and seek an Executive Position as a Public member on the Council. I recall my very first meeting of Council how impressed I was with the friendly tone and camaraderie around the Board Room table. I anticipate this working atmosphere to continue under the stewardship of our Council Chair and College Registrar.

Biographical Statement.

The dictionary definition of "biographical" includes "dealing with persons" and in my sixty years as a Professional Accountant, I was always interested in my clients and fellow workers. Over the years I have been involved in many Community Organizations, Professional Associations, ICAO conference Sessions Committees and Council, and Political Activities. I have served as an Auditor, Member, Treasurer and Chair. My most rewarding experience was as chair of the MHLIN (Mississauga Halton Local health Integrated network) then under the direction of the Liberal Government of Ontario.

Candidate Statement.

As a "Blue" I was recommended by the current Speaker of the House, the Hon. Ted Arnott to the then MOH and LTC the Hon. Bed Mathews to be appointed to the MHLI. During that time I also worked closely with Dr. Eric Hoskins and the present Minister of Health Christine Elliott. This past year I served on the ICRC, Discipline and Finance and Audit Committees. These interactions with Council has given better perspective of the purpose of the College.

In homage and respect I am submitting my "Expression of Interest" to seek an Executive Position as a Public Member on Council.

Graeme Goebelle



EXECUTIVE COMMITTEE STATEMENT OF INTEREST

Michael Grand, Ph.D., C.Psych., - President

I have been a member of the College of Psychologists since 1978. I am registered to practice clinical and counseling psychology with adolescents, adults and families. In 2015, I joined the Council as one of the academic members. Previous to that point, I was Chair of the Department, Graduate Coordinator and Director of Clinical Training in the Clinical Child and Adolescent Psychology graduate training program at the University of Guelph. I now hold the rank of Professor Emeritus.

While on Council, I have been on the Registration Committee for four years, the last two as co-chair. I have been a member of the Executive Committee for three years, the Discipline Committee (chairing three panels) for five years, and the ICRC for one year. In June of 2019, I was elected President of the College.

The decision to run initially for President was not an easy one. The Council has gone through a turbulent year as we have wrestled with the decision to change the use of title. Quickly, sides were drawn up on Council and amongst the membership. When elected, I did my best to ensure that we stayed focused on our mandate of public protection while, at the same time, striving to maintain respectful dialogue as we moved toward a final decision. Over the course of this past year, I have maintained this focus. The Registrar and I have met with Ministry officials and are making progress towards the rewriting of the regulation concerning title. If elected, I will work diligently to bring this task to a successful conclusion.

The second goal that I set last year was to have the Registration Committee update our registration procedures as the current guidelines do not fully reflect the new realities of the profession as it is taught and practiced. I am pleased that significant progress has been made to date that will assist the College in meeting its mandate of protecting the public. I also support the important work that has been undertaken to ensure that members continue to upgrade their knowledge and skills. Ours is a profession that should never be remain static.

The third focus that I bring to Council is the need for more effective communication with both our members and the public at large. I have begun semi-annual conversations with the leadership of the Ontario Psychological Association and the Ontario Association of Mental Health Professionals. My goal is that all of us will actively engage in shaping the way Council communicates with its members and the public.

The Council has much work ahead of us. We face challenging times that require innovation and courage. We can expect changes in the legislative landscape that will profoundly affect the registration and practice of Professional Psychology. As we address these issues, I will do my best to make the Council's experience meaningful, respectful and collaborative.

Michael Grand, Ph.D., C.Psych.

EXECUTIVE COMMITTEE STATEMENT OF INTEREST

Denise Milovan, Ph.D., C.Psych., - Vice-President or Professional Member

Expression of Interest

I would like to put forth my name for consideration to serve as a candidate for Vice-President or in a Professional member role on the Executive Committee for 2020-2021.

I passionately believe in the College's mission to protect the public. As such, I will actively seek to ensure that we do not lose sight of our responsibility to maintain excellence in our profession. The past months have been associated with significant uncertainty and stress for the entire world. In an environment juggling many unknowns, the Executive Committee was able to show itself as a nimble navigator of new and important demands to create, modify and/or adapt existing processes to continue to best serve and protect the mental health needs of the province.

If voted-in, I will continue to full-heartedly advocate for adopting well-informed, well-deliberated decisions in expedient but thoughtful ways. I will actively promote all the steps that the Executive Committee can take to ensure that our profession remains a leader amongst other regulated Colleges and an example to follow.

Biographical Statement

I received my graduate training in clinical neuropsychology in the province of Quebec in 2006 followed by a more recent MSc in clinical psychopharmacology in 2016. I became member of the College of Psychologists of Ontario in 2011.

As a scientist-practitioner, I seek to combine the delivery of clinical services with applied research projects with a focus on the investigation of the neurocognitive abilities of patients diagnosed with neurologic conditions, as well as the investigation of cognitive and behavioural effects of pre-marketed drugs acting on the central nervous system.

In my clinical role working in practice private and the public sector (Toronto Rehab Institute), I consult and complete psychological, neuropsychological, and psycho-educational assessments with clients across the age span. I also provide rehabilitative and psychological interventions to adults diagnosed with acquired brain injuries to address their emergent or chronic cognitive and psycho-affective difficulties.

In addition to clinical responsibilities, as part of my scientific oversight of early-phase clinical trials investigating the risk of abuse or dependence of new drugs, I interact regularly with various regulatory bodies including Health Canada, Ethics Boards, Food and Drug Administration (FDA), and European Medicines Agency (EMA). As such, I write peer-reviewed articles and regularly present at various clinical psychopharmacology and neurology conferences.

I am completing my 5th year as a professional member on the Council of the College of Psychologists of Ontario and, with the exception of the QA Committee, I have served on all College Committees. As such, I believe that I have a first-hand understanding of the contributions made by each committee to the College. I also have been an examiner at the College's Oral Exams. For the past year, I was honored to serve as a professional member on the Executive Committee.

Should I be elected for the Vice-President role, I will continue my work as a positive contributor to the mandate given to the Executive Committee by Council.



EXECUTIVE COMMITTEE STATEMENT OF INTEREST

Philip Ricciardi, Ph.D., C. Psych. – Professional Member

Currently, sits on the Council of the College of Psychologist having been elected as the representative for District 2 in 2019. He has been a member of the Registration Committee for the past two years and sat on the Discipline Committee and Fitness to Practice Committee for 2019. Dr. Ricciardi is in full time clinical practice in which he provides counselling and therapy services to children and adolescents, conducts court ordered *YCJA* assessments and parenting capacity assessments, as well as providing expert testimony in family and criminal court on a variety of issues. He is an Adjunct Associate Professor in the Department of Psychology at the University of Windsor and teaches at the graduate and undergraduate levels. He is a Research Scientist with the OZAD Institute of Hotel Dieu Grace Healthcare. Dr. Ricciardi has been a registered Psychologist for 32 years; past Supervisor of Psychological & Speech/Language Services for a midsized school board, clinical co-ordinator and program manger at a children’s mental health centre for 16 years; provided expert testimony in cases of child welfare and protection, superior court, family court, and criminal court; and participated in various committees addressing the needs of sexual abuse survivors and sex offenders. Dr. Ricciardi has also acted as an oral examiner for the College of Psychologist for over 20 years.



EXECUTIVE COMMITTEE STATEMENT OF INTEREST

Paul Stopciati – Public Member

Expression of Interest

I am writing to express my interest in serving on the Executive Committee of the Council of the College of Psychologists of Ontario. I recognize that such a position requires strong analysis and decision-making skills, persistent high performance, management of heavy workloads, and effective management of direct reports. These are all skills that I have demonstrated throughout my 35-year career. Based on my experience, I know I can contribute my knowledge and work as a team member for the betterment of the Council and the College of Psychologists.

Biography

Paul is an accomplished professional with over 35 years of experience managing and driving high performance across multiple industries, including diverse roles in sales and senior management with Nabob Foods, Richelieu Hardware, Snap-on Tools, and Bristol Myers-Squibb. In 2003 he moved into entrepreneurship and founded PES Commercial Cleaning Ltd. to advance commercial fire safety among a broad client base.

Paul was instrumental in the success of two fundraising events for local causes while serving on the Board of Directors of the Northern Cancer Research Foundation. He was a founder of the Strokes for Hope Golf Classic, a charity tournament that raised over \$300,000 for cancer research over five years under his chairmanship. He also served as chair of the NHL Oldtimers' Hockey Game for four years. He has also served with other community organizations, including the Sudbury-Manitoulin Alzheimer Society and the Sunrisers Rotary Club.

Paul has been heavily involved in public safety work; he was appointed by the provincial government to the Greater Sudbury Police Services Board for a three-year term. He is a former member of the Ontario Provincial Police's Auxiliary Unit (Auxiliary Constable) as well as founding member Rainbow District Crime Stoppers.

In 2011, Paul was appointed to the Greater Sudbury Public Library Board. As a member of the Board, he oversaw the successful construction of the new South End Branch, which opened in July 2012, and the feasibility study of a new main branch downtown.

Paul is fluent in both English and Italian. He is currently an active member of the Marchigiana Association of Sudbury as well as a 35-year member of the Knights of Columbus.



EXECUTIVE COMMITTEE STATEMENT OF INTEREST

Wanda Towers, Ph.D., C. Psych., - Professional Member

Biography

My satisfying career as a psychologist began with undergraduate training at the University of Toronto and graduate work at the University of Waterloo. I registered with the College of Psychologists of Ontario (CPO) in 1998 and later expanded my area of competence, which now includes a clinical and rehabilitation focus with adults and seniors.

I began work at Baycrest Centre for Geriatric Care during my doctoral training and remained for a decade. I gained experience not only in assessment and intervention, but also in consultation, supervision of interns, speaking at rounds, conferences or workshops, and authoring materials for various program areas. After two years working with adults with serious burns and amputations at St. John's Rehabilitation Hospital, private practice opportunities drew me north to Barrie. I have worked on my own and with colleagues in group practices since 2006. I value my ongoing ability to participate in multidisciplinary teams of rehabilitation health care professionals in the community in order to meet rehabilitation client needs.

I enjoy teaching and supervision as an extension to my clinical practice. I am an Adjunct Faculty Supervisor at University of Waterloo, providing supervision for clinical psychology graduate students. I have also taught undergraduate psychology courses at Tyndale University for many years. I've been a public member on the Placement Coordination Services of York Region Board. I represented my profession on the Senior Support Program Advisory Board and on the Planning Committee for the Apotex Centre, Baycrest.

My involvement in the CPO's regulatory process began when I became an Oral Examiner for the College in 2013. I was hooked by this portion of regulatory process and soon asked to join a College Committee. I have been an appointed Professional or elected Council Member of the Registration Committee for four years now. I am also a Peer Reviewer for the College's Quality Assurance Program.

Candidate Statement

My diverse history has provided opportunity to hear and learn from others; from family and friends, clients, professional colleagues, other health professionals, board members and more recently members of Council. Their voices and experiences have shaped my own thought and its expression in meaningful ways. In the past year, as an elected Council member, I have observed the diligent and thoughtful approach to decision making that occurs in meetings. I appreciated the respectful and clear manner that the Executive Committee took as they led Council through challenging discussions about divisive issues. This has further refined my own thought and voice. I believe that I am now prepared to participate in a new collaborative process, as a flexible, thoughtful and observant member of the Executive Committee. I will bring an informed, knowledgeable and respectful voice to the Committee deliberations, as a reflection of my accumulated personal and professional experiences to date.

COUNCIL MEETING

2020.01

March 12, 2020

PRESENT:

Michael Grand, Ph.D., C.Psych., President
Janice Currie, Ph.D., C.Psych., Vice-President
Judy Cohen, Public Member
Christine DiZazzo, M.Ps., C.Psych.Assoc.
Graeme Goebelle, Public Member
Emad Hussain, Public Member
Joyce Isbitsky, Ph.D., C.Psych.
Marjory Phillips, Ph.D., C.Psych.

Marilyn Keyes, Ph.D., C.Psych.
William Middleton, Public Member
Denise Milovan, Ph.D., C.Psych.
Patricia Minnes, Ph.D., C.Psych.
Melanie Morrow, M.A., C.Psych.Assoc.
Philip Ricciardi, Ph.D., C.Psych.
Wanda Towers, Ph.D., C.Psych.
Cory Richman, Public Member

GUESTS:

Doug Ross, Ministry of Health

STAFF:

Rick Morris, Ph.D., C.Psych., Registrar & Executive Director
Barry Gang, MBA, Dip.C.S., C.Psych.Assoc., Deputy Registrar / Director, Professional Affairs
Lesia Mackanyn, Director, Registration
Zimra Yetnikoff, Director, Investigations & Hearings
Caitlin O'Kelly, Assistant to the Registrar, Recorder

2020.01.00 CALL TO ORDER

The President called the meeting to order at 9:05AM.

2020.01.01 APPROVAL OF THE AGENDA AND MINUTES

.01A APPROVAL OF AGENDA

The following changes were made to the agenda:

- Item .02a Registrar's & Executive Director's Report moved to .04a1
- Item .02c(2) Quality Assurance Report moved to .04g
- Item COVID-19 added to .04h

It was **MOVED** Goebelle

That the agenda for the Council Meeting be approved as amended.

CARRIED

.01B DECLARATIONS OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

45 **.01C MINUTES FROM THE COUNCIL MEETING 2019.04 DECEMBER 13, 2020**

46

47 **It was MOVED Goebelle**

48 **That the minutes from the Council Meeting 2019.04 of December 13, 2019 be approved as presented.**

49 **CARRIED**

50

51 **.01D IN CAMERA MINUTES FROM THE COUNCIL MEETING 2019.04 DECEMBER 13, 2020**

52

53 **It was MOVED Currie**

54 **That the IN CAMERA minutes from the Council Meeting 2019.04 of December 13, 2019 be approved as presented.**

55 **CARRIED**

56

57 **.01E REVIEW OF ACTION LIST**

58 The Council reviewed the Action List from the minutes of the previous meeting and noted items that were completed, outstanding or on the agenda at this meeting.

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61 **2020.01.02 CONSENT AGENDA**

62

63 The Consent Agenda was received.

64

65 **2020.01.03 POLICY ISSUES**

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67 **.03A PRESCRIPTION PRIVILEGES**

68 The Ontario Psychological Association (OPA) has undertaken discussions with the Ministry of Health with respect to seeking legislative authority for qualified psychologists to prescribe medications as part of the treatment regimen for their clients/patients. The Registrar provided Council with a Briefing Note and copies of previous communications with OPA, from 2012, on this this matter. The Executive Committee is recommending that Council confirm the College's willingness to undertake regulatory responsibility should such authority be given. There was discussion as to whether Council should provide stronger support for the concept of prescription privileges but decided that further information and research on this issue would be needed before this could occur.

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76

77 **It was MOVED DiZazzo**

78 **That the Council confirm to the Ontario Psychological Association the College's willingness to undertake the regulatory responsibilities involved should the profession be granted prescription privileges.**

79 **CARRIED**

80

81 **Action Item Registrar**

82 To send a letter to the OPA confirming the College's willingness to undertake regulatory responsibilities should the profession be granted prescription privileges.

83

84

85

86 **.03B REVISED GUIDELINES FOR RETRAINING FOR SUPERVISED PRACTICE MEMBERS**

87 The Registrar provided the Council with a Briefing Note outlining the Registration Committee's recommended changes to the College's *Guidelines for Retraining for Supervised Practice Members*. The Registration Committee's review of the *Guidelines* was initiated in conjunction with its revisions to the *Guidelines for Completing the Declaration of Competence* approved by Council in December 2019. The review was undertaken to address the Committee's concerns regarding the variability in the quality of

88

92 some training plans and to assist candidates and their supervisors to understand the College's
93 expectations for preparing acceptable training plans. The Council reviewed and discussed the proposed
94 changes. Council inquired if there was an issue with the two-year limit to complete this training. The
95 Director, Registration clarified that a Certificate of Registration Authorizing Supervised Practice is issued
96 for a maximum of two years. Candidates can begin this training however, before being issued with this
97 Certificate.

98
99 **It was MOVED Phillips**

100 **To approve the recommendations of the Registration Committee regarding changes to the *Guidelines***
101 **for Retraining for Supervised Practice. CARRIED**

102
103 **Action Item Staff**

104 **To amend the *Guidelines for Retraining for Supervised Practice.***

105
106 **2020.01.04 BUSINESS ISSUES**

107
108 **.04A(1) REGISTRARS & EXECUTIVE DIRECTOR'S REPORT**

109 This item was moved from the Consent Agenda. Council discussed the implications of Council becoming
110 unconstituted due to insufficient public members. The Registrar reported that other Colleges have, within
111 the past year or two, encountered this situation. They have taken the position that the Executive
112 Committee, which was duly elected by the Council, while constituted, is able to continue to function. This
113 being the case, the Executive could exercise Council's powers, as set out in the Health Professions
114 Procedural Code [12(1)], which gives the Executive Committee "all the powers of the Council with respect
115 to any matter, that in the Committee's opinion, requires immediate attention other than the power to
116 make, amend or revoke a regulation or bylaw."

117
118 **.04A REGISTRATION COMMITTEE QUARTERLY REPORT**

119 The Council reviewed the third quarter report from the Registration Committee.

120
121 **.04B INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE QUARTERLY REPORT**

122 The Council reviewed the third quarter report from the Inquiries, Complaints and Reports Committee.

123
124 **.04C PROPOSED BUDGET 2020-2021**

125 The Registrar provided the Council with the proposed budget for the fiscal year June 1, 2020 to May 31,
126 2021. He reported that the budget was reviewed by the Finance and Audit Committee at their
127 teleconference on January 27, 2020 and by the Executive Committee at their meeting of February 7, 2020.
128 The proposed budget anticipates a deficit in the amount of \$127,475.

129
130 **It was MOVED Goebelle**

131 **That the budget for 2020-2021 be approved. CARRIED**

132
133 **.04D REGISTRAR'S PERFORMANCE REVIEW: IN CAMERA**

134 This agenda item was discussed **IN CAMERA** in the absence of the Registrar, the Recorder and all other
135 non-Council individuals in attendance. The Minutes for this item were taken by the President.

