

# Complaints and Discipline Provisions

## 1 Complaint

- 1.1 Any person, including the Registrar, a member of the Institute or a member of the public, may submit a complaint regarding the conduct of a member of the Institute.

## 2 Complaints Committee

- 2.1 The Complaints Committee shall review every complaint.
- 2.2 The composition of a Complaints Committee panel reviewing a complaint shall be not less than three (3) members of the Committee, exclusive of any lay citizen appointment.
- 2.3 The member who is the subject of the complaint shall be given notice of the complaint.
- 2.4 If the complaint contains information suggesting that the member may have breached the Professional Code of Practice, the Complaints Committee panel shall investigate the matter.
- 2.5 A member shall assist in any investigation into the possible breach of the Professional Code of Practice by the member. A member shall respond promptly and forthrightly to any request by the Complaints Committee or the Registrar in connection to any investigation into possible breach
- 2.6 Where the Complaints Committee panel considers a matter to be frivolous or vexatious or otherwise inappropriate to assess or investigate, the Complaints Committee panel may decide not to assess or investigate or continue to investigate the matter. In this case, the Complaints Committee panel shall give notice to the complainant and the member who is the subject of the complaint that it intends not to proceed with the matter and the reasons for this decision. This decision is not subject to review by Council.
- 2.7 The Registrar may, with the consent of both the complainant and the member who is the subject of the complaint, refer the complainant and the member who is the subject of the complaint to an alternative dispute resolution process:
- (a) if the matter has not yet been referred to the Discipline Committee under Section 2.11(a); and
  - (b) if the complainant is not the Registrar.
- 2.8 If the complainant and the member who is the subject of the complaint reach a resolution of the complaint through alternative dispute resolution, they shall notify the Registrar.
- 2.9 The Registrar shall promptly advise the Complaints Committee panel of a resolution after receiving notice of the resolution of the matter referred to in Section 2.8, and the Complaints Committee panel may:
- (a) cease its investigation of the complaint and adopt the proposed resolution; or

- (b) continue with its investigation of the complaint.
- 2.10 The Complaints Committee panel continues to have the jurisdiction to proceed with a matter even if a complaint is withdrawn.
- 2.11 Following the investigation of a complaint by a Complaints Committee panel, the panel may do one (1) or more of the following:
  - (a) Direct that the matter be referred, in whole or in part, to the Discipline Committee.
  - (b) Direct that the matter not be referred to the Discipline Committee.
  - (c) Require the member who is the subject of the complaint to appear before the Complaints Committee panel to be cautioned.
  - (d) Take any other action that it considers appropriate in the circumstances and that is not inconsistent with the Institute's by-laws, but not including any action that can be taken by the Discipline Committee as provided in Section 3.7.
- 2.12 The Complaints Committee panel shall provide its decision with reasons to the complainant and the member who is the subject of the complaint, except in the case of a referral to the Discipline Committee. This decision is not subject to review by Council.
- 2.13 The Complaints Committee panel shall provide notice to the complainant and the member who is the subject of the complaint of a referral to the Discipline Committee.
- 2.14 The members of the Complaints Committee panel involved in the review of the matter shall take no part in the hearing or further consideration of the matter.

### **3 Discipline Committee**

- 3.1 The Discipline Committee shall hear every matter referred to it by the Complaints Committee.
- 3.2 The parties to a hearing of the Discipline Committee are the Institute and the member who is the subject of the complaint.
- 3.3 At any time after a matter respecting a complaint against a member is referred to it by the Complaints Committee and before making a final decision or order under Section 3.7, the Discipline Committee panel may order that the member's membership be suspended, or be subject to any restrictions or conditions that the Discipline Committee panel may specify, pending the outcome of the hearing, if there are reasonable grounds to believe that to do otherwise may result in harm to any member of the public.
- 3.4 A hearing of a Discipline Committee panel shall be open to the public unless:
  - (a) a party to the hearing requests otherwise by notice in writing delivered to the Discipline Committee panel before the day fixed for the hearing, and
  - (b) the Discipline Committee panel is satisfied that:

- (i) matters involving public health, security or welfare may be disclosed; or
  - (ii) financial or personal or other matters may be disclosed at the hearing that are of such a nature that the desirability of avoiding public disclosure of them in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or
  - (iii) a person involved in a civil or criminal proceeding may be prejudiced; or
  - (iv) the safety of a person may be jeopardized.
- 3.5 The Discipline Committee panel may direct that the public be excluded from a hearing when it receives evidence or submission on, or deliberates whether to accept a request under Section 3.4.
- 3.6 Following a hearing, the Discipline Committee panel may find a member guilty of professional misconduct if, in the panel's opinion, the member has breached the Professional Code of Practice.
- 3.7 If the Discipline Committee panel finds a member guilty of professional misconduct, it may order one (1) or more of the following:
- (a) Revoke the member's membership.
  - (b) Suspend the member's membership for a period not to exceed twenty-four (24) months.
  - (c) Direct that a member whose membership is suspended refrain from using any term, title, initials, designation or description implying that the member is a member of the Institute or is authorized to use the term, title, initials, designation or description during the period of suspension.
  - (d) Determine the timing and manner of the return of a certificate of membership to the Institute by an individual whose membership is suspended or revoked.
  - (e) Impose restrictions or conditions on the right of the member to practice in the field of professional planning as a member of the Institute.
  - (f) Issue a reprimand and, if the panel considers it appropriate, direct that the reprimand be recorded in the register.
  - (g) Direct the member to take any specified rehabilitative measure, including requiring the member to successfully complete specified professional development courses or to seek specified counselling or treatment.
  - (h) Direct the member to pay a fine of not more than \$25,000 and specify the timing and manner of payment.
  - (i) Direct that the imposition of a measure under this section be postponed for a specified period or on specified terms, including the successful completion of specified courses of study.

- (j) Direct that a failure to comply with the panel's order shall result in the revocation of the member's membership.
  - (k) Make any other order that the panel considers appropriate in the circumstances.
- 3.8 The Discipline Committee panel shall provide its decision with reasons to the parties.
- 3.9 Unless the Discipline Committee panel orders otherwise, a final decision or order of the panel under Section 3.7 takes effect on the day on which the time to request a review under Section 4 expires, if no review request is made to Council.
- 3.10 If two (2) or more proceedings before the Discipline Committee involve the same member or the same or similar questions of fact, law or policy, the Discipline Committee may, without the consent of the parties, combine the proceedings or any part of them or hear the proceedings at the same time.

## **4 Review of Discipline Committee by Council**

- 4.1 A party to a proceeding before the Discipline Committee may file a review request to Council of a final decision or order of the Discipline Committee panel under Section 3.7 or an order under Section 3.3 within thirty (30) days of the decision in accordance with OPPI's "Policy Regarding Requests for Review".

## **5 Publication of Decision Summaries**

- 5.1 The Council shall publish a summary of every decision of the Discipline Committee in an annual report and may publish every decision or a summary of every decision of the Discipline Committee in any other publication produced by the Institute.
- 5.2 In publishing a decision under Section 5.1, the Council shall not publish the name of the member who was the subject of the proceeding unless the member has been found guilty of professional misconduct or unless the member requests the publication of their name.

## **6 Information on the Register**

- 6.1 The following information may be posted on the register:
- (a) the specified allegations against a member for every matter that has been referred by the Complaints Committee to the Discipline Committee and that has not been finally resolved;
  - (b) the date, time and location of any pending hearing of a member before the Discipline Committee; and
  - (c) a notation of every finding of professional misconduct of a member by the Discipline Committee.