136
137 **It was MOVED Middleton**

138 **That the Council go IN CAMERA to discuss the Registrar's Performance Review. CARRIED**

139 At the end of the **IN CAMERA** meeting,
140

141 **It was MOVED Middleton**

142 **That the IN CAMERA meeting be ended and the open meeting of the Council be resumed. CARRIED**
143

144 **.04E NOTICE: EXECUTIVE COMMITTEE ELECTIONS/COUNCIL APPOINTMENTS**

145 The Registrar provided the Council with copies of *By-law 4: Election of Members of Executive Committee*
146 and *By-law 5: Selection of Committee Chairs and Committee Members* and advised Council of the process
147 for seeking election to the Executive Committee. Council was also informed that a Call for Interest for
148 Committee appointments will be sent to the general membership and that Council members also will be
149 asked to identify their Committee preferences.
150

151 As Ms. Judy Cohen's term on Council is ending, the Executive Committee requires another public
152 member to finish the term. Mr. Cory Richman was nominated and acclaimed to the Executive Committee
153 for the period March 23, 2020 to June 11, 2020.
154

155 **.04F PRESIDENT'S & EXECUTIVE COMMITTEE REPORT**

156 The President reported on activities during the third quarter.
157

158 **.04G QUALITY ASSURANCE COMMITTEE REPORT**

159 The Council discussed the third quarter report from the Quality Assurance Committee. Council inquired
160 on the number of non-compliance cases with the Quality Assurance program. It was noted that the
161 numbers are slightly higher as this is the first year of the Continuing Professional Development audits. In
162 answer to a question, it was reported that the QA staff make numerous informal efforts to obtain the
163 required information from members prior to moving to a more formal request or referral to the QA
164 Committee.
165

166 **.04H COVID-19**

167 Council discussed the current COVID-19 situation. The membership has been sent updates and these will
168 continue as needed.
169

170 **2020.01.05 STRATEGIC ISSUES**
171

172 **.05A STRATEGIC DIRECTION IMPLEMENTATION UPDATE**

173 The Registrar provided the Council with the updated *Strategic Direction Implementation Table*. Items
174 added since the Council Meeting of December 13, 2019 were shown in **Bold**.
175

176 **2020.01.06 OTHER BUSINESS**
177

178 **.06A NEXT COUNCIL MEETINGS:**

- 179 ○ June 12, 2020
 - 180 ○ September 24 – 25, 2020
- 181

182 **2020.01.07 ADJOURNMENT**
183

184 Prior to adjournment, the President presented Certificates of Appreciation to the following Council
185 Members who will be completing their terms on Council:

- 186 • Ms. Judy Cohen – 9 years
- 187 • Ms. Christine DiZazzo – 3 years
- 188 • Dr. Patricia Minnes – 7 years

189
190 There being no further business,

191
192 **It was MOVED Goebelle**
193 **That the Council Meeting be adjourned. CARRIED**

194
195 The Council Meeting was adjourned at 1:00PM.

196
197
198
199 _____
200 Michael Grand, Ph.D., C.Psych., President

201
202
203
204
205
206 _____
207 TBD., Vice-President

208
209 **Minutes approved at the Council Meeting on June 12, 2020**

ACTION LIST

2020.02.01e

COUNCIL MEETING 2020.01 – MARCH 12, 2020

Item:	Responsibility:	Action:	Status:
2019.02.03a	Council	To review the process for allowing temporary practice by out-of-province practitioners with an existing client who has moved to Ontario for school or work. This will consider if there are any unintended consequences that should be addressed. (June 2020).	To be Completed June 2020 See Registrar's Report
2019.03.03c	College	To pursue amendments to O.Reg. 74/15 - Registration under the <i>Psychology Act, 1991</i> to discontinue Master's level registration and at that time, grant the title Psychologist to all existing Psychological Associates.	In Process
2019.03.03c	College	To ask the JEEC whether there is sufficient data to compare language proficiency scores and the performance of international candidates on the JEE.	To be Completed May 2020 See Registrar's Report
2020.01.03a	Registrar	To send a letter to the OPA confirming the College's willingness to undertake regulatory responsibilities should the profession be granted prescription privileges.	Completed
2020.01.03b	Staff	To amend the <i>Guidelines for Retraining for Supervised Practice</i> .	Completed

REPORT TO COUNCIL

2020.02.02a

JUNE 2020 COUNCIL

REGISTRAR & EXECUTIVE DIRECTOR'S REPORT TO COUNCIL

COUNCIL MEMBER CHANGES

Professional Members

Since the last Council meeting there have been a number of changes to the College Council. Ms. Christine DiZazzo, (District 7, Psychological Associate) and Dr. Patricia Minnes (District 8, Academic) have left Council after many years of service. We gratefully acknowledge their involvement and contributions. We are pleased to welcome Ms. Paula Conforti and Dr. Adrienne Perry to Council representing District 7 and District 8, respectively.

Public Members

Mr. William Middleton left the College Council in May having accepted a full-time appointment with the Ontario Local Planning Appeal Tribunal (LPAT). In addition, Mr. Cory Richman's appointment will expire on September 12th, 2020 so this will be his last Council meeting with us. We want to wish both Cory and William all the best in their new endeavours. We are pleased to be joined by three new public members Mr. Paul Stopciati, Ms. Nancy Tkachuk and Ms. Jessy Zita.

We look forward to working with all of our new Council members and the many talents and skills they will bring to the Council table. The Notices of Appointments and Thank You letters received regarding our public members are attached.

COVID-19

The College offices have continued to operate remotely since mid-March. Through the use of Zoom and Microsoft Teams, staff groups have been working together and the office has been functioning well. The College Committees have been meeting via Zoom with Registration, ICRC, QA and Discipline Committee panels continuing to do their work. Due to the pandemic, the College had to cancel the Oral Examinations scheduled for the first week of June. To accommodate those candidates who were ready take the examination in June, the College is organizing Zoom orals. This will be the first time the College has undertaken this type of administration, but we are confident it can be done efficiently and effectively.

The College has provided a variety of updates to the membership pertaining to COVID-19, the Directives from the Chief Medical Officer of Health and the delivery of psychological services. These are emailed to members and [posted on the website](#).

Due to the impact of the pandemic on members' practices, the College deferred the payment of fees from June 1, 2020 to August 1, 2020. Members were asked to renew their registration by June 1, by submitting the online Practice Update Form but could choose to defer their fee payment. Many members have chosen to pay their fees already. In addition, the completion and submission of the Self-Assessment and Continuing Professional Declarations was extending to August 30, 2020.

ACTION LIST UPDATE

Temporary Registration (2019.02.3a): In September 2019, the Council approved the issuing of a Certificate of Registration Authorizing Interim Autonomous Practice for temporary, limited practice. This was to facilitate the registration of out-of-province practitioners who wished to provide temporary service to an existing client who may be moving to Ontario for school or work. These practitioners are also required to sign an *Undertaking and Agreement* with the College which outlines the conditions upon which the temporary certificate is being issued. In approving the Certificate, Council asked that the process for allowing temporary practice in Ontario be reviewed to determine if there are any unintended consequences they can be addressed.

Since the introduction of this Certificate, there have only been a small number of inquiries about this process and none have proceeded to the issuance of a Certificate. It is recognized that this very well may have been influenced by COVID-19 as the College made other arrangements with respect to the provision of [Psychological Services by Out of Province Practitioners to Clients Temporarily Relocated to Ontario](#). Once the pandemic has passed, the College will monitor the regular use of this Certificate.

Jurisprudence and Ethics Examination (JEE) and International Candidates Performance (2019.03.3c): In December 2019, Council inquired as to whether there was sufficient data to compare language proficiency scores and the performance of international candidates on the JEE. In June 2019, the Jurisprudence and Ethics Examination Committee considered if language may pose a barrier for international candidates noting that fluency in either French or English is a registration requirement. The Committee questioned if a comparison could be made between language proficiency tests scores and the performance of international candidates on the exam. It was noted that this would be very difficult to do in a standardized way as many international candidates are exempt from taking a language proficiency test as they met other language requirements, such as being taught in English or French. A comparison of language proficiency and the JEE would then be of only a small subset of international candidates.

COMMITTEE NOMINATION WORKING GROUP

The recent audit of the non-statutory Nominations and Leadership Development Committee (NLDC) recommended that consideration be given to incorporating the NLDC roles and functions into those of the Executive Committee. One of the primary roles of the NLDC had been to review the Committee preferences of Council and professional members, received in response to the Call for Interest, and propose a slate for review by the Executive. This year, this role was undertaken by a Committee Nomination Working Group consisting of the Council President, another Council member and two professional members with staff support.

The Working Group met by videoconference on May 22nd. It reviewed the Committees' current membership, needs going forward and the expressions of interest of Council and professional members. It then prepared a slate for the Executive to consider when it meets following the June 12th Council meeting to make the Committee appointments for 2020/2021. The members of the Working Group all expressed satisfaction with the process noting it to be very efficient and effective.

The Executive will be considering the continued need for a non-statutory Nominations and Leadership Development Committee at its summer 2020 meeting. The success of the Committee Nomination Working Group process suggests that a NLDC is not required to perform this role.

ATTACHMENTS

1. Mr. William Middleton – Thank you letter from the Minister of Health
2. Mr. Cory Richman – Thank you letter from the Minister of Health
3. Ms. Jessy Zita – OIC Appointment to May 12, 2021
4. Mr. Paul Stopciati – OIC Appointment to April 8, 2021
5. Ms. Nancy Tkachuk – OIC Appointment to March 11, 2021

CONTACT FOR QUESTIONS

Dr. Rick Morris, Registrar & Executive Director

Ministry of Health

Office of the Deputy Premier
and Minister of Health

777 Bay Street, 5th Floor
Toronto ON M7A 1N3
Telephone: 416 327-4300
Facsimile: 416 326-1571
www.ontario.ca/health

Ministère de la Santé

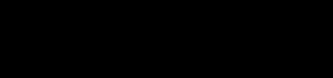
Bureau du vice-premier ministre
et du ministre de la Santé

777, rue Bay, 5^e étage
Toronto ON M7A 1N3
Téléphone: 416 327-4300
Télécopieur: 416 326-1571
www.ontario.ca/sante



May 20, 2020

Mr. William Middleton



Dear Mr. Middleton:

I would like to take this opportunity to thank you for the time and effort you have given while serving on the Council of the College of Psychologists of Ontario. I truly appreciate your contribution and I hope you have found your tenure both challenging and rewarding.

Please accept my best wishes. I hope that you will continue to offer your time and talent in serving the people of Ontario.

Sincerely,

A handwritten signature in cursive script that reads "Christine Elliott".

Christine Elliott
Deputy Premier and Minister of Health

Enclosure

c: Registrar



Ontario

**Executive Council of Ontario
Order in Council**

**Conseil exécutif de l'Ontario
Décret**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

Order in Council numbered O.C. 180/2020 dated January 31, 2020 that reappointed **William Middleton** of Kanata as a part-time member of the Council of the College of Psychologists of Ontario under the *Psychology Act, 1991*, be revoked effective the date this Order in Council is made.

Le décret 180/2020 daté du 31 janvier 2020 qui reconduisait **William Middleton** de Kanata au poste de membre à temps partiel du Conseil de l'Ordre des psychologues de l'Ontario en vertu de la *Loi de 1991 sur psychologues*, est révoqué à compter du jour de la prise du présent décret.

Christine Elliott

Recommended: Minister of Health
Recommandé par : La ministre de la Santé

[Signature]

Concurred: Chair of Cabinet
Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered: MAY 13 2020
Approuvé et décrété le :

[Signature]
**Lieutenant Governor
La lieutenante-gouverneure**

Ministry of Health

Office of the Deputy Premier
and Minister of Health

777 Bay Street, 5th Floor
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Telephone: 416 327-4300
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Téléphone: 416 327-4300
Télécopieur: 416 326-1571
www.ontario.ca/sante



May 20, 2020

Mr. Cory Richman

Dear Mr. Richman:

I would like to take this opportunity to thank you for the time and effort you have given while serving on the Council of the College of Psychologists of Ontario.

Your current appointment will come to an end on September 12, 2020. Your commitment as a member of the council has been invaluable and the work you have done has left a lasting impact on all Ontarians. I truly appreciate your contribution and I hope you have found your tenure both challenging and rewarding.

Please accept my best wishes. I hope that you will continue to offer your time and talent in serving the people of Ontario.

Sincerely,

A handwritten signature in cursive script that reads "Christine Elliott".

Christine Elliott
Deputy Premier and Minister of Health

c: Registrar



Ontario

**Executive Council of Ontario
Order in Council**

**Conseil exécutif de l'Ontario
Décret**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

PURSUANT TO clause 6(1)(b) of the *Psychology Act, 1991*, **Jessica Zita** of Toronto, be appointed as a part-time member of the Council of the College of Psychologists of Ontario to serve at the pleasure of the Lieutenant Governor in Council for a period not exceeding one year, effective the date this Order in Council is made.

EN VERTU DE l'alinéa 6 (1) b) de la *Loi de 1991 sur psychologues*, **Jessica Zita** de Toronto, est nommée au poste de membre à temps partiel du Conseil de l'Ordre des psychologues de l'Ontario pour exercer son mandat à titre amovible à la discrétion du lieutenant-gouverneur en conseil, pour une période maximale d'un an, à compter du jour de la prise du présent décret.

Christine Elliott

Recommended: Minister of Health
Recommandé par : La ministre de la Santé

[Signature]

Concurred: Chair of Cabinet
Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered:
Approuvé et décrété le : MAY 13 2020

[Signature]

**Lieutenant Governor
La lieutenant-gouverneure**



Ontario

**Executive Council of Ontario
Order in Council**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

PURSUANT TO clause 6(1)(b) of the *Psychology Act, 1991*, **Paul Stopciati** of Sudbury, be appointed as a part-time member of the Council of the College of Psychologists of Ontario to serve at the pleasure of the Lieutenant Governor in Council for a period not exceeding one year, effective the date this Order in Council is made.

EN VERTU DE l'alinéa 6 (1) b) de la *Loi de 1991 sur psychologues*, **Paul Stopciati** de Sudbury, est nommé au poste de membre à temps partiel du Conseil de l'Ordre des psychologues de l'Ontario pour exercer son mandat à titre amovible à la discrétion du lieutenant-gouverneur en conseil, pour une période maximale d'un an, à compter du jour de la prise du présent décret.

Christine Elliott
Recommended: Minister of Health
Recommandé par : La ministre de la Santé

[Signature]
Concurred: Chair of Cabinet
Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered: APR 09 2020
Approuvé et décrété le :

[Signature]
Lieutenant Governor
La lieutenante-gouverneure



Ontario

**Executive Council of Ontario
Order in Council**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

PURSUANT TO clause 6(1)(b) of the *Psychology Act, 1991*, **Nancy Tkachuk** of Niagara Falls, be appointed as a part-time member of the Council of the College of Psychologists of Ontario to serve at the pleasure of the Lieutenant Governor in Council for a period not exceeding one year, effective the date this Order in Council is made.

EN VERTU DE l'alinéa 6 (1) b) de la *Loi de 1991 sur psychologues*, **Nancy Tkachuk** de Niagara Falls, est nommée au poste de membre à temps partiel du Conseil de l'Ordre des psychologues de l'Ontario pour exercer son mandat à titre amovible à la discrétion du lieutenant-gouverneur en conseil, pour une période maximale d'un an, à compter du jour de la prise du présent décret.

Christine Elliott

Recommended: Minister of Health
Recommandé par : La ministre de la Santé

[Signature]

Concurred: Chair of Cabinet
Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered:
Approuvé et décrété le : MAR 12 2020

[Signature]
**Lieutenant Governor
La lieutenant-gouverneure**



REPORT TO COUNCIL

2020.02.02b(1)

FOURTH QUARTER, MARCH 1, 2020 – MAY 31, 2020

DISCIPLINE COMMITTEE

COMMITTEE MEMBERS:

Janice Currie (Chair), Council Member
Rixi Abrahamsohn, College Member
Clarissa Bush, College Member
Judy Cohen, Public Member (to March 22/20)
Christine DiZazzo, Council Member
Lynette Eulette, College Member
Robert Gauthier, College Member
Michael Grand, Council Member
Graeme Goebelle, Public Member
Jan Heney, College Member
Anthony Hopley, College Member
Emad Hussain, Public Member
Joyce Isbitsky, Council Member

Nina Josefowitz, College Member
Marilyn Keyes, Council Member
Maggie Mamen, College Member
William Middleton, Public Member (to May 13/20)
Denise Milovan, Council Member
Patricia Minnes, Council Member
Melanie Morrow, College Member
Mary Ann Mountain, College Member
Marjory Phillips, Council Member
Donna Reist, College Member
Philip Ricciardi, Council Member
Cory Richman, Public Member
Wanda Towers, Council Member

STAFF:

Zimra Yetnikoff, Director, Investigations & Hearings
Hélène Théberge, Senior Administrative Assistant

REFERRALS

One referral was made to the Discipline Committee in the 4th quarter:

1. Dr. Margaret Peggi Liswood: https://members.cpo.on.ca/public_register/show/2661

A referral was made to the Discipline Committee on May 25, 2019. At issue are allegations of professional misconduct in that Dr. Liswood breached professional boundaries and engaged in a personal and sexual relationship with a former patient. The matter is currently at the Notice of Hearing stage.

HEARINGS

No Hearings were held in the 4th quarter.

ONGOING MATTERS

A Pre-hearing Conference was held on May 7, 2020 for the following matter:

1. Dr. Oren Amitay: https://members.cpo.on.ca/public_register/show/20987

At issue are allegations of professional misconduct in that Dr. Amitay failed to maintain the standards of the profession by failing to comply with College authority, and that Dr. Amitay engaged in conduct or

performed an act, in the course of practising the profession that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. A hearing date has not yet been selected.

SUBMITTED BY

Janice Currie, Ph.D., C.Psych., Chair

June 3, 2020

REPORT TO COUNCIL

2020.02.02b(2)

FOURTH QUARTER, MARCH 1, 2020 – MAY 31, 2020

QUALITY ASSURANCE COMMITTEE

COMMITTEE MEMBERS:

Judy Cohen (Chair), Public Member (to March 22/20)
 David Howard, College Member
 Marilyn Keyes (Vice-Chair as of March 22/20), Council Member
 Michael Minden (Vice-Chair to March 22/20, Chair as of March 22/20), College Member
 Patricia Minnes, Council Member
 Maria Kostakos, College Member
 Cory Richman, Public Member

STAFF:

Barry Gang, Deputy Registrar & Director of Professional Affairs
 Julie Hahn, Quality Assurance Coordinator
 Madeleine Lee, Administrative Assistant

PEER ASSISTED REVIEWS 2019-2020

Overview

Carried over from previous years	28
Failure to comply with SAG requirements	14
Random selection	5
Stratified Random selection	37
Referred for 2nd Assessment	1
Total reviews planned	85

Activity	Q4	YTD
Exemptions granted*	0	7
Deferrals granted**	2	12
Failure to comply with SAG – Referral to ICRC	0	4
Completed Reviews		
Take No Further Action	7	23
Feedback/Confirmation of Recommendations	3	10
Referral to Second Assessment	0	1
Referral to ICRC	0	0
Total Closed Matters		57
Reviews conducted, reports pending QAC review		3
Reviews confirmed and scheduled		0
Reviews pending scheduling		25
Total Active Reviews Outstanding		28

*e.g., change to Retired or Inactive certificate, resignation

** e.g., significant illness, bereavement, temporary relocation in another jurisdiction

The nature of the feedback and recommendations provided to members reviewed addressed concerns such as apparent difficulty fulfilling ongoing CPD requirements; lack of goal orientation in treatment planning; problematic record keeping practices; lack of accessibility for clients with physical disabilities; and potential bias and/or conflict of interest.

CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM AUDITS 2019-2020

Audits Planned		
Random Selection		27
Failure to Declare Completion of Requirements		27
Carried Over from Previous Years		0
Total		54
Outcomes		
	Q4	YTD
Take No Further Action	2	26
Remedial Feedback	2	12
Undertakings	0	2
Failure to meet CPD requirements, in absence of exceptional circumstances (Referral to ICRC)	0	1
Total Audits Completed	4	41
Failure to comply with Audit (Referral to ICRC)	0	5
Refer to Assessor, under s. 81 of <i>Code</i> , to obtain information about apparent difficulties in participating adequately in program	0	2
Decision pending further information	0	2
Deferrals granted due to exceptional personal circumstances	0	2
Other Actions Taken	0	11
Ongoing Audits Outstanding for 2019-2020		2

Concerns leading to “Remedial Feedback” and “Undertakings” addressed missing documentation and deficiencies in obtaining sufficient CPD credits, some of which were due to apparent misunderstandings and most of which were minor.

COMMITTEE MEETINGS:

The full Committee held a half day meeting on March 17th, after which two panels of the Committee met for the remaining half day to consider Peer Assisted Review Reports and Audit submissions. Another panel met for a half day to consider Peer Assisted Review reports and Audit submissions on April 24th.

At the full Committee meeting, the following was addressed:

Self-Assessment Guide and Continuing Professional Development (SAG/CPD) Plan, including the Self Care Plan

The Committee reviewed and refined the Self-Assessment Guide and Continuing Professional Development (SAG/CPD) Plan and directed the inclusion of the new [Self Care Plan](#) for use by members completing the SAG/CPD Plan in 2020. The Committee also finalized Post Program surveys to be completed by College members following their completion of the SAG/CPD Plan, the two-year CPD cycle and the CPD audit.

Policy Review:

The Committee recommended a revision to *Policy II-5(ii) Peer Assisted Review: Criteria for Exemption or Deferral* for consideration by the Council.

Peer Assisted Review Planning:

The Committee decided that it would be beneficial to select members who have been registered for 5-10 years as the focus for 2020-2021 stratified sampling. The Committee made this decision based on feedback received in [Post-PAR survey responses](#) from members who remarked that a Peer Assisted Review would have been more beneficial to them in their earlier years of practice.

SUBMITTED BY

Michael Minden, Ph.D., C. Psych., Chair
June 4, 2020



REPORT TO COUNCIL

2020.02.02b(3)

FOURTH QUARTER, MARCH 1, 2020 – MAY 31, 2020

CLIENT RELATIONS COMMITTEE

COMMITTEE MEMBERS:

Ester Cole (Chair), College Member
Rosemary Barnes, College Member
Kofi Belfon, College Member
Janice Currie, Council member
Christine DiZazzo, Council Member
Emad Hussain, Public Member
William Middleton, (Vice-Chair to May 13/20), Public Member

STAFF:

Barry Gang, Deputy Registrar & Director of Professional Affairs
Julie Hahn, Quality Assurance Coordinator
Madeleine Lee, Administrative Assistant

FUNDING FOR THERAPY AND COUNSELLING FOR CLIENTS ALLEGING SEXUAL ABUSE BY A MEMBER

There are two individuals currently receiving funding in relation to sexual abuse by members. No new applications have been received.

COMMITTEE MEETINGS

The Committee did not meet during this reporting period.

SUBMITTED BY

Ester Cole, Ph.D., C.Psych., Chair
June 3, 2020



REPORT TO COUNCIL

2020.02.02b(4)

FOURTH QUARTER, MARCH 1, 2020 – MAY 31, 2020

FITNESS TO PRACTICE COMMITTEE REPORT TO COUNCIL

COMMITTEE MEMBERS:

Christine DiZazzo (Chair), Council Member

Duncan Day, College Member

Graeme Goebelle, Public Member

Sandra Jackson, College Member

Philip Ricciardi, Council Member

The Fitness to Practice Committee held no meetings during the fourth quarter.

REPORT TO COUNCIL

2020.02.02b(5)

FOURTH QUARTER, MARCH 1, 2020 – MAY 31, 2020

FINANCE AND AUDIT COMMITTEE

COMMITTEE MEMBERS:

Michael Grand (Chair), Council Member
Graeme Goebelle, Public Member
Alana Holmes, College Member

Denise Milovan, Council Member
Cory Richman, Public Member

STAFF:

Rick Morris, Ph.D., C.Psych., Registrar & Executive Director
Barry Gang, MBA, Dip.C.S., C.Psych.Assoc., Deputy Registrar/Director, Professional Affairs
Stephanie Morton, Manager, Corporate Services
Caitlin O'Kelly, Assistant to the Registrar

The Finance and Audit Committee (FAC) met by teleconference on April 24, 2020. The Committee reviewed the Unaudited Financial Statements, the Variance Report, and the Investment Report, all to February 29, 2020, the end of the third quarter.

In considering the *Statement of Revenue & Expenses*, the FAC reviewed the *Variance Report* which explained items that deviated from budget by the level of materiality set by Council; items which exceed the expected budget by \$5,000 or are underspent by \$10,000. The Committee was satisfied with the information presented to explain the variances and voted to receive the reports as presented.

The memorandum from the Registrar & Executive Director confirming the remittances to the Canada Revenue Agency and the Ontario Employer Health Tax for the period December 1, 2019 to February 29, 2020 was received.

Based on the documents reviewed at this meeting, it is the view of the Committee that the College continues to operate on a sound financial basis.

ATTACHMENTS

1. Statement of Revenue and Expenses to February 29, 2020
2. Balance Sheet to February 29, 2020 (unaudited)

SUBMITTED BY

Michael Grand, Ph.D., C.Psych., Chair
June 5, 2020

THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
STATEMENT OF REVENUE & EXPENSES
June 2019 through February 2020

	Annual Budget	Budget	YTD Actual	YTD \$ Variance	2019-2020 % YTD	Expected % YTD	% Variance YTD	Year End to 31 May-20
REVENUE	3,553,400.00	2,676,963.00	2,708,553.60	31,590.60	76%	75%	1%	3,553,400.00
COST OF SALES	314,950.00	281,725.00	282,242.84	517.84	90%	89%	0%	314,950.00
GROSS MARGIN	3,238,450.00	2,395,238.00	2,426,310.76	31,072.76	75%	74%	1%	3,238,450.00
EXPENDITURES								
Governance	94,075.00	67,807.00	78,687.61	10,880.61	84%	72%	12%	110,912.00
Registration	92,500.00	69,375.00	85,059.73	15,684.73	92%	75%	17%	92,500.00
Client Relations, Communications & Education	28,600.00	21,450.00	15,950.92	-5,499.08	56%	75%	-19%	28,600.00
Quality assurance	46,950.00	35,212.00	25,032.98	-10,179.02	53%	75%	-22%	46,950.00
Investigations and resolutions	149,200.00	111,900.00	85,904.46	-25,995.54	58%	75%	-17%	149,200.00
Hearings	337,400.00	253,050.00	127,855.77	-125,194.23	38%	75%	-37%	337,400.00
Liaison (Professional Organizations)	38,300.00	32,900.00	21,938.81	-10,961.19	57%	86%	-29%	38,300.00
Administration	2,573,900.00	1,930,424.50	1,956,640.26	26,215.76	76%	75%	1%	2,749,675.00
Total Expenditures	3,360,925.00	2,522,118.50	2,397,070.54	-125,047.96	71%	75%	-4%	3,553,537.00
EXCESS OF REVENUE OVER EXPENDITURES	-122,475.00	-126,880.50	29,240.22	156,120.72	-24%	75%	-99%	-315,087.00

The College of Psychologists of Ontario
Balance Sheet Prev Year Comparison
As of February 29, 2020

	Feb 29, 20	Feb 28, 19	\$ Change
ASSETS			
Current Assets			
Chequing/Savings			
10000 · Petty Cash	200.00	200.00	0.00
10100 · Bank	250,601.89	931,264.67	-680,662.78
10250 · Cash Equivalents	1,437,172.82	427,644.44	1,009,528.38
Total Chequing/Savings	1,687,974.71	1,359,109.11	328,865.60
Accounts Receivable			
10400 · Accounts Receivable - Control	18,064.93	42,619.54	-24,554.61
Total Accounts Receivable	18,064.93	42,619.54	-24,554.61
Other Current Assets			
10300 · Short Term Investments	4,706,729.68	5,214,257.97	-507,528.29
10410 · Accounts Receivable - Other	0.00	0.00	0.00
10550 · Interest Receivable	552.71	546.19	6.52
10600 · Prepaid Expenses	115,144.19	46,828.82	68,315.37
Total Other Current Assets	4,822,426.58	5,261,632.98	-439,206.40
Total Current Assets	6,528,466.22	6,663,361.63	-134,895.41
Fixed Assets			
12000 · Furniture & Equipment			
12010 · Furniture & Equipment - Cost	55,768.81	54,210.55	1,558.26
13000 · Accum Amort Furniture & Equip	-52,656.64	-49,614.70	-3,041.94
Total 12000 · Furniture & Equipment	3,112.17	4,595.85	-1,483.68
12100 · Computer Equipment			
12110 · Computer Equipment - Cost	131,266.81	78,695.75	52,571.06
13100 · Accum Amort Computer Equipment	-93,444.11	-71,658.72	-21,785.39
Total 12100 · Computer Equipment	37,822.70	7,037.03	30,785.67
12200 · Leasehold Improvements			
12210 · Leasehold Improvements - Cost	201,445.38	201,445.38	0.00
13200 · Accum Amort Leaseholds	-164,616.43	-151,168.01	-13,448.42
Total 12200 · Leasehold Improvements	36,828.95	50,277.37	-13,448.42
12300 · Website Development			
12310 · Website Development - Cost	235,481.01	190,945.36	44,535.65
13300 · Accum Amort Website Devt	-190,944.88	-183,792.30	-7,152.58
Total 12300 · Website Development	44,536.13	7,153.06	37,383.07
Total Fixed Assets	122,299.95	69,063.31	53,236.64
Other Assets			
10302 · Long Term Investment	43,640.96	43,411.52	229.44
Total Other Assets	43,640.96	43,411.52	229.44
TOTAL ASSETS	6,694,407.13	6,775,836.46	-81,429.33

	Feb 29, 20	Feb 28, 19	\$ Change
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
21000 - Accounts Payable - Control	48,412.12	70,859.72	-22,447.60
Total Accounts Payable	48,412.12	70,859.72	-22,447.60
Other Current Liabilities			
21100 - Accounts Payable - Other	192,106.78	160,274.88	31,831.90
22000 - Employee Tax Deductions Payable	24,906.96	0.00	24,906.96
23000 - Prepaid Fees	831,007.21	817,823.48	13,183.73
24000 - Peer Mentorship - Clearing	-10,644.74	0.00	-10,644.74
Total Other Current Liabilities	1,037,376.21	978,098.36	59,277.85
Total Current Liabilities	1,085,788.33	1,048,958.08	36,830.25
Total Liabilities	1,085,788.33	1,048,958.08	36,830.25
Equity			
31000 - Retained Earnings	1,405,567.89	1,457,355.79	-51,787.90
31100 - Investgtns&Hearing ReserveFund	850,000.00	850,000.00	0.00
31200 - Contingency Reserve Fund	1,000,000.00	1,000,000.00	0.00
31300 - Fee Stabilization Reserve Fund	1,000,000.44	1,000,000.44	0.00
31400 - Website&DatabaseDevtReserveFund	243,810.25	243,810.25	0.00
31500 - Premises Reserve Fund	1,000,000.00	1,000,000.00	0.00
31600 - FairRegn Practices Reserve Fund	80,000.00	80,000.00	0.00
Net Income	29,240.22	95,711.90	-66,471.68
Total Equity	5,608,618.80	5,726,878.38	-118,259.58
TOTAL LIABILITIES & EQUITY	6,694,407.13	6,775,836.46	-81,429.33



REPORT TO COUNCIL

2020.02.02b(6)

FOURTH QUARTER, MARCH 1, 2020 – MAY 31, 2020

JURISPRUDENCE AND ETHICS EXAMINATION COMMITTEE

COMMITTEE MEMBERS

Mary Ann Mountain (Chair), College Member
Audrey Cooley, College Member
Donna Ferguson, College Member
Tae Hart, College Member
Gilles Hébert, College Member

Michele Peterson-Badali, College Member
Pierre Ritchie, College Member
Carole Sinclair, College Member
Angela Troyer, College Member

STAFF SUPPORT:

Rick Morris, Ph.D., C.Psych., Registrar & Executive Director
Lesia Mackanyn, Director, Registration
Caitlin O’Kelly, Assistant to the Registrar

The JEEC met on May 11, 2020 (via Zoom), with all members in attendance. The meeting was abbreviated to the morning only to deal with policy issues and the review of the March 2020 examination. Further review of the item bank and any issues that have arisen with items in the item bank were deferred to the fall meeting. The Committee is normally made up of nine members of the profession and one public member of the Council. The public member of the Committee had not yet been appointed as Ms. Judy Cohen’s term on Council had expired.

Jurisprudence and Ethics Examination (JEE) – March 2020

The JEE was administered in 5 Locations; Toronto, Ottawa, London, Sault Ste. Marie, and at the College office for candidates who required accommodations, with 152 candidates writing the examination. One hundred and twenty-six candidates were successful in passing the examination, which is a pass rate of 86%. The JEEC thanks both the staff of the College, and the members of the College who proctored the examination administered outside of Toronto.

This examination used a cut score based on the performance on Ontario-trained, first-time test-takers, as approved by Council in December 2019. The JEEC has reviewed the statistics of this administration of the examination and determined that the examination items and results are reasonably consistent with previous administrations, despite this change.

Eighty-five of the candidates who took the examination responded to the post-examination survey. Generally, the comments were positive, although with continued requests for more sample items.

French Translation of the JEE

Candidates who write the French translation of the examination have commented that some of the language used in the items is not typical of French spoken by practitioners in Ontario. Dr. Pierre Ritchie

and Dr. Gilles Hébert reported that they have completed their initial review of the items in the current bank. Comments from candidates writing the French version of the exam were more positive than in the past but did note a couple of errors that resulted in one item being removed from the calculation of the pass point for all candidates.

Sample Items

Drs. Pierre Ritchie and Carole Sinclair have continued their work on the sample item bank. There are now 36 items in the sample bank with all items having been updated to ensure that they are consistent with current legislation and standards of practice. The examination consultant, Dr. Marla Nayer, will review the sample items to determine the match with the blueprint.

List of Legislation and Potential Items Based on New Legislation

The JEEC decided to remove the Criminal Code of Canada (CCC) from the List of Legislation for candidates to review since there are currently no items in the item bank based on this. At the request of the Committee, the CCC was reviewed by Dr. M. Pomichalek, who practices forensic psychology. Dr. Pomichalek's suggestions will be forwarded to the item writing workshop to be held in January 2021. Other pieces of revised or new legislation reviewed included the Missing Person's Act. The item writing workshop members will be asked to consider potential items based on this legislation.

September 2020 JEE

The Committee asked staff to develop a contingency plan for administration of this exam, in case there is a continuing order banning the gathering of large groups. Staff will develop a contingency plan for review by the beginning of August 2020.

SUBMITTED BY

Mary Ann Mountain, Ph.D., C.Psych., Chair
May 25, 2020



BRIEFING NOTE

2020.02.03a

JUNE 2020 COUNCIL MEETING

AMENDMENT TO POLICY II-5(ii) PEER ASSISTED REVIEW: CRITERIA FOR EXEMPTION OF DEFERRAL

STRATEGIC DIRECTION REFLECTION

Supporting and assisting members to meet high standards

MOTION FOR CONSIDERATION – Recommendation from the Executive Committee

That *Policy II-5(ii) Peer Assisted Review: Criteria for Exemption or Deferral* be amended such that the 10-year exemption not apply to members who were required to undergo a review due to their failure to participate in the self-assessment process as per the Quality Assurance Regulation.

Moved By TBD

PUBLIC INTEREST RATIONALE

The Quality Assurance Regulation anticipates that failure to participate in the self-assessment process may be an indicator of potential difficulty be it professional misconduct, incompetence or incapacity. It is important that the College have the authority to follow-up with members who don't participate in keeping with the regulation.

BACKGROUND

The Quality Assurance Regulation states that *a member shall undergo a peer and practice assessment if the member has failed to participate in self-assessment*. Therefore, if a member failed to participate in the self-assessment process, they must undergo a review regardless of whether they have previously participated, whether as part of the stratified or stratified random selection process or a previous failure to undertake the self-assessment. Approximately 10 members per year fail to participate in self-assessment process as required by the College.

The current wording of the policy would appear to conflict with the regulation as it would suggest an exemption for any member who had participated in a Peer Assisted Review within the past 10 years. This exemption was intended to provide fairness to members who may have recently been reviewed as a result of the stratified or stratified random selection process and to permit the College to review as many unique members as possible within the constraints of its resources.

As an unintended consequence, the policy as written, appears to provide a 10-year exemption to any member previously reviewed including those for whom the regulation may require a review. The current wording limits the QA Committee's authority to require a member, who did not participate in self-assessment, from being reviewed regardless of the time since the last review, or the reason for it, contrary to the regulation.

BUDGETARY IMPLICATIONS

None.

NEXT STEPS

Upon approval:

- Update the *Colleges Policy and Procedures Manual*

ATTACHMENTS

1. *Policy II-5(ii) Peer Assisted Review: Criteria for Exemption or Deferral* with amendment highlighted.

CONTACT FOR QUESTIONS

Barry Gang, Deputy Registrar and Director of Professional Affairs

College of Psychologists Policy and Procedure Manual			
SECTION: COUNCIL and COMMITTEES			POLICY #: II – 5(ii)
POLICY: Peer Assisted Review: Criteria for Exemption or Deferral		COVERAGE: Quality Assurance Committee	
CREATED: June 2018	REVISED: March 2019, <u>June 2020</u>	NEXT REVIEW: 2020/2021	PAGE #: 1 of 1

POLICY STATEMENT:

All College members are eligible to be selected for a Peer Assisted Review except as listed below. Among those eligible for selection, requests for a deferral of, or exemption from, a review may be granted by the Quality Assurance Committee, in exceptional circumstances.

MEMBERS EXCLUDED FROM PEER ASSISTED REVIEW

- Members holding a Retired or Inactive Certificate of Registration
- Members holding a Certificate of Registration Authorizing Supervised Practice
- Members who have undergone a Peer Assisted Review within the past ten years **unless the current review is required because the member failed to participate in self-assessment, in keeping with the Quality Assurance Regulation**

PROCEDURE:

1. Requests for a deferral for a period of up to six months from the time of notification of review may be granted if the request is based on any of the following:
 - Illness of the member or the illness or death of a close family member;
 - Significant recent changes in the nature/location of the member’s practice;
 - Recent return to practice following an extended absence, e.g., parental leave
 - Residence/practice outside of Ontario;
 - Intention to retire within the fiscal year;
 - No current practice;
 - Intention not to practice within the next six months; or
 - Current involvement in a College investigation or hearing.
2. The criteria for granting a deferral, as outlined in 1. above, will be applied by College staff on behalf of the Quality Assurance Committee. If there are questions about the appropriateness of a request, staff will consult with the Quality Assurance Committee Chair.
3. Any request for an exemption or for a deferral for a period of more than six months, or for any reason not listed in 1. above, will be considered by the Quality Assurance Committee. In reviewing such requests, the Committee will consider its public protection mandate and the principle of fairness and equitable treatment of College members.

BRIEFING NOTE

2020.02.03b

JUNE 2020 COUNCIL

DISCIPLINE COMMITTEE RULES OF PROCEDURE

STRATEGIC DIRECTION REFLECTION

*Communicating clearly and effectively with stakeholders, particularly applicants, members and the public;
Acting in a responsibly transparent manner; Advancing the Council's governance practices*

MOTION FOR CONSIDERATION – Recommendation from the Executive Committee

That amendments to *Policy II-4(ii) Discipline Committee: Rules of Procedure* be approved.

Moved By TBD

PUBLIC INTEREST RATIONALE

There are certain elements of the current *Rules of Procedure* that need to be updated. For example, the current *Rules* do not provide any definitions for the variety of terms used, there are no rules regarding reinstatement hearings or hearing costs. The tariff rate, referred to in the College's new policy on discipline costs, approved by Council in March 2019, is not reflected in the *Rules*.

For reasons of transparency, the Discipline Committee recommends that the *Rules* be readily available to both members of the profession and the public.

BACKGROUND

At its plenary session in November 2018, the Discipline Committee, together with independent legal counsel Mr. Ian Roland, reviewed the draft *Rules of Procedure*. In consultation with Mr. Roland, the Committee recommended a number of changes be made. The Committee also recommended that the *Rules* be publicly available as a separate document independent of a College policy.

In April 2020, the College's new prosecution counsel, Mr. Robin McKechney, undertook a further review of the draft *Rules* and made some additional suggestions. These additional changes were provided to the Discipline Committee in May 2020 and were approved by a majority of the Committee.

DOCUMENT REVIEW

In preparing these documents for review, it was not practical to provide a 'tracked changes' version due to the extensive reordering of various sections. For this reason, a Table of Changes was developed which presents the amendments in the new document to the old version. Please note that the Discipline Committee Rules of Procedure formatted for publication are identical to the revised *Policy II 4(ii) Rules of Procedure* presented in policy format. You may find the publication format of the document easier to read.

BUDGETARY IMPLICATIONS

None

NEXT STEPS

Upon approval:

- *Policy II-4(ii) Discipline Committee: Rules of Procedure* will be updated

ATTACHMENTS

1. Current *Policy II 4(ii) Rules of Procedure*
2. Revised *Policy II 4(ii) Rules of Procedure*
3. Formatted Discipline Committee Rule of Procedure
4. Table of Changes

CONTACT FOR QUESTIONS

Zimra Yetnikoff, Director, Investigations & Hearings

College of Psychologists Policy and Procedure Manual			
SECTION: Council and Committees			POLICY #: II – 4(ii)
POLICY: Rules of Procedure		COVERAGE: Discipline Committee	
CREATED: March 1996	REVISED: March 2007, June 2014, June 2015, March 2018	NEXT REVIEW: 2019/2020	PAGE #: 1 of 6

POLICY STATEMENT:

The Discipline Committee shall conduct its business according to approved rules of procedure.

PROCEDURE:

1. Pre-Hearing Conferences

- (a) The Chair of the Discipline Committee may direct the parties to participate in a pre-hearing conference.
- (b) If a party fails to attend a scheduled pre-hearing conference, the Discipline Committee panel may make an order with respect to the costs of the pre-hearing conference.
- (c) The presiding individual(s) appointed by Rule 1.2 shall, after consultation with the defense counsel and the prosecutor, schedule a date for the pre-hearing conference to be held, and shall notify the parties of the date. At least 30 days notice of the pre-hearing conference will be provided, unless the parties agree to an earlier date.

1.1 Matters to be addressed at a Pre-hearing Conference shall include the following:

- (a) issues related to the disclosure and exchange of information;
- (b) identification and simplification of issues, including legal and jurisdictional questions;
- (c) identification of any preliminary motions, and motions to be raised during the hearing;
- (d) procedural matters related to the form of the hearing (e.g. oral, electronic, written), requests for adjournment, etc.;
- (e) identification of facts or other evidence upon which the parties are in agreement;
- (f) settlement of any or all of the issues; and
- (g) other matters that may assist in the timely disposition of the proceeding.

1.2 The Chair of the Discipline Committee shall appoint one or more individuals to preside at the pre-hearing conference, at least one of whom will be a member of the Discipline Committee. The Chair of the Discipline Committee shall not preside at the pre-hearing conference.

- (a) the individual(s) presiding at a pre-hearing conference will facilitate dialogue between the parties on any matters identified in the notice of the hearing, or that arise in the course of the conference
- (b) the individual(s) presiding at a pre-hearing conference may express opinion on the matters being addressed, in order to assist the parties in reaching a settlement
- (c) the individual(s) presiding at a pre-hearing conference may make any orders necessary or advisable with respect to the conduct of the pre-hearing conference
- (d) the individuals presiding may also make orders with respect to the conduct of a hearing not otherwise specifically dealt with in the *Health Professions Procedural Code* or the *Statutory Powers and Procedures Act*, subject to review by the panel of the Discipline Committee conducting the hearing, or on consent of the parties

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(e) individuals who participate in a pre-hearing conference will not become members of the panel constituted to hear the matter, without the express written consent of the parties.

1.3 Any discussions with respect to settlement of the matter(s) at issue will be without prejudice.

- (a) If an Agreed Statement of Facts and a Joint Submission on Penalty result from a prehearing conference;
- (i) The final versions of Agreed Statement of Facts and Joint Submission on Penalty may be provided by the parties (College Counsel and Member Counsel or Member) to Independent Legal Counsel, who will provide these to the Prehearing Conference Chair.
- (ii) The Prehearing Conference Chair may provide a written view of the Agreed Statement of Fact and Joint Submission on Penalty to Independent Legal Counsel who will then provide such written view to the parties.

1.4 An agreement at the pre-hearing conference to settle any or all of the issues will be binding upon the parties, subject to the review and approval of the settlement by a panel of the Discipline Committee, following a written, electronic or oral hearing.

2. Pre-Hearing Disclosure

2.1 Upon request by the Chair of the Discipline Committee, and after disclosure of the prosecution case to the defense, the parties shall provide to each other and to the Chair of the Discipline Committee or another designated member of the Discipline Committee, a complete summary of:

- (a) procedural matters which the parties intend to raise at the hearing; and
- (b) any preliminary motions, including those addressing constitutional issues, which the parties intend to make at the hearing.

2.2 Disclosure shall occur within 30 days of the request by the Chair of the Discipline Committee, or prior to a later date specified in the request for disclosure.

2.3 At the discretion of the Chair of the Discipline Committee, the summary materials of procedural matters and preliminary motions provided in accordance with 2.1.1 and 2.1.2 will be provided to:

- (a) the individual or individuals empowered to conduct a pre-hearing conference; and
- (b) members of a panel of the Discipline Committee constituted to hear the matter.

3. Disclosure at a Hearing

3.1 Either party may make a motion before the panel of the Discipline Committee constituted to hear the matter for disclosure of evidence or other information, including but not limited to the following:

- (a) the exchange of documents;

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- (b) the exchange of witness statements and reports of expert witnesses; and
- (c) the provision of particulars.

- 3.2 Prior to making an Order for disclosure under this rule, the panel will hear representations from both parties on the matter.
- 3.3 If disclosure is required under this Rule, all or some of the disclosed information may be provided to non-participants, to the extent the panel determines is appropriate in the circumstances.

4. Written Hearings

- 4.1 Either party to a proceeding, the presiding individual(s) at a pre-hearing conference or the panel constituted to hear a matter, may propose that a pre-hearing conference or a hearing be conducted entirely or partially through written submissions. Such a proposal may be made prior to a hearing or pre-hearing conference, at a pre-hearing conference, or at any point during the course of the hearing.
- 4.2 A written hearing will only be conducted upon the consent, in writing, of the parties.
- 4.3 Upon consent, a date will be established by which submissions must be received at the College offices. Members of the panel constituted to hear the matter will then review the submissions, and arrive at a binding decision.
- 4.4 The written submissions will be available at the College offices for public review at the same time as the materials are made available to the Panel, which will normally be no later than five business days after the date established for submission of the material.

5. Electronic Hearings

- 5.1 Either party to a proceeding, the presiding individual(s) at a pre-hearing conference or the panel constituted to hear a matter, may propose that a pre-hearing conference or a hearing be conducted entirely or partially through electronic means. Such a proposal may be made prior to a hearing or pre-hearing conference, at a pre-hearing conference, or at any point during the course of a hearing.
- 5.2 Conducting a hearing electronically will normally require the written consent of the parties.
- 5.3 The individual(s) presiding at a pre-hearing conference or the panel constituted to hear a matter may require that a hearing be conducted entirely or partially through electronic means, when this is desirable in order to achieve a timely disposition of the matter. When a hearing has been scheduled or is underway, notice of the decision to conduct the hearing electronically will be given at least 30 days prior to the scheduled start or resumption of the hearing. When no date for the start or

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resumption of the hearing has yet been set, the date will be established after consultation with the parties.

- 5.4 A party to the proceeding may provide a written objection to the order for an electronic hearing within 5 working days of the notice of the decision to conduct the hearing electronically. Upon receiving a written objection to the order for an electronic hearing, the panel shall, in its discretion, either reschedule the proceeding to an oral hearing, or schedule an oral or electronic hearing to hear arguments on the matter, after which it will render a decision with respect to the form of the hearing. The panel shall not hold an electronic hearing if a party satisfies the panel that holding an electronic hearing rather than an oral hearing is likely to cause the party significant prejudice.
- 5.5 When an electronic hearing is to be conducted, and upon consent of or after consultation with the parties, a date and mechanism will be arranged for conduct of the electronic hearing.
- 5.6 The College will provide a facility in Toronto through which any party to the proceeding may participate in an electronic hearing, and through which members of the public may observe and/or hear the proceeding.

6. Withdrawal of a Notice of Hearing

- 6.1 If a matter has been referred to the Discipline Committee, before the notice of hearing can be withdrawn, the matter must be presented to the Executive Committee for a decision.

7. Motions Before a Plea is Entered

- 7.1 A motion shall be made by Notice of Motion that specifies the relief requested and the grounds for the motion.
- 7.2 All procedural or interlocutory matters and issues shall be raised as soon as possible and shall be heard on a day fixed by the Chair of the Discipline Committee panel. The motion may be heard by means of an electronic hearing unless the Chair of the Discipline Committee panel determines that the motion should be heard at an oral hearing.
- 7.3 The party or person bringing a motion shall deliver the Notice of Motion, all material in support of the motion, and brief written argument, at least 10 days before the motion is to be heard.
- 7.4 Any other motion participant who wishes to reply shall deliver responding material three days before the motion is scheduled to be heard.

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8. Reprimands

- 8.1 When an order of the Discipline Committee includes a reprimand, the reprimand will be delivered in public.
- 8.2 When an appeal of the panel’s decision is waived, the reprimand will be delivered at the conclusion of a hearing.
- 8.3 If not delivered on the date of the hearing, the reprimand will be delivered on a date fixed by the College after the appeal period expires, or after an appeal is finally disposed of and the Courts uphold the decision of the Discipline Committee.
- 8.4 The reprimand will be delivered by the Chair of the hearing panel, or any other member(s) of the panel, professional or public, that the panel agrees would be appropriate.
- 8.5 If the reprimand is delivered at the conclusion of the hearing, the entire hearing panel is present for the reprimand. All those in attendance at the hearing will have the option of remaining to hear the reprimand.
- 8.6 If the reprimand is delivered at a later date, all available members of the hearing panel, or at minimum, a quorum of the hearing panel, are present. If a quorum of the hearing panel is not available, a quorum of any Discipline Committee panel, as appointed by the Chair of the Discipline Committee, are present. The date fixed for the reprimand will be public information, and the delivery of the reprimand open to the public.
- 8.7 The reprimand will be recorded by the court reporter.
- 8.8 Upon delivery of the reprimand the Discipline Committee hearing is concluded.
- 8.9 Copies of the transcript of the reprimand will be provided to the member and the College as soon as they are available.

9. Review of Decision and Order

- 9.1 The panel of the Discipline Committee that issues a decision or order may review all or part of its decision or order, and may confirm, vary, suspend, or cancel its decision or order, upon application by either party or by a non-party participant.
- 9.2 An application to review shall be in writing and shall set out fully the submissions of the party, or non-party participant, that applies for the review. The application to review must be made within a reasonable time following the issuance of the decision or order sought to be reviewed.

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9.3 If the panel decides to review the matter, the other party and non-party participant, if any, may make submissions in writing in response to the application, and the applicant may make brief reply submissions, within the time periods prescribed by the Chair of the panel.

10. Access to a Hearing Record by the Public

10.1 If a member of the public wishes to have access to all or part of the record of the Discipline Committee, other than the notice of hearing or the transcript of evidence, he or she shall bring a motion before the Discipline Committee, upon notice to the parties, and such motion shall be made, considered and decided in writing by the Chair of the Discipline Committee or by a panel of the Discipline Committee appointed by the Chair, without an oral hearing.

10.2 The provision of the transcript of evidence and any other part of the record of the Discipline Committee shall exclude any part of the hearing, and corresponding record, from which the public was excluded, as well as that part of the transcript and record that is the subject of an order prohibiting publication. The Chair or panel of the Discipline Committee shall determine those parts of the transcript and record requested that are subject to an order excluding the public or to an order prohibiting publication.

10.3 A member of the public granted access to all or part of the transcript or record of the Discipline Committee shall first pay to the College the cost of the transcript requested, the expense of redaction, as required, of the transcript or record or part thereof that is requested, and the cost of reproducing the record, before any part of the record and transcript are released to the member of the public.

Revised Policy II(ii) Discipline Committee Rules of Procedure

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POLICY STATEMENT:

The Discipline Committee shall conduct its business according to approved rules of procedure.

PREAMBLE:

The Rules of Procedure shall be made available to the public, in both English and French, on the College website. The format of the publication may be different from the format of this policy and may include a Table of Contents.

PROCEDURE:

RULE 1: GENERAL

1.01 Fundamental objective

1.01(1) The fundamental objective of these Rules is to ensure that proceedings before the Discipline Committee of the College are dealt with according to legislative requirements, the rules of procedural fairness and natural justice, and in the public interest.

1.02 Definitions

1.02(1) In these Rules, unless the context requires otherwise,

“Chair” means the Chair of the full Discipline Committee or their designate;

“Code” means the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*;

“College” means the College of Psychologists of Ontario;

“counsel” means a person legally authorized to represent a party or other participant at a Discipline Hearing;

“Discipline Committee” means the Discipline Committee of the College, and includes a Panel of the Discipline Committee selected by the Chair;

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“document” includes handwritten files, printed files, electronic media, sound recordings, video tapes, photographs, charts, graphs, plans, maps, surveys, book of accounts and information recorded or stored by means of any device;

“electronic”, with respect to a proceeding, means a proceeding held by video conference, telephone conference, or some other form of electronic technology, which allows persons to speak to and hear one another simultaneously, and “electronically” has a corresponding meaning;

“holiday” means,

- a. any Saturday or Sunday;
- b. New Year's Day;
- c. Family Day;
- d. Good Friday;
- e. Easter Monday;
- f. Victoria Day;
- g. Canada Day;
- h. Civic Holiday;
- i. Labour Day;
- j. Thanksgiving Day;
- k. Christmas Day;
- l. Boxing Day;
- m. any special holiday proclaimed by the Governor General or the Lieutenant Governor; and
- n. any other day designated by the College as a holiday, and where New Year's Day, Canada Day, Christmas Day or Boxing Day falls on a Saturday or Sunday, the day designated by the College is a holiday;

“independent legal counsel” means the counsel appointed to provide advice to a Panel of the Discipline Committee in accordance with section 44 of the *Code*;

“member” means a member of the College who is the subject of a proceeding before the Discipline Committee, and includes former members;

“motion” is a request made to the Discipline Committee to make an order in a particular proceeding;

“motion participant” means a party and any other person who would be affected by the order sought;

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“Notice of Hearing” means a Notice issued by the College under the *Code* that is served on the member against whom allegations have been made, which contains allegations of professional misconduct and/or incompetence against a member;

“order” means any decision made by the Discipline Committee, the Chair or a Pre-hearing Chair and includes a procedural direction given by the Discipline Committee, the Chair or a Pre-hearing Chair;

“Panel” means a Panel of the Discipline Committee selected by the Chair, presiding over a proceeding;

“Panel Chair” means the person Chairing the hearing or the motion;

“party” means a party or parties under section 41 of the *Code*; namely, the College and the member against whom allegations have been made;

“Pre-hearing Chair” means the person designated by the Chair to preside over the Pre-hearing Conference;

“proceeding” means any step in the Hearing process and includes a motion, a Pre-hearing Conference, and the Hearing itself;

“vulnerable witness” means a witness who, in the opinion of the Discipline Committee, will have difficulty testifying, or will have difficulty testifying in the presence of a party, for appropriate reasons related to age, handicap, illness, trauma, emotional state or similar cause of vulnerability.

1.03 Interpretation

- 1.03(1) These Rules shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding before the Discipline Committee.
- 1.03(2) Where matters are not provided for in these Rules, they shall be determined by analogy to them, and in a manner consistent with them and consistent with the *Regulated Health Professions Act, 1991* and the *Statutory Powers Procedure Act*.
- 1.03(3) Where a party or participant in the proceeding is not represented by counsel, anything these Rules permit or require counsel to do shall be done by the party.

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1.04 Computation, Extension or Abridgement of Time

- 1.04(1) In the computation of time under these rules or under an order, except where the contrary intention appears,
- (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens, even where the words “at least” are used;
 - (b) where a period of less than seven days is required, holidays shall not be counted;
 - (c) where the time for doing an act under these rules expires on a holiday, the act may be done on the next day that is not a holiday; and,
 - (d) service of a document made after 4:00 p.m. or at any time on a holiday shall be deemed to have been made on the next day that is not a holiday.
- 1.04(2) Any time periods required by these rules may be extended or abridged with the agreement of both parties and notice to the Chair of the Discipline Committee.
- 1.04(3) Should the parties not agree on an extension or abridgement of time, the Discipline Committee may decide whether to extend or abridge any time required by these rules or an order, on such terms or conditions as the Discipline Committee considers just either before or after the expiration of the time.

RULE 2: APPLICATION AND WAIVER OF RULES

2.01 Application of Rules

- 2.01(1) These Rules apply to all proceedings before the Discipline Committee of the College including, with all necessary modifications, to applications for reinstatement under sections 72 and 73 of the *Code*.

2.02 Initiation of Rules

- 2.02(1) The Discipline Committee may exercise any of its powers under these Rules at the request of a party, a motion participant, or on its own initiative.

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2.03 Compliance and Waiver

- 2.03(1) A failure to comply with these Rules is an irregularity and does not render a proceeding or a step, document, or order in a proceeding invalid.
- 2.03(2) If a party substantively complies with these Rules in every important way, the party will be deemed to have met the requirements of the Rules.

RULE 3: PRE-HEARING CONFERENCE

3.01 Pre-hearing Conference

- 3.01(1) The Chair of the Discipline Committee may direct the parties to participate in a Pre-hearing Conference.
- 3.01(2) If a party fails to attend a scheduled Pre-hearing Conference, the Discipline Committee Panel may, in an appropriate case, make an order with respect to the costs of the Pre-hearing Conference.
- 3.01(3) The Pre-hearing Chair appointed by Rule 3.02 shall, after consultation with the defense counsel and the prosecutor, schedule a date for the Pre-hearing Conference to be held, and shall notify the parties of the date. At least 30 days' notice of the Pre-hearing Conference will be provided, unless the parties agree to an earlier date.
- 3.01(4) Matters to be addressed at a Pre-hearing Conference shall include the following:
- (a) issues related to the disclosure and exchange of information;
 - (b) identification and simplification of issues, including legal and jurisdictional questions;
 - (c) identification of any preliminary motions, and motions to be raised during the Hearing;
 - (d) procedural matters related to the form of the Hearing (e.g. oral, electronic, written), requests for adjournment, etc.;
 - (e) identification of facts or other evidence upon which the parties are in agreement;
 - (f) settlement of any or all of the issues; and,
 - (g) other matters that may assist in the timely disposition of the proceeding.

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3.01(5) Prior to the Pre-hearing Conference the parties shall exchange Pre-hearing Conference memoranda that address the matters set out in 3.01(4) and that set out the essential facts and submissions of the parties.

(a) Not less than 20 days before the Pre-hearing Conference, the College shall provide a copy of its Pre-hearing Conference memorandum to the member and to the Pre-hearing Chair.

(b) Not less than 10 days before the Pre-hearing Conference, the member shall provide a copy of its Pre-hearing Conference memorandum to the College and to the Pre-hearing Chair.

3.02 Pre-Hearing Chair

3.02(1) The Chair of the Discipline Committee shall appoint one Discipline Committee member to serve as the Pre-hearing Chair at the Pre-hearing Conference. The Chair of the Discipline Committee shall not appoint him or herself as Pre-hearing Chair.

3.02(2) The Pre-hearing Chair will facilitate dialogue between the parties on any matters identified in the notice of the hearing, or that arise in the course of the Conference.

3.02(3) The Pre-hearing Chair may express opinion on the matters being addressed, in order to assist the parties in reaching a settlement.

3.02(4) The Pre-hearing Chair may make any orders necessary or advisable with respect to the conduct of the Pre-hearing Conference.

3.02(5) The Pre-hearing Chair may also make orders with respect to the conduct of a Hearing not otherwise specifically dealt with in the *Health Professions Procedural Code* or the *Statutory Powers Procedure Act*, subject to review by the Panel of the Discipline Committee conducting the Hearing, or on consent of the parties.

3.02(6) The Pre-hearing Chair and any member of the Discipline Committee who attends a Pre-hearing Conference may not become a member of the Panel constituted to hear the matter, without the express written consent of the parties.

3.03 Without Prejudice Basis

3.03(1) A Pre-hearing Conference shall not be open to the public and, except for any orders, directions, agreements and undertakings made at a Pre-hearing Conference, it shall proceed on a without prejudice, confidential basis, unless the parties consent otherwise.

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3.03(2) If an Agreed Statement of Facts and a Joint Submission on Penalty result from a Pre-hearing Conference:

- (a) The final versions of Agreed Statement of Facts and Joint Submission on Penalty may be provided by the parties to Independent Legal Counsel, who will provide these to the Pre-hearing Chair.
- (b) The Pre-hearing Chair may provide a written view of the Agreed Statement of Facts and Joint Submission on Penalty to independent legal counsel who will then provide such written view to the parties.

3.04 Binding Agreement

3.04(1) An agreement at the Pre-hearing Conference to settle any or all of the issues will be binding upon the parties, subject to the review and approval of the settlement by a Panel of the Discipline Committee, following a written, electronic or oral Hearing.

3.05 Pre-hearing Conference Report

3.05(1) The Pre-hearing Conference Chair shall prepare a report listing any orders, directions, undertakings, and agreements made at a Pre-hearing Conference and a copy of the report shall be distributed to the parties.

RULE 4: DISCLOSURE

4.01 Reciprocal Disclosure

4.01(1) Each party to a Hearing shall disclose to the other party the existence of every document and thing that the party, or a witness called by or on behalf of the party, may seek to adduce in evidence or put to any witness at a Hearing.

- (a) The College must produce the information as set out in (1) above as soon as is reasonably practicable after the Notice of Hearing is served, and not less than 30 days before the commencement of the Hearing.
- (b) The member must produce the information as set out in (1) above as soon as reasonably practicable after disclosure by the College, but not less than 15 days before the commencement of the Hearing.

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4.01(2) Where a party, after making disclosure, comes into possession or control of or obtains power over another document or thing that the party may seek to adduce in evidence or put to any witness at a Hearing, the party shall forthwith disclose to the party opposite the existence of the document or thing, and shall produce a copy of it, if requested.

4.01(3) Each party to a Hearing shall provide to the other party, at least 10 days before the Hearing, the name of each witness the party intends to call as a witness at the Hearing, and a summary of the evidence of each witness.

4.01 Reciprocal Disclosure

4.01(1) Each party to a Hearing shall disclose to the other party the existence of every document and thing that the party, or a witness called by or on behalf of the party, may seek to adduce in evidence or put to any witness at a Hearing.

(a) The College must produce the information as set out in (1) above as soon as is reasonably practicable after the Notice of Hearing is served, and not less than 30 days before the commencement of the Hearing.

(b) The member must produce the information as set out in (1) above as soon as reasonably practicable after disclosure by the College, but not less than 15 days before the commencement of the Hearing.

4.01(2) Where a party, after making disclosure, comes into possession or control of or obtains power over another document or thing that the party may seek to adduce in evidence or put to any witness at a Hearing, the party shall forthwith disclose to the party opposite the existence of the document or thing, and shall produce a copy of it, if requested.

4.01(3) Each party to a Hearing shall provide to the other party, at least 10 days before the Hearing, the name of each witness the party intends to call as a witness at the Hearing, and a summary of the evidence of each witness.

4.01(4) A party who does not disclose a witness, document or thing in compliance with the Rule may not call the witness or refer to the document or thing or introduce it in evidence at the Hearing, without leave of the Discipline Panel, which may be granted on any conditions that the Discipline Panel considers just.

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RULE 5: WRITTEN AND ELECTRONIC PROCEEDINGS

5.01 Written Hearings

- 5.01(1) Either party to a proceeding, the Pre-hearing Chair or the Panel constituted to hear a matter, may propose that a Pre-hearing Conference or a Hearing be conducted entirely or partially through written submissions. Such a proposal may be made prior to a Hearing or Pre-hearing Conference, at a Pre-hearing Conference, or at any point during the course of the Hearing.
- 5.01(2) A written Hearing will only be conducted upon the consent, in writing, of the parties.
- 5.01(3) Upon consent, a date will be established by which submissions must be received at the College offices. members of the Panel constituted to hear the matter will then review the submissions and arrive at a binding decision.
- 5.01(4) The written submissions will be available at the College offices for public review at the same time as the materials are made available to the Panel, which will normally be no later than five business days after the date established for submission of the material.

5.02 Electronic Hearings

- 5.02(1) Either party to a proceeding, the Pre-hearing Chair or the Panel constituted to hear a matter, may propose that a Pre-hearing Conference or a Hearing be conducted entirely or partially through electronic means. Such a proposal may be made prior to a Hearing or Pre-hearing Conference, at a Pre-hearing Conference, or at any point during the course of a Hearing.
- 5.02(2) Conducting a Hearing electronically will not occur if either party satisfies the Hearing Chair that holding an electronic rather than an oral Hearing is likely to cause the party significant prejudice.
- 5.02(3) Subject to 5.02(2), the Panel constituted to hear a matter may require that a Hearing be conducted entirely or partially through electronic means, when this is desirable in order to achieve a timely disposition of the matter. When a Hearing has been scheduled or is underway, notice of the decision to conduct the Hearing electronically will be given as soon as possible prior to the scheduled start or resumption of the Hearing. When no date for the start or resumption of the Hearing has yet been set, the date will be established after consultation with the parties.
- 5.02(4) When an electronic Hearing is to be conducted, and upon consent of or after consultation with the parties, a date and mechanism will be arranged for conduct of the electronic Hearing.

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5.02(5) The College will provide a facility in Toronto through which any party to the proceeding may participate in an electronic Hearing, and through which members of the public may observe and/or hear the proceeding.

RULE 6: WITHDRAWAL OF A NOTICE OF HEARING OR ALLEGATIONS

6.01 Withdrawal of Allegations

- 6.01(1) Where a Hearing has or has not commenced, and the parties consent, and an explanation has been provided, the College may seek permission to withdraw some or all of the allegations contained in a Notice of Hearing.
- 6.01(2) Where the Committee grants the College permission to withdraw all or part of a Notice of Hearing, the Committee will clearly note on the exhibited copy of the Notice of Hearing which allegation(s) it has permitted to be withdrawn.
- 6.01(3) Where a Notice of Hearing has been withdrawn in whole or in part and a member of the public seeks access to the Notice of Hearing, and the Notice is otherwise available, the College shall provide a copy of the exhibited Notice referred to in subrule 6.01(2).

RULE 7: MOTIONS

7.01 Motions Before a Plea is Entered

- 7.01(1) A motion shall be made by Notice of Motion that specifies the relief requested and the grounds for the motion.
- 7.01(2) All procedural or interlocutory matters and issues shall be raised as soon as possible and shall be heard on a day fixed by the Chair of the Discipline Committee Panel. The motion may be heard by means of a written or an electronic Hearing unless the Chair of the Discipline Committee Panel determines that the motion should be heard at an oral Hearing.
- 7.01(3) The party or person bringing a motion shall deliver the Notice of Motion, all material in support of the motion, and brief written argument, at least 20 days before the motion is to be heard.
- 7.01(4) Any other motion participant who wishes to reply shall deliver responding material 10 days before the motion is scheduled to be heard.

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RULE 8: PROCEDURES FOR THE HEARING

8.01 Notice of Constitutional Questions

8.01(1) Section 109 of *the Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended, applies in respect of any Constitutional Question before the Discipline Committee at a Hearing.

8.02 Vulnerable Witnesses

8.02(1) The Discipline Committee will ensure that a vulnerable witness participating in a Hearing has access to a private room in which to wait so that they do not have to come into contact with the defendant member.

8.02(2) The Discipline Committee will ensure the availability of a translator, or other communication assistance, to assist the witness where language or disability compromises the witness' ability to hear, understand and otherwise communicate freely and fully.

8.02(3) The Discipline Committee may order that a support person be permitted to be present and to sit near a vulnerable witness while testifying and may issue directions regarding the conduct of the support person during the testimony of the witness.

8.02(4) The Discipline Committee may order that a vulnerable witness testify outside the Hearing room or behind a screen or other device that would allow the vulnerable witness not to see the member if the Discipline Committee is of the opinion that the exclusion is necessary to obtain a full and candid account of the matter.

8.02(5) The Discipline Committee shall not make an order under subrule 8.02(4) unless arrangements are made for the member, the Discipline Committee, and counsel for the parties to watch the testimony of the vulnerable witness by means of closed-circuit television or otherwise and the member is permitted to communicate with counsel while watching the testimony.

8.02(6) The Discipline Committee may order that a member not personally conduct the cross-examination of a vulnerable witness if the Discipline Committee is of the opinion that the order is necessary to obtain a full and candid account of the vulnerable witness' testimony or to prevent an abuse of the process.

8.02(7) Where the Discipline Committee makes an order under subrule 8.02(6), it may appoint counsel for the purpose of conducting the cross-examination.

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8.02(8) The Discipline Committee may make other orders protecting vulnerable witnesses, such as an order prohibiting the publication of their identities where required by law or where it concludes it is just and fair to do so.

8.03 Oral and Written Argument

8.03(1) The Discipline Committee may place reasonable limits on the length of oral submissions.

8.03(2) The Discipline Committee may, before or after Hearing oral submissions, order the parties to submit written submissions on some or all of the issues at the Hearing and may give directions as to the form and timing of such written submissions.

8.04 Reprimands

8.04(1) When an order of the Discipline Committee includes a reprimand, the reprimand will be delivered in public, which can include electronic means where public access can be facilitated.

8.04(2) When an appeal of the Panel’s decision is waived, the reprimand maybe delivered at the conclusion of a Hearing.

8.04(3) If not delivered on the date of the Hearing, the reprimand will be delivered on a date fixed by the College after the appeal period expires, or after an appeal is finally disposed of and the Courts uphold the decision of the Discipline Committee.

8.04(4) The reprimand will be delivered by the Chair of the Hearing Panel, or any other member(s) of the Panel, professional or public, that the Panel agrees would be appropriate.

8.04(5) If the reprimand is delivered at the conclusion of the Hearing, the entire Hearing Panel is present for the reprimand. All those in attendance at the Hearing will have the option of remaining to hear the reprimand.

8.04(6) If the reprimand is delivered at a later date, all available members of the Hearing Panel, or at minimum, a quorum of the Hearing Panel, shall be present in person or electronically. If a quorum of the Hearing Panel is not available, a quorum of any Discipline Committee Panel, as appointed by the Chair of the Discipline Committee, may present the reprimand. The date fixed for the reprimand will be public information, and the delivery of the reprimand open to the public.

8.04(7) The reprimand will be recorded by the court reporter.

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8.04(8) Upon delivery of the reprimand the Discipline Committee Hearing is concluded.

8.04(9) Copies of the transcript of the reprimand will be provided to the member and the College as soon as they are available.

8.05 Public Access

8.05(1) If a member of the public wishes to have access to all or part of the record of the Discipline Committee, other than the Notice of Hearing or the transcript of evidence, he or she shall bring a motion before the Discipline Committee, upon notice to the parties, and such motion shall be made, considered and decided in writing by the Chair of the Discipline Committee or by a Panel of the Discipline Committee appointed by the Chair, without an oral Hearing.

8.05(2) The provision of the transcript of evidence and any other part of the record of the Discipline Committee shall exclude any part of the Hearing, and corresponding record, from which the public is excluded, as well as that part of the transcript and record that is the subject of an order prohibiting publication. The Chair or Panel of the Discipline Committee shall determine those parts of the transcript and record requested that are subject to an order excluding the public or to an order prohibiting publication.

8.05(3) A member of the public granted access to all or part of the transcript or record of the Discipline Committee shall first pay to the College the cost of the transcript requested, the expense of redaction, as required, of the transcript or record or part thereof that is requested, and the cost of reproducing the record, before any part of the record and transcript are released to the member of the public.

8.06 Interfering with a Hearing

8.06(1) No person may take or attempt to take a photograph, audio or video recording or other record by any means at a proceeding or publish, broadcast, reproduce or otherwise disseminate a photograph, audio or video recording or other record taken unless permitted to do so by the Rules or an order of the Discipline Committee.

8.06(2) Subrule 8.06(1) does not apply to:

- (a) a person unobtrusively making handwritten or typed notes or sketches at a proceeding;
- (b) a party or a party's counsel unobtrusively making an audio recording at a proceeding that is used only as a substitute for handwritten or typed notes for the purposes of the proceeding;

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- (c) a person taking a photograph, audio or video recording or other record with the prior written authorization of the Discipline Panel;
- (d) the court reporter; or
- (e) a person using a device to compensate for a disability.

RULE 9: COSTS

9.01 Procedure for Requesting Costs

- 9.01(1) A party requesting an order for costs and expenses other than on consent shall, where practicable, deliver a detailed written explanation of the basis upon which the costs and expenses requested are calculated.
- 9.01(2) Where the request for costs and expenses includes disbursements or out-of-pocket expenses, these may be proved by an affidavit attaching a copy of any invoice or receipt.
- 9.01(3) Where the request for costs or expenses includes the cost or expense to the College of conducting a day of Hearing, no evidence of the cost or expense of a day of Hearing is needed if the request is equal to or less than the amount set out in Tariff A.
- 9.01(4) The Discipline Committee may direct that the issue of costs, including how costs and expenses should be calculated, be dealt with through written submissions or at a motion conducted separately from the Discipline Hearing on the merits.

9.02 Costs for Non-Compliance with Rules or Unreasonable Conduct

- 9.02(1) Where the Discipline Committee is entitled to order the payment of costs or expenses by a party, the Discipline Committee may consider the failure of that party to comply with these Rules.
- 9.02(2) Subject to s.53 of the *Code*, where the Discipline Committee concludes that the conduct or course of conduct of a party was unreasonable, frivolous or vexatious or the party acted in bad faith, it may order the party to pay another party's costs.
- 9.02(3) Examples of unreasonable conduct by a party can include, depending on the circumstances, a late request for an adjournment, the late acceptance of an offer for a joint submission and an unreasonable refusal to conduct part or all of the proceedings in writing or electronically.

College of Psychologists Policy and Procedure Manual			
SECTION: Council and Committees			POLICY #: II – 4(ii)
POLICY: Rules of Procedure		COVERAGE: Discipline Committee	
CREATED: March 1996	REVISED: March 2007, June 2014, June 2015, March 2018, <u>June 2020</u>	NEXT REVIEW: 2022/2023	PAGE #: 15 of 16

RULE 10: DECISIONS AND REASONS

10.01 Correction of Errors

- 10.01(1) A party may, within thirty (30) days after receiving a copy of the Discipline Committee’s decision, order or written reasons, request that the Discipline Committee correct any typographical, formatting, calculation, or similar errors by delivering such request, in writing.
- 10.01(2) The Discipline Committee may, on its own initiative and at any time, correct any typographical, formatting, calculation, or similar errors made in its decision, order or written reasons.
- 10.01(3) Where the Discipline Committee makes a correction on its own initiative, it shall advise the parties.

10.02 Review of Decision and Order

- 10.02(1) The Panel of the Discipline Committee that issues a decision or order may review all or part of its decision or order, and may confirm, vary, suspend, or cancel all or part of its decision or order, upon application by either party.
- 10.02(2) An application to review shall be in writing and shall set out fully the submissions of the party that applies for the review. The application to review must be made within a reasonable time following the issuance of the decision or order sought to be reviewed.
- 10.02(3) If the Panel decides to review the matter, the other party may make submissions in writing in response to the application, and the applicant may make brief reply submissions, within the time periods prescribed by the Chair of the Panel.

RULE 11: REINSTATEMENT APPLICATIONS

11.01 Initiating a Reinstatement Application

- 11.01(1) A person making an application for reinstatement under sections 72 and 73 of the *Code* shall deliver to the Registrar a notice of the application specifying:
- (a) the order sought;
 - (b) the grounds of the application, including reasons why a certificate should be re-issued;
 - (c) a declaration of good conduct in a form acceptable to the Registrar;

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- (d) a statement, in a form acceptable to the Registrar, of every location where the person has been employed since the date of revocation and the number of hours the person has worked at each location;
- (e) a statement, in a form acceptable to the Registrar, of every activity the person has taken since the date of revocation to maintain current knowledge, skills and judgment in practising the profession;
- (f) an estimate of the anticipated length of the Hearing; and,
- (g) any document and a summary of any oral evidence that the person will introduce.

11.02 Scheduling a Reinstatement Hearing

- 11.02(1) The Discipline Committee shall not schedule a reinstatement application for a Hearing until the person making the application has complied with subrule 11.01.
- 11.02(2) When a reinstatement application has been scheduled for a Hearing, the Discipline Committee shall arrange for the service of a Notice of Hearing on the parties.
- 11.02(3) When a reinstatement application has been scheduled, the College shall deliver to the member making the application and have available at the reinstatement Hearing, the record of the original Hearing and a record of any previous application for reinstatement made by the member and arising out of that original Hearing. For the purpose of the reinstatement application, the record does not include a transcript of the evidence at the original Discipline Committee Hearing, unless the transcription is available irrespective of the reinstatement application.
- 11.02(4) Counsel for the College shall deliver to the applicant for reinstatement a copy of any documents, other than those referred to in subrule 11.02(3) that the College intends to rely upon at the reinstatement Hearing.

TARIFF A

COSTS AND EXPENSES FOR THE COLLEGE TO CONDUCT A HEARING

Costs and expenses of half a day of Hearing.....	\$6,372.50
Costs and expenses of a day of Hearing.....	\$10, 155.00

Discipline Committee Rules of Procedure

**The College of
Psychologists of
Ontario**

June 2020

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TARIFF A15

RULE 1: GENERAL

1.01 Fundamental objective

1.01(1) The fundamental objective of these Rules is to ensure that proceedings before the Discipline Committee of the College are dealt with according to legislative requirements, the rules of procedural fairness and natural justice, and in the public interest.

1.02 Definitions

1.02(1) In these Rules, unless the context requires otherwise,

“Chair” means the Chair of the full Discipline Committee or their designate;

“Code” means the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*;

“College” means the College of Psychologists of Ontario;

“counsel” means a person legally authorized to represent a party or other participant at a Discipline Hearing;

“Discipline Committee” means the Discipline Committee of the College, and includes a Panel of the Discipline Committee selected by the Chair;

“document” includes handwritten files, printed files, electronic media, sound recordings, video tapes, photographs, charts, graphs, plans, maps, surveys, book of accounts and information recorded or stored by means of any device;

“electronic”, with respect to a proceeding, means a proceeding held by video conference, telephone conference, or some other form of electronic technology, which allows persons to speak to and hear one another simultaneously, and “electronically” has a corresponding meaning;

“holiday” means,

- a. any Saturday or Sunday;
- b. New Year's Day;
- c. Family Day;
- d. Good Friday;
- e. Easter Monday;
- f. Victoria Day;
- g. Canada Day;
- h. Civic Holiday;

- i. Labour Day;
- j. Thanksgiving Day;
- k. Christmas Day;
- l. Boxing Day;
- m. any special holiday proclaimed by the Governor General or the Lieutenant Governor; and
- n. any other day designated by the College as a holiday, and where New Year's Day, Canada Day, Christmas Day or Boxing Day falls on a Saturday or Sunday, the day designated by the College is a holiday;

“independent legal counsel” means the counsel appointed to provide advice to a Panel of the Discipline Committee in accordance with section 44 of the *Code*;

“member” means a member of the College who is the subject of a proceeding before the Discipline Committee, and includes former members;

“motion” is a request made to the Discipline Committee to make an order in a particular proceeding;

“motion participant” means a party and any other person who would be affected by the order sought;

“Notice of Hearing” means a Notice issued by the College under the *Code* that is served on the member against whom allegations have been made, which contains allegations of professional misconduct and/or incompetence against a member;

“order” means any decision made by the Discipline Committee, the Chair or a Pre-Hearing Chair and includes a procedural direction given by the Discipline Committee, the Chair or a Pre-hearing Chair;

“Panel” means a Panel of the Discipline Committee selected by the Chair, presiding over a proceeding;

“Panel Chair” means the person chairing the Hearing or the motion;

“party” means a party or parties under section 41 of the *Code*; namely, the College and the member against whom allegations have been made;

“Pre-hearing Chair” means the person designated by the Chair to preside over the Pre-hearing Conference;

“proceeding” means any step in the Hearing process and includes a motion, a Pre-hearing Conference, and the Hearing itself;

“vulnerable witness” means a witness who, in the opinion of the Discipline Committee, will have difficulty testifying, or will have difficulty testifying in the presence of a party, for appropriate reasons related to age, handicap, illness, trauma, emotional state or similar cause of vulnerability.

1.03 Interpretation

- 1.03(1) These Rules shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding before the Discipline Committee.
- 1.03(2) Where matters are not provided for in these Rules, they shall be determined by analogy to them, and in a manner consistent with them and consistent with the *Regulated Health Professions Act, 1991* and the *Statutory Powers Procedure Act*.
- 1.03(3) Where a party or participant in the proceeding is not represented by counsel, anything these Rules permit or require counsel to do shall be done by the party.

1.04 Computation, Extension or Abridgement of Time

- 1.04(1) In the computation of time under these rules or under an order, except where the contrary intention appears,
 - (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens, even where the words “at least” are used;
 - (b) where a period of less than seven days is required, holidays shall not be counted;
 - (c) where the time for doing an act under these rules expires on a holiday, the act may be done on the next day that is not a holiday; and
 - (d) service of a document made after 4:00 p.m. or at any time on a holiday shall be deemed to have been made on the next day that is not a holiday.
- 1.04(2) Any time periods required by these rules may be extended or abridged with the agreement of both parties and notice to the Chair of the Discipline Committee.
- 1.04(3) Should the parties not agree on an extension or abridgement of time, the Discipline Committee may decide whether to extend or abridge any time required by these rules or an order, on such terms or conditions as the Discipline Committee considers just either before or after the expiration of the time.

RULE 2: APPLICATION AND WAIVER OF RULES

2.01 Application of Rules

2.01(1) These Rules apply to all proceedings before the Discipline Committee of the College including, with all necessary modifications, to applications for reinstatement under sections 72 and 73 of the *Code*.

2.02 Initiation of Rules

2.02(1) The Discipline Committee may exercise any of its powers under these Rules at the request of a party, a motion participant, or on its own initiative.

2.03 Compliance and Waiver

2.03(1) A failure to comply with these Rules is an irregularity and does not render a proceeding or a step, document, or order in a proceeding invalid.

2.03(2) If a party substantively complies with these Rules in every important way, the party will be deemed to have met the requirements of the Rules.

RULE 3: PRE-HEARING CONFERENCE

3.01 Pre-hearing Conference

3.01(1) The Chair of the Discipline Committee may direct the parties to participate in a pre-hearing conference.

3.01(2) If a party fails to attend a scheduled Pre-hearing Conference, the Discipline Committee Panel may, in an appropriate case, make an order with respect to the costs of the Pre-hearing Conference.

3.01(3) The Pre-hearing Chair appointed by Rule 3.02 shall, after consultation with the defense counsel and the prosecutor, schedule a date for the Pre-hearing Conference to be held, and shall notify the parties of the date. At least 30 days' notice of the Pre-hearing Conference will be provided, unless the parties agree to an earlier date.

3.01(4) Matters to be addressed at a Pre-hearing Conference shall include the following:

(a) issues related to the disclosure and exchange of information;

(b) identification and simplification of issues, including legal and jurisdictional questions;

- (c) identification of any preliminary motions, and motions to be raised during the Hearing;
- (d) procedural matters related to the form of the Hearing (e.g. oral, electronic, written), requests for adjournment, etc.;
- (e) identification of facts or other evidence upon which the parties are in agreement;
- (f) settlement of any or all of the issues; and
- (g) other matters that may assist in the timely disposition of the proceeding.

3.01(5) Prior to the Pre-hearing Conference the parties shall exchange Pre-hearing Conference memoranda that address the matters set out in 3.01(4) and that set out the essential facts and submissions of the parties.

(a) Not less than 20 days before the Pre-hearing Conference, the College shall provide a copy of its Pre-hearing Conference memorandum to the Member and to the Pre-hearing Chair.

(b) Not less than 10 days before the Pre-hearing Conference, the Member shall provide a copy of its Pre-hearing Conference memorandum to the College and to the Pre-hearing Chair.

3.02 Pre-Hearing Chair

3.02(1) The Chair of the Discipline Committee shall appoint one Discipline Committee member to serve as the Pre-hearing Chair at the Pre-hearing Conference. The Chair of the Discipline Committee shall not appoint him or herself as Pre-hearing Chair.

3.02(2) The Pre-hearing Chair will facilitate dialogue between the parties on any matters identified in the notice of the Hearing, or that arise in the course of the conference.

3.02(3) The Pre-hearing Chair may express opinion on the matters being addressed, in order to assist the parties in reaching a settlement.

3.02(4) The Pre-hearing Chair may make any orders necessary or advisable with respect to the conduct of the Pre-hearing Conference.

3.02(5) The Pre-hearing Chair may also make orders with respect to the conduct of a Hearing not otherwise specifically dealt with in the *Health Professions Procedural Code* or the *Statutory Powers Procedure Act*, subject to review by the Panel of the Discipline Committee conducting the Hearing, or on consent of the parties.

- 3.02(6) The Pre-hearing Chair and any member of the Discipline Committee who attends a Pre-hearing Conference may not become a member of the Panel constituted to hear the matter, without the express written consent of the parties.

3.03 Without Prejudice Basis

- 3.03(1) A Pre-hearing Conference shall not be open to the public and, except for any orders, directions, agreements and undertakings made at a Pre-hearing Conference, it shall proceed on a without prejudice, confidential basis, unless the parties consent otherwise.

- 3.03(2) If an Agreed Statement of Facts and a Joint Submission on Penalty result from a Pre-hearing Conference:

(a) The final versions of Agreed Statement of Facts and Joint Submission on Penalty may be provided by the parties to Independent Legal Counsel, who will provide these to the Pre-hearing Chair.

(b) The Pre-hearing Chair may provide a written view of the Agreed Statement of Facts and Joint Submission on Penalty to Independent Legal Counsel who will then provide such written view to the parties.

3.04 Binding Agreement

- 3.04(1) An agreement at the Pre-hearing Conference to settle any or all of the issues will be binding upon the parties, subject to the review and approval of the settlement by a Panel of the Discipline Committee, following a written, electronic or oral Hearing.

3.05 Pre-hearing Conference Report

- 3.05(1) The Pre-Hearing Conference Chair shall prepare a report listing any orders, directions, undertakings, and agreements made at a Pre-hearing Conference and a copy of the report shall be distributed to the parties.

RULE 4: DISCLOSURE

4.01 Reciprocal Disclosure

- 4.01(1) Each party to a Hearing shall disclose to the other party the existence of every document and thing that the party, or a witness called by or on behalf of the party, may seek to adduce in evidence or put to any witness at a Hearing.

- (a) The College must produce the information as set out in (1) above as soon as is reasonably practicable after the Notice of Hearing is served, and not less than 30 days before the commencement of the Hearing.
 - (b) The Member must produce the information as set out in (1) above as soon as reasonably practicable after disclosure by the College, but not less than 15 days before the commencement of the Hearing.
- 4.01(2) Where a party, after making disclosure, comes into possession or control of or obtains power over another document or thing that the party may seek to adduce in evidence or put to any witness at a Hearing, the party shall forthwith disclose to the party opposite the existence of the document or thing, and shall produce a copy of it, if requested.
- 4.01(3) Each party to a Hearing shall provide to the other party, at least 10 days before the Hearing, the name of each witness the party intends to call as a witness at the Hearing, and a summary of the evidence of each witness.
- 4.01(4) A party who does not disclose a witness, document or thing in compliance with the Rule may not call the witness or refer to the document or thing or introduce it in evidence at the Hearing, without leave of the Discipline Panel, which may be granted on any conditions that the Discipline Panel considers just.

RULE 5: WRITTEN AND ELECTRONIC PROCEEDINGS

5.01 Written Hearings

- 5.01(1) Either party to a proceeding, the Pre-hearing Chair or the Panel constituted to hear a matter, may propose that a Pre-hearing Conference or a Hearing be conducted entirely or partially through written submissions. Such a proposal may be made prior to a Hearing or Pre-hearing Conference, at a Pre-hearing Conference, or at any point during the course of the Hearing.
- 5.01(2) A written Hearing will only be conducted upon the consent, in writing, of the parties.
- 5.01(3) Upon consent, a date will be established by which submissions must be received at the College offices. Members of the Panel constituted to hear the matter will then review the submissions and arrive at a binding decision.
- 5.01(4) The written submissions will be available at the College offices for public review at the same time as the materials are made available to the Panel, which will normally be no later than five business days after the date established for submission of the material.

5.02 Electronic Hearings

- 5.02(1) Either party to a proceeding, the Pre-hearing Chair or the Panel constituted to hear a matter, may propose that a Pre-hearing Conference or a Hearing be conducted entirely or partially through electronic means. Such a proposal may be made prior to a Hearing or Pre-hearing Conference, at a Pre-hearing Conference, or at any point during the course of a Hearing.
- 5.02(2) Conducting a Hearing electronically will not occur if either party satisfies the Hearing Chair that holding an electronic rather than an oral Hearing is likely to cause the party significant prejudice.
- 5.02(3) Subject to 5.02(2), the Panel constituted to hear a matter may require that a Hearing be conducted entirely or partially through electronic means, when this is desirable in order to achieve a timely disposition of the matter. When a Hearing has been scheduled or is underway, notice of the decision to conduct the Hearing electronically will be given as soon as possible prior to the scheduled start or resumption of the Hearing. When no date for the start or resumption of the Hearing has yet been set, the date will be established after consultation with the parties.
- 5.02(4) When an electronic Hearing is to be conducted, and upon consent of or after consultation with the parties, a date and mechanism will be arranged for conduct of the electronic Hearing.
- 5.02(5) The College will provide a facility in Toronto through which any party to the proceeding may participate in an electronic Hearing, and through which members of the public may observe and/or hear the proceeding.

RULE 6: WITHDRAWAL OF A NOTICE OF HEARING OR ALLEGATIONS

6.01 Withdrawal of Allegations

- 6.01(1) Where a Hearing has or has not commenced, and the parties consent, and an explanation has been provided, the College may seek permission, from the Discipline Committee, to withdraw some or all of the allegations contained in a Notice of Hearing.
- 6.01(2) Where the Discipline Committee grants the College permission to withdraw all or part of a Notice of Hearing, the Committee will clearly note on the exhibited copy of the Notice of Hearing which allegation(s) it has permitted to be withdrawn.

- 6.01(3) Where a Notice of Hearing has been withdrawn in whole or in part and a member of the public seeks access to the Notice of Hearing, and the Notice is otherwise available, the College shall provide a copy of the exhibited Notice referred to in subrule 6.01(2).

RULE 7: MOTIONS

7.01 Motions Before a Plea is Entered

- 7.01(1) A motion shall be made by Notice of Motion that specifies the relief requested and the grounds for the motion.
- 7.01(2) All procedural or interlocutory matters and issues shall be raised as soon as possible and shall be heard on a day fixed by the Chair of the Discipline Committee Panel. The motion may be heard by means of a written or an electronic Hearing unless the Chair of the Discipline Committee Panel determines that the motion should be heard at an oral Hearing.
- 7.01(3) The party or person bringing a motion shall deliver the Notice of Motion, all material in support of the motion, and brief written argument, at least 20 days before the motion is to be heard.
- 7.01(4) Any other motion participant who wishes to reply shall deliver responding material 10 days before the motion is scheduled to be heard.

RULE 8: PROCEDURES FOR THE HEARING

8.01 Notice of Constitutional Questions

- 8.01(1) Section 109 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended, applies in respect of any Constitutional Question before the Discipline Committee at a Hearing.

8.02 Vulnerable Witnesses

- 8.02(1) The Discipline Committee will ensure that a vulnerable witness participating in a Hearing has access to a private room in which to wait so that they do not have to come into contact with the defendant member.
- 8.02(2) The Discipline Committee will ensure the availability of a translator, or other communication assistance, to assist the witness where language or disability compromises the witness' ability to hear, understand and otherwise communicate freely and fully.

- 8.02(3) The Discipline Committee may order that a support person be permitted to be present and to sit near a vulnerable witness while testifying and may issue directions regarding the conduct of the support person during the testimony of the witness.
- 8.02(4) The Discipline Committee may order that a vulnerable witness testify outside the Hearing room or behind a screen or other device that would allow the vulnerable witness not to see the member if the Discipline Committee is of the opinion that the exclusion is necessary to obtain a full and candid account of the matter.
- 8.02(5) The Discipline Committee shall not make an order under subrule 8.02(4) unless arrangements are made for the member, the Discipline Committee, and counsel for the parties to watch the testimony of the vulnerable witness by means of closed-circuit television or otherwise and the member is permitted to communicate with counsel while watching the testimony.
- 8.02(6) The Discipline Committee may order that a member not personally conduct the cross-examination of a vulnerable witness if the Discipline Committee is of the opinion that the order is necessary to obtain a full and candid account of the vulnerable witness' testimony or to prevent an abuse of the process.
- 8.02(7) Where the Discipline Committee makes an order under subrule 8.02(6), it may appoint counsel for the purpose of conducting the cross-examination.
- 8.02(8) The Discipline Committee may make other orders protecting vulnerable witnesses, such as an order prohibiting the publication of their identities where required by law or where it concludes it is just and fair to do so.

8.03 Oral and Written Argument

- 8.03(1) The Discipline Committee may place reasonable limits on the length of oral submissions.
- 8.03(2) The Discipline Committee may, before or after Hearing oral submissions, order the parties to submit written submissions on some or all of the issues at the Hearing and may give directions as to the form and timing of such written submissions.

8.04 Reprimands

- 8.04(1) When an order of the Discipline Committee includes a reprimand, the reprimand will be delivered in public, which can include electronic means where public access can be facilitated.
- 8.04(2) When an appeal of the Panel's decision is waived, the reprimand may be delivered at the conclusion of a Hearing.

- 8.04(3) If not delivered on the date of the Hearing, the reprimand will be delivered on a date fixed by the College after the appeal period expires, or after an appeal is finally disposed of and the Courts uphold the decision of the Discipline Committee.
- 8.04(4) The reprimand will be delivered by the Chair of the Hearing Panel, or any other member(s) of the Panel, professional or public, that the Panel agrees would be appropriate.
- 8.04(5) If the reprimand is delivered at the conclusion of the Hearing, the entire Hearing Panel is present for the reprimand. All those in attendance at the Hearing will have the option of remaining to hear the reprimand.
- 8.04(6) If the reprimand is delivered at a later date, all available members of the Hearing Panel, or at minimum, a quorum of the Hearing Panel, shall be present in person or electronically. If a quorum of the Hearing Panel is not available, a quorum of any Discipline Committee Panel, as appointed by the Chair of the Discipline Committee, may present the reprimand. The date fixed for the reprimand will be public information, and the delivery of the reprimand open to the public.
- 8.04(7) The reprimand will be recorded by the court reporter.
- 8.04(8) Upon delivery of the reprimand the Discipline Committee Hearing is concluded.
- 8.04(9) Copies of the transcript of the reprimand will be provided to the member and the College as soon as they are available.

8.05 Public Access

- 8.05(1) If a member of the public wishes to have access to all or part of the record of the Discipline Committee, other than the Notice of Hearing or the transcript of evidence, he or she shall bring a motion before the Discipline Committee, upon notice to the parties, and such motion shall be made, considered and decided in writing by the Chair of the Discipline Committee or by a Panel of the Discipline Committee appointed by the Chair, without an oral Hearing.
- 8.05(2) The provision of the transcript of evidence and any other part of the record of the Discipline Committee shall exclude any part of the Hearing, and corresponding record, from which the public is excluded, as well as that part of the transcript and record that is the subject of an order prohibiting publication. The Chair or Panel of the Discipline Committee shall determine those parts of the transcript and record requested that are subject to an order excluding the public or to an order prohibiting publication.

8.05(3) A member of the public granted access to all or part of the transcript or record of the Discipline Committee shall first pay to the College the cost of the transcript requested, the expense of redaction, as required, of the transcript or record or part thereof that is requested, and the cost of reproducing the record, before any part of the record and transcript are released to the member of the public.

8.06 Interfering with a Hearing

8.06(1) No person may take or attempt to take a photograph, audio or video recording or other record by any means at a proceeding or publish, broadcast, reproduce or otherwise disseminate a photograph, audio or video recording or other record taken unless permitted to do so by the Rules or an order of the Discipline Committee.

8.06(2) Subrule 8.06(1) does not apply to:

- (a) a person unobtrusively making handwritten or typed notes or sketches at a proceeding;
- (b) a party or a party's counsel unobtrusively making an audio recording at a proceeding that is used only as a substitute for handwritten or typed notes for the purposes of the proceeding;
- (c) a person taking a photograph, audio or video recording or other record with the prior written authorization of the Discipline Panel;
- (d) the court reporter; or
- (e) a person using a device to compensate for a disability.

RULE 9: COSTS

9.01 Procedure for Requesting Costs

9.01(1) A party requesting an order for costs and expenses other than on consent shall, where practicable, deliver a detailed written explanation of the basis upon which the costs and expenses requested are calculated.

9.01(2) Where the request for costs and expenses includes disbursements or out-of-pocket expenses, these may be proved by an affidavit attaching a copy of any invoice or receipt.

9.01(3) Where the request for costs or expenses includes the cost or expense to the College of conducting a day of Hearing, no evidence of the cost or expense of a day of Hearing is needed if the request is equal to or less than the amount set out in Tariff A.

9.01(4) The Discipline Committee may direct that the issue of costs, including how costs and expenses should be calculated, be dealt with through written submissions or at a motion conducted separately from the Discipline Hearing on the merits.

9.02 Costs for Non-Compliance with Rules or Unreasonable Conduct

9.02(1) Where the Discipline Committee is entitled to order the payment of costs or expenses by a party, the Discipline Committee may consider the failure of that party to comply with these Rules.

9.02(2) Subject to s.53 of the *Code*, where the Discipline Committee concludes that the conduct or course of conduct of a party was unreasonable, frivolous or vexatious or the party acted in bad faith, it may order the party to pay another party's costs.

9.02(3) Examples of unreasonable conduct by a party can include, depending on the circumstances, a late request for an adjournment, the late acceptance of an offer for a joint submission and an unreasonable refusal to conduct part or all of the proceedings in writing or electronically.

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11.01 Initiating a Reinstatement Application

- 11.01(1) A person making an application for reinstatement under sections 72 and 73 of the *Code* shall deliver to the Registrar a notice of the application specifying:
- (a) the order sought;
 - (b) the grounds of the application, including reasons why a certificate should be re-issued;
 - (c) a declaration of good conduct in a form acceptable to the Registrar;
 - (d) a statement, in a form acceptable to the Registrar, of every location where the person has been employed since the date of revocation and the number of hours the person has worked at each location;
 - (e) a statement, in a form acceptable to the Registrar, of every activity the person has taken since the date of revocation to maintain current knowledge, skills and judgment in practising the profession;
 - (f) an estimate of the anticipated length of the Hearing; and
 - (g) any document and a summary of any oral evidence that the person will introduce.

11.02 Scheduling a Reinstatement Hearing

- 11.02(1) The Discipline Committee shall not schedule a reinstatement application for a Hearing until the person making the application has complied with subrule 11.01.
- 11.02(2) When a reinstatement application has been scheduled for a Hearing, the Discipline Committee shall arrange for the service of a Notice of Hearing on the parties.
- 11.02(3) When a reinstatement application has been scheduled, the College shall deliver to the member making the application and have available at the reinstatement Hearing, the record of the original Hearing and a record of any previous application for reinstatement made by the member and arising out of that original Hearing. For the purpose of the reinstatement application, the record does not include a transcript of the evidence at the original Discipline Committee Hearing, unless the transcription is available irrespective of the reinstatement application.
- 11.02(4) Counsel for the College shall deliver to the applicant for reinstatement a copy of any documents, other than those referred to in subrule 11.02(3) that the College intends to rely upon at the reinstatement Hearing.

TARIFF A

COSTS AND EXPENSES FOR THE COLLEGE TO CONDUCT A HEARING

Costs and expenses of half a day of Hearing.....	\$6,372.50
Costs and expenses of a day of Hearing.....	\$10,155.00

Changes to the Approved Draft Rules of Procedure Following Consultation with College Prosecutorial Counsel, Mr. Robin McKechney

Rule	Original Draft	Change
1.02 Definitions	“Discipline Committee” means the Discipline Committee of the College, and includes a panel of the Discipline Committee	“Discipline Committee” means the Discipline Committee of the College, and includes a Panel of the Discipline Committee selected by the Chair
	“electronic”, with respect to a proceeding, means a proceeding held by video conference, telephone conference, or some other form of electronic technology, which allows persons to speak to and hear one another, and “electronically” has a corresponding meaning	“electronic”, with respect to a proceeding, means a proceeding held by video conference, telephone conference, or some other form of electronic technology, which allows persons to speak to and hear one another simultaneously , and “electronically” has a corresponding meaning
	No definition of “holiday”	“holiday” definition added for computation of timelines as added in 1.04
	“independent legal counsel” means a person legally authorized to represent a participant in a discipline hearing appointed by the Discipline Committee to provide advice in accordance with section 44 of the <i>Code</i>	“independent legal counsel” means the counsel appointed to provide advice to a Panel of the Discipline Committee in accordance with section 44 of the <i>Code</i> ; (better defines the ILC role of advising the Discipline Committee)
	“panel” means a Panel of the Discipline Committee presiding over a proceeding	“Panel” means a Panel of the Discipline Committee selected by the Chair , presiding over a proceeding
1.04 Computation, Extension or Abridgement of Time	Not rule about computation, extension or abridgement of timelines	Addition on the advice of prosecution counsel, based on additional recommendations that the Rules provide certain timelines
	No definition of “Notice of Hearing”	“Notice of Hearing” definition added

3.01(5) Pre-hearing Conference	No timelines, in advance of Pre-hearing Conference, for College to provide Pre-hearing Conference memorandum to member or for member to respond	Timelines added in 3.05(a) and (b) on the advice of prosecution counsel who noted that set timelines would be helpful
3.02 Pre-hearing Chair	The Chair of the Discipline Committee shall appoint one or more individuals to serve as the pre-hearing chair at the pre-hearing conference. The Chair of the Discipline Committee shall not appoint him or herself as pre-hearing chair.	The Chair of the Discipline Committee shall appoint one Discipline Committee member to serve as the Pre-hearing Chair at the Pre-hearing Conference. The Chair of the Discipline Committee shall not appoint him or herself as Pre-hearing Chair.
3.05 Pre-hearing Conference Report	No requirement for Pre-hearing Conference Chair to provide a report to the parties regarding any orders, directions, undertaking or agreements made	Addition suggested to ensure a report is prepared should any orders, directions, undertaking or agreements be made at a pre-hearing conference.
4.01 Reciprocal Disclosure	No timelines established for the mutual disclosure of documents and information	Timelines added to 4.01(1)(a) and (b) on the advice of prosecution counsel who noted that set timelines would be helpful
4.01(4)	No consequence to not making full disclosure or not doing so within set timelines	Consequences for failing to make disclosure or not abiding by timelines added on the advice of prosecution counsel
Rule 6: Withdrawal of a Notice of Hearing or Allegations	Withdrawal of Notice of Hearing was a decision of the Executive Committee No mention of transparency with requests for access to Notice of Hearing	Deletion of old s.6.01 as changes to RHPA remove involvement of the Executive Committee. 6.01(2) and (3) added to ensure transparency should access to a Notice of Hearing be requested when allegations have been withdrawn
Rule 7.01(1) Motions Before a Pleas is Entered	All procedural or interlocutory matters and issues shall be raised as soon as possible and shall be heard on a day fixed by the Chair of the Discipline Committee panel. The motion may be heard by means of an electronic hearing unless the Chair of the Discipline	All procedural or interlocutory matters and issues shall be raised as soon as possible and shall be heard on a day fixed by the Chair of the Discipline Committee Panel. The motion may be heard by means of a written or an electronic hearing unless the Chair of the Discipline Committee Panel determines that the motion should be heard at an oral hearing.

	ommittee panel determines that the motion should be heard at an oral hearing.	
7.01(3)	The party or person bringing a motion shall deliver the Notice of Motion, all material in support of the motion, and brief written argument, at least 10 days before the motion is to be heard.	The party or person bringing a motion shall deliver the Notice of Motion, all material in support of the motion, and brief written argument, at least 20 days before the motion is to be heard. Prosecution counsel advised 10 days is too tight of a timeframe
8.02(1) Vulnerable Witnesses	The Discipline Committee will ensure that a vulnerable witness participating in a hearing has access to a private room in which to wait so that s/he does not have to come into contact with the defendant member	The Discipline Committee will ensure that a vulnerable witness participating in a hearing has access to a private room in which to wait so that they do not have to come into contact with the defendant member.
8.04(1) Reprimands	When an order of the Discipline Committee includes a reprimand, the reprimand will be delivered in public.	When an order of the Discipline Committee includes a reprimand, the reprimand will be delivered in public, which can include electronic means where public access can be facilitated. Addition suggested by prosecution counsel to account for times when in-person hearings are not possible.



REPORT TO COUNCIL

2020.02.04a

FOURTH QUARTER, MARCH 1, 2020 – MAY 31, 2020

REGISTRATION COMMITTEE

COMMITTEE MEMBERS

Patricia Minnes (Co-Chair), Council Member
Marjory Phillips, (Co-Chair), Council Member
Mark Coates, College Member
Emad Hussain, Public Member
Paula Conforti, College Member

Jane Ledingham, College Member
Philip Ricciardi, Council Member
Cory Richman, Public Member
Sheila Tervit, College Member
Wanda Towers, Council Member

STAFF:

Lesia Mackanyn, Director: Registration
Myra Veluz, Senior Registration Assistant
Shannon Elliott, Registration Assistant
Deneika Greco, Registration Assistant
Amineh Sherazee, Administrative Assistant: Registration

MEETINGS OF THE REGISTRATION COMMITTEE

March 26, 2020: Panel A

The Registrar referred a total of 33 cases to Panel A.

These cases included:

- 3 involving academic credential reviews (1 doctoral, 2 masters);
- 21 involving retraining for supervised practice members or eligible candidates (7 doctoral, 14 masters);
- 3 involving examinations (2 Oral Exam, 1 EPPP);
- 6 involving requests for change of area of practice.

March 27, 2020: Panel B

The Registrar referred a total of 37 cases to Panel B.

These cases included:

- 3 involving academic credential reviews (3 masters);
- 24 involving retraining for supervised practice members or eligible candidates (8 doctoral, 16 masters);
- 1 involving a reciprocity application;
- 1 involving a request for a removal or a modification of a limitation and/or a condition;
- 8 involving requests for change of area of practice.

March 26, 2020 Plenary Session: Postponed to May 2020**May 15, 2020: Panel A**

The Registrar referred a total of 30 cases to Panel A.

These cases included:

- 5 involving academic credential reviews (3 doctoral, 2 masters);
- 20 involving retraining for supervised practice members or eligible candidates (11 doctoral, 9 masters);
- 1 involving a request for removal or modification of a limitation and/or condition;
- 4 involving requests for change of area of practice.

May 14, 2020: Panel B

The Registrar referred a total of 30 cases to Panel B.

These cases included:

- 6 involving academic credential reviews (3 doctoral, 3 masters);
- 20 involving retraining for supervised practice members or eligible candidates (11 doctoral, 9 masters);
- 4 involving requests for change of area of practice.

May 14, 2020: Plenary Session

The Registration Committee engaged in a general discussion about issues in the application and registration process since the beginning of the COVID-19 pandemic and implementation of social distancing rules in Ontario. The Committee discussed the impact of the temporary closure of testing centres across North America on candidates needing to take the Examination for Professional Practice in Psychology (EPPP), and applicants requiring language testing. The Committee also acknowledged that many Supervised Practice members will require additional time to complete the registration process. The Committee considered ramifications of continued social distancing rules on graduate education programs, Supervised Practice members in certain work settings, and delivery of College examinations.

The Committee reviewed its Workplan acknowledging that some planned projects for the upcoming 2020-2021 term will be delayed, while there may be new projects emerging as a result of COVID-19 that may take precedence.

In response to an issue raised by some members of the College who practice clinical neuropsychology, the Committee reviewed the College's definition and knowledge and skills document describing this area of practice. Some members practicing clinical neuropsychology have been challenged in their ability to diagnose psychopathologies. While the Committee found that the description of the practice of clinical neuropsychology was appropriate, they agreed that a review of the practical application cited in Section 5.1 of the *Standards of Professional Conduct, 2017* may be useful to determine whether re-wording is necessary.

SUBMITTED BY

Marjory Phillips, Ph.D., C.Psych., Co-Chair

Patricia Minnes, Ph.D., C.Psych., Co-Chair

June 1, 2020

TERMS

- **Academic Credential Review:** Cases where after an initial review, the Registrar has referred an application for supervised practice to the Registration Committee for a further review to determine whether the applicant has an acceptable master's or doctoral degree.
- **Change of Area of Practice:** Autonomous practice members who wish to be authorized to practice in a new area and/or with a new client group.
- **Examination Outcome:** Individual cases that require a review of the outcome of, or an issue with, the Oral Examination, JEE, or EPPP.
- **Reciprocity Application:** Reviews of cases where an applicant has applied from a jurisdiction in which the College has entered into a written reciprocity agreement.
- **Removal or modification of limitation and/or condition:** Autonomous practice members who wish to have a registration related limitation and/or condition removed (or modified) from their certificate of practice.
- **Retraining:** Applies to supervised practice members and eligible candidates. If after an initial review, it appears that a candidate is missing required components in the area for which they have declared competence to practise, the Registrar will refer the candidate's application to the Registration Committee for a review of their education and training. The Committee will determine whether the candidate must augment her/his knowledge and skills via a retraining plan.
- **Return to Autonomous Certificate from Inactive Certificate:** Members who have held an Inactive Certificate of Registration for longer than 2 years and who wish to return to a Certificate of Registration Authorizing Autonomous Practice.



REPORT TO COUNCIL

2020.02.04b

FOURTH QUARTER, MARCH 1, 2020 – MAY 31, 2020

INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE

COMMITTEE MEMBERS:

Elizabeth Levin (Chair), College Member
 Diane Addie, College Member
 Gilles Boulais, College Member
 Jason Brown, College Member
 Judy Cohen, Public Member (to March 22/20)
 Graeme Goebelle, Public Member
 Michael Grand, Council Member
 Allyson Harrison, College Member
 Joyce Isbitsky, Council Member
 Marilyn Keyes, Council Member

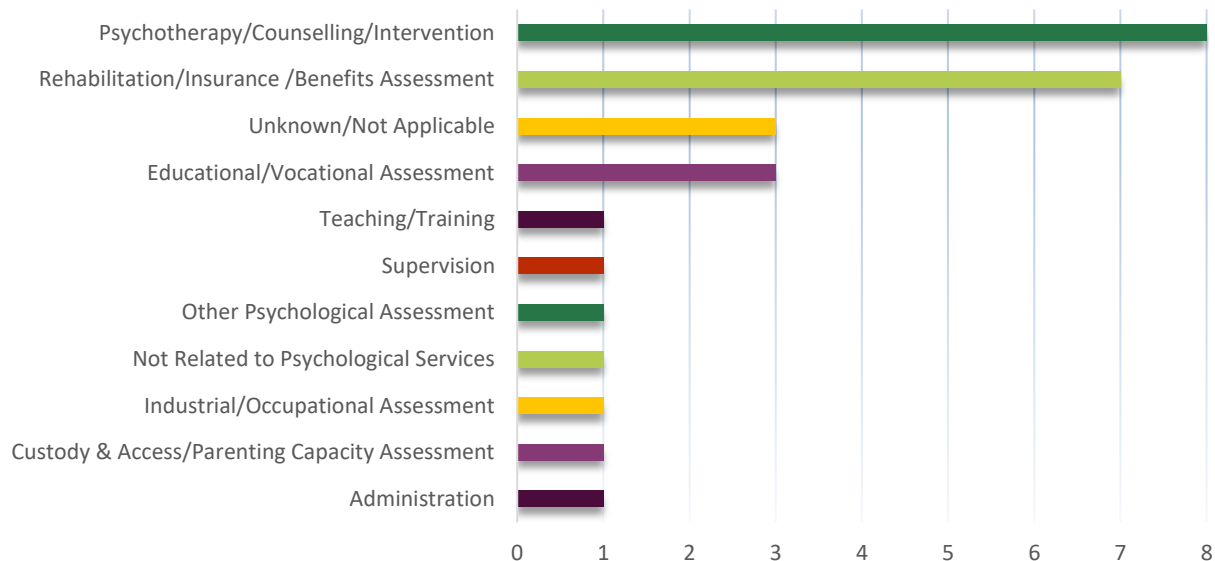
William Middleton, Public Member (to May 13/20)
 Denise Milovan, Council Member
 Susan Moraes, College Member
 Melanie Morrow, College Member
 Rana Pishva, College Member
 Cory Richman, Public Member
 Fred Schmidt, College Member
 Laura Spiller, College Member
 Paul Stopciati, Public Member
 Natasha Whitfield, College Member

STAFF:

Zimra Yetnikoff, Director, Investigations & Hearings
 H  l  ne Theberge, Senior Administrative Assistant
 Jennifer Taylor, Administrative Assistant

NEW COMPLAINTS AND REPORTS

In the fourth quarter, the College received 26 new complaints and opened one Registrar’s Investigation and one Health Inquiry, for a total of 28 new matters. The nature of service in relation to these matters is as follows:

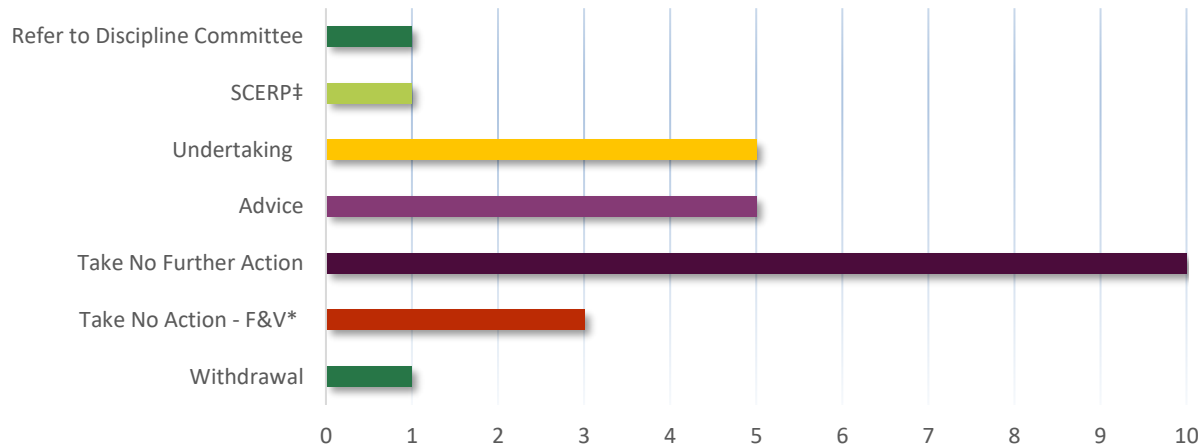


ICRC MEETINGS

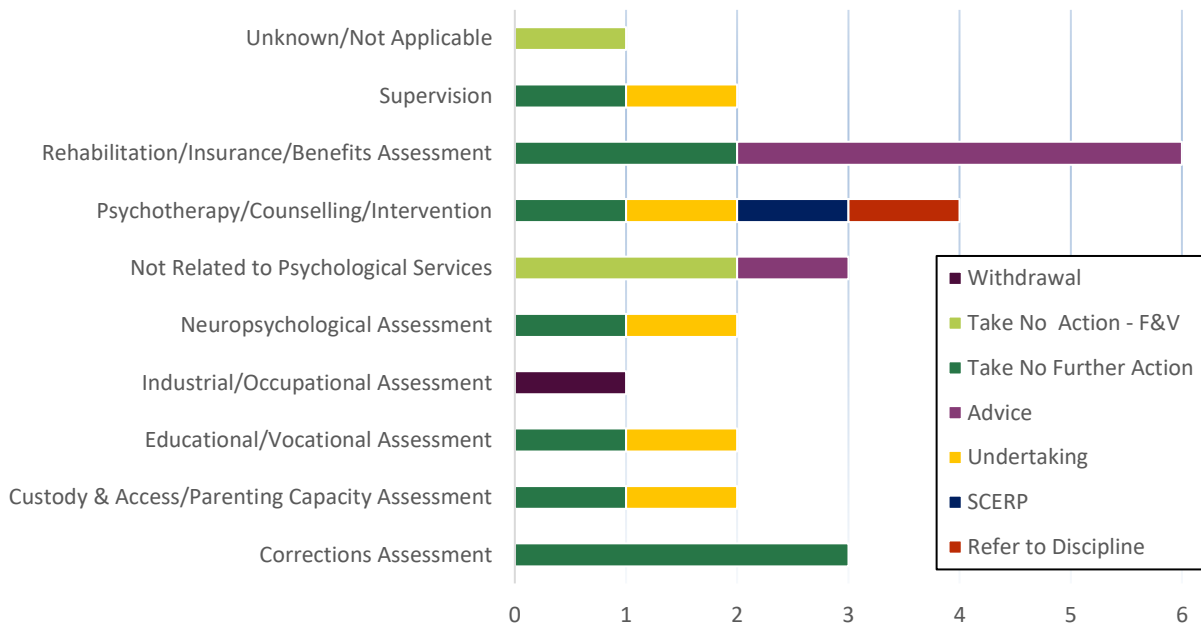
The ICRC met three times in the fourth quarter (March 16, April 20 and May 21, 2020) to consider a total of 26 cases. The ICRC also held 19 teleconferences to consider 29 cases.

ICRC DISPOSITIONS

The ICRC disposed of 26 cases during the fourth quarter, as follows:

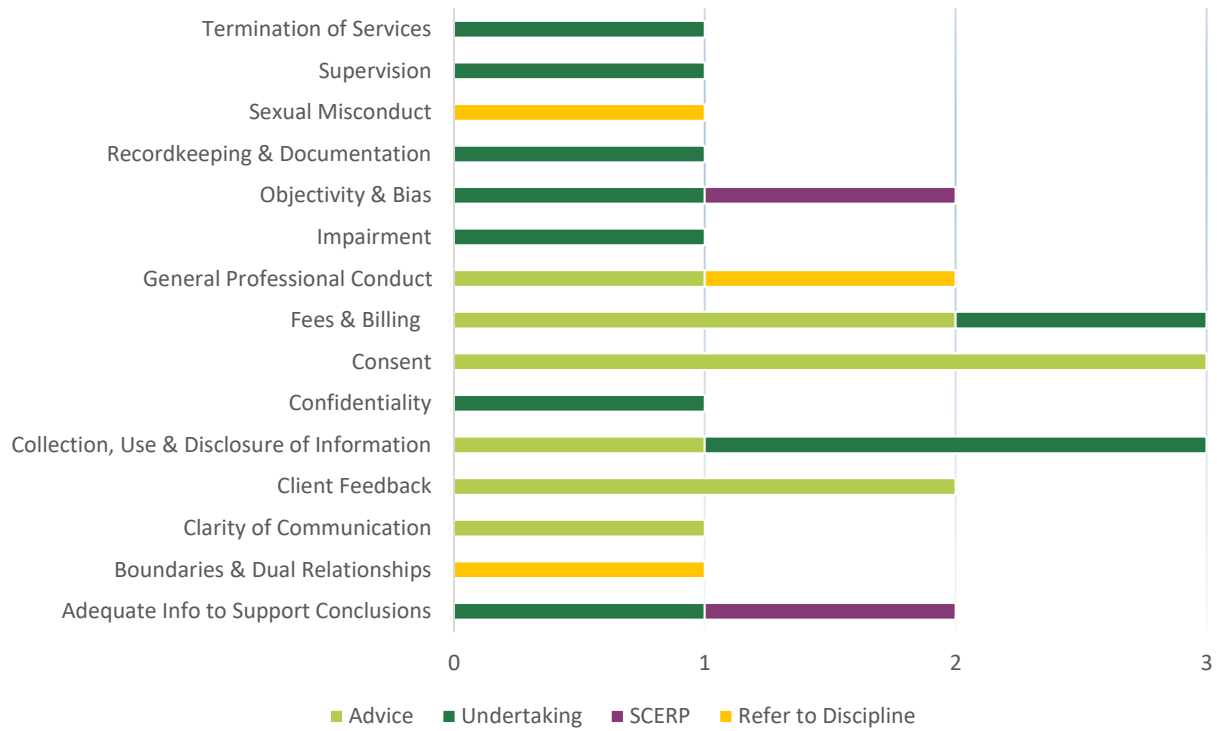


The dispositions of these 26 cases, as they relate to nature of service, are as follows:



DISPOSITION OF ALLEGATIONS

The 26 cases disposed of included the consideration of 58 allegations. The ICRC took some remedial action with respect to 25 (43%) of these allegations.



HEALTH PROFESSIONS APPEAL AND REVIEW BOARD (HPARB)

In the fourth quarter, four HPARB reviews of ICRC decisions were requested. Six HPARB decisions were received by the College all of which confirmed the ICRC decisions.

SUBMITTED BY

Elizabeth Levin, Ph.D., C.Psych., Chair
 June 3, 2020

BRIEFING NOTE

2020.02.04e

JUNE 2020 COUNCIL

COMMITTEE AUDIT 2020-2021

STRATEGIC DIRECTION REFLECTION

Advancing the Council's governance practices

MOTION FOR CONSIDERATION

That the Discipline Committee be audited in 2020-2021 as per Policy I-7 *Committee Audits*.

Moved By TBD

PUBLIC INTEREST RATIONALE

While the legislation does not require the College to conduct audits of its Committees and processes, Council decided that Statutory and Non-Statutory Committees should undergo periodic reviews as a quality assurance/continuous improvement initiative.

BACKGROUND

In 2003/2004 a review of the then Complaints Committee was conducted followed by an audit of the Jurisprudence and Ethics Examination Committee. Subsequently, the College Council decided to formalize the process and Policy I-7 *Committee Audits* was adopted in December 2005. Since that time all of the Statutory and Non-Statutory Committees have been reviewed at least once. The following table presents a history of completed Committee Audits.

Fiscal Year	Committee Audited
2003-2004	Complaints
2004-2005	Jurisprudence and Ethics Examination
2005-2006	Registration
2006-2007	Discipline
2007-2008	Quality Assurance
2009-2010	Registration (OFC Audit)
2013-2014	Jurisprudence and Ethics Examination
2014-2015	Executive
2017-2018	Finance and Audit
2017-2018	Client Relations
2018-2019	Nominations and Leadership Development
2018-2019	Inquiries, Complaints and Reports

2019-2020**Quality Assurance**

A review of the history table suggests that the Discipline Committee is due to be audited in 2020-2021. It is important to note that there are no issues or concerns with the functioning of any Committee and therefore no Committee for which an audit would be considered urgent or necessary.

BUDGETARY IMPLICATIONS

Funds have been allocated to “Special Projects” to fund 2020-2021 audits. No specific amount was established as it is recognized that the cost of the audit varies by the nature of the Committee under review.

NEXT STEPS

- With Council’s approval of the audit for the Discipline Committee, the Registrar will work with the Committee Chair and Director, Investigations and Hearing to plan and implement the audit.

CONTACT FOR QUESTIONS

Dr. Rick Morris, Registrar & Executive Director



BRIEFING NOTE

2020.02.04f

JUNE 2020 COUNCIL

SIGNING AUTHORITIES

STRATEGIC DIRECTION REFLECTION

Advancing the Council's governance practices

MOTION FOR CONSIDERATION

As [TBD] has been elected President and [TBD] elected as Vice-President; that their names remain on the list of signing officers as of June 12, 2020;

As the President resides outside of the GTA, that Dr. Janice Currie, who remains on Council, continue as a signing officers as of June 12, 2020;

Moved By TBD

BACKGROUND

By-law 9: Banking and Finance requires that:

- 9.8.1 For any amount, either the Registrar or the Deputy Registrar plus one of the President, the Vice President, or a member or members of Council appointed in accordance with Section 9.8.5;
- 9.8.2 For amounts up to \$7,500, the Registrar and the Deputy Registrar; or either the Registrar or the Deputy Registrar plus either the Director, Registration, the Director, Investigations and Hearings or the Manager, Corporate Services;
- 9.8.3 Notwithstanding the above, for amounts up to \$35,000, the signing officers identified in 9.8.2 shall also be authorized to sign all cheques for: (1) mandatory employer remittances to the Canada Customs and Revenue Agency including payroll deductions and employer contributions; (2) monthly rent or mortgage payments for College premises; and (3) monthly premium payments for employee benefits.
- 9.8.4 Signing officers shall be provided with a duly approved invoice or purchase order in support of any cheque to be signed.
- 9.8.5 For purposes of paragraph 9.8.1, where either the President or the Vice-President resides in the Greater Toronto Area (GTA), Council shall appoint as a signing officer one other member of the Council who resides in the GTA. If neither the President nor the Vice-President resides in the GTA, Council shall appoint as signing officers two other members of the Council who reside in the GTA.

CONTACT FOR QUESTIONS

Dr. Rick Morris, Registrar & Executive Director

COLLEGE OF PSYCHOLOGISTS OF ONTARIO
STRATEGIC DIRECTION 2017 - 2022
Updated May 27, 2020

Vision *[What we aspire to be]*

The College strives for excellence in self-regulation in service of the public interest.

Mission *[Why we exist]*

To regulate the practice of psychology in serving and protecting the public interest

Strategies *[How we accomplish our Mission]*

In accomplishing our Mission, the College promotes excellence in the practice of psychology by:

- Enforcing standards fairly and effectively through:
 - Developing, establishing and maintaining standards of qualifications for individuals seeking registration,
 - Developing, establishing and maintaining standards of practice and professional ethics for all members,
 - Developing, establishing and maintaining standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among members;
- Communicating clearly and effectively with stakeholders, particularly applicants, members and the public;
- Supporting and assisting members to meet high standards;
- Responding to changing needs in new and emerging practice areas;
- Collaborating in shaping the regulatory environment;
- Acting in a responsibly transparent manner; and,
- Advancing the Council's governance practices.

Values *[What we uphold in all our activities]*

Fairness

The College approaches decisions in a just, reasonable and impartial manner.

Accountability

The College acts in an open, transparent and responsible manner and communicates about its processes.

Integrity

The College acts honestly, ethically, and responsibly.

Respect

The College treats members of the public, members of the College, prospective members and other stakeholders with respect.

Agenda Key	MISSION: To regulate the practice of psychology in serving and protecting the public interest by:	Current/Recent Examples	In Development/Proposed Examples
M1	<ul style="list-style-type: none"> • Enforcing standards fairly and effectively through: <ul style="list-style-type: none"> – Developing, establishing and maintaining standards of qualifications for individuals seeking registration, 	<ul style="list-style-type: none"> • Revised the manner for recording Oral Exam results when not all areas of practice/client groups are authorized (September 2016) • Issuance of IAP Certificate for temporary and limited practice by practitioners registered in other jurisdictions (June 2019) • Setting the JEE pass point to Ontario first time test takers. (December 2019) • Amendments to the <i>Guidelines for Completing the Declaration of Competence</i> (December 2019) • Amendments to the Guidelines for Retraining for Supervised Practice (March 2020) 	<ul style="list-style-type: none"> • Pursue amendments to O.Reg 74/15 under the Psychology Act, 1991 to discontinue Master's level registration and at that time, grant the title Psychologist to all existing Psychological Associates. (September 2019)
M2	<ul style="list-style-type: none"> • Enforcing standards fairly and effectively through: <ul style="list-style-type: none"> – Developing, establishing and maintaining standards of practice and professional ethics for all members, 	<ul style="list-style-type: none"> • Review of Standards of Professional Conduct underway (Fall 2016) • Adopted the new <i>Standards of Professional Conduct</i>, to go into effect September 1, 2017 (March 2017) • Creation of the ICRC Risk Rubric (August 2017) 	
M3	<ul style="list-style-type: none"> • Enforcing standards fairly and effectively through: <ul style="list-style-type: none"> – Developing, establishing and maintaining standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among members 	<ul style="list-style-type: none"> • Quality Assurance Committee began auditing CPD forms. (Fall 2019) 	
M4	<ul style="list-style-type: none"> • Communicating clearly and effectively with stakeholders, particularly applicants, members and the public 	<ul style="list-style-type: none"> • Publication of <i>e-Bulletin</i> quarterly • Staff presentations to students and members (ongoing) • Strategic Direction 2017 – 2022 to members • Executive Committee Reception with London members (May 2017) 	<ul style="list-style-type: none"> • College Communications Plan (March 2018) • New College Logo Approved (December 2019) • COVID-19 Updates (Spring 2020)

		<ul style="list-style-type: none"> • Executive Committee Reception with Guelph members (November 2017) • Proposed Policy II-3(iii) Appearance before a panel of the ICRC to be Cautioned (December 2017) • Executive Committee Reception with Kingston Members (May 2018) • Use of Title Consultation (February 2019) • Executive Committee Reception with Thunder Bay members (May 2019) • Executive Committee Reception with Hamilton members (November 2019) 	
M5	<ul style="list-style-type: none"> • Supporting and assisting members to meet high standards 	<ul style="list-style-type: none"> • Practice advisor service (ongoing) • Barbara Wand Symposium (December 2016) • Revision of the Self-Assessment Guide (May 2017) • Continuing Professional Development Program Implementation • Examination and Corporation Fee Reductions (June 2017) • Practical Applications within new <i>Standards</i> will be continuously updated (June 2017) • Barbara Wand Symposium in Ottawa (June 2017) • Updated Policy II-3(ii) Release of the Member's Response to the Complainant (June 2017) • Frequently Ask Questions for the new Standards and CPD Program continuously updated (August 2017) • Barbara Wand Seminar (January 2018) • Barbara Wand Seminar (June 2018) • Peer Assisted Reviewer Training (November 2018) • French Language translations of new <i>Standards</i> completed (November 2018) • Barbara Wand Seminar (January 2019) 	

		<ul style="list-style-type: none"> • Guidelines for CPD published in <i>e-Bulletin</i> (January 2019) • Release of new materials for the prevention of boundary violations and sexual abuse, including a discussion guide. • Barbara Wand Seminar (June 2019) • Peer Assisted Reviewer Training (November 2019) • Barbara Wand Seminar (December 2019) 	
M6	<ul style="list-style-type: none"> • Responding to changing needs in new and emerging practice areas 	<ul style="list-style-type: none"> • New technological standard within the revised <i>Standards of Professional Conduct 2017</i> 	
M7	<ul style="list-style-type: none"> • Collaborating in shaping the regulatory environment 	<ul style="list-style-type: none"> • Participation in ASPPB, ACPRO, FHRCO • College participation in inter-College Psychotherapy Working Group • FHRCO Sexual Abuse Prevention Task Force Chaired by Deputy Registrar (2016-2017) • College participation in FHRCO discussions regarding Bill 87 (transparency and other changes to the RHPA) • College Council responded to the Standing Committee on Bill 87 (March 2017) • Submission to HPRAC, re: Psychotherapy (October 2017) • Submission to MOHLTC on regulation amendments in the Health Professions Procedural Code (March 2018) • Submission to Ontario Regulation Registry on Psychotherapy (June 2018) • Confirmation to Pursue Regulation of ABA (September 2019) 	<ul style="list-style-type: none"> • Discussions with the MOHLTC with regards to the regulation of ABA (November 2017) • Ongoing Discussions with MOH and MCCSS regarding regulation of ABA (Fall 2019)
M8	<ul style="list-style-type: none"> • Acting in a responsibly transparent manner 	<ul style="list-style-type: none"> • Posting of Council materials package 	

		<ul style="list-style-type: none"> before meetings on website (June 2016) • Council and Executive Meetings to begin with a Declaration of Conflicts of Interest (June 2017) • Amendments to By-law 18: <i>Fees</i> (December 2017) • Amendments to By-law 25: <i>The Register and related Matters</i> (June 2018) • Amendments to By-law 5: <i>Selection of Committee Chairs and Committee Members</i> and By-law 21: <i>Committee Composition</i> (September 2018) • Consultation on <i>By-Law 18: Fees</i> (June 2019) • Mechanism for temporary practice in Ontario for existing clients by registrants from other jurisdictions • Amendments to <i>By-Law 18: Fees</i> (September 2019) 	
M9	<ul style="list-style-type: none"> • Advancing the Council's governance practices 	<ul style="list-style-type: none"> • New Briefing Note format for Council materials • March 2017 Council Training Day • Revision to Role of the Executive Committee • Agenda to Reflect Strategic Direction of Item • Introduction of Board Self-Assessment process (June 2017) • Amendments to By-law 20: Elections to Council (December 2017) • Two Committee Audits Planned for 2017-2018 • HIROC Risk Management System (September 2017) 	

Notes: Some items could be entered in more than one place. When an item could belong to more than one area, it has been placed in the primary category.

The items shown in BLUE have been added by the Registrar since March 2020 as activities undertaken in service of the College's Strategic Directions 2017 - 2022