

FORMAL INVESTIGATION PROCESS

POLICY NUMBER: PC-006-01

DATE APPROVED: November 13, 2020

DATE TO BE REVIEWED: November 13, 2023

DISTRIBUTION: NSCMIRTP Board and Staff

COMMITTEE: Professional Conduct Pool

DATE(S) REVIEWED (REVISED):

ISSUING AUTHORITY: NSCMIRTP Board

APPROVAL:  

PROCEDURE

1. The Registrar will communicate the decision that a formal investigation will be conducted to the respondent and complainant in writing, and include such other information regarding the professional conduct process as is practical and appropriate (e.g., a link to the College's Act, Regulations & Policies). If the respondent has a professional conduct history with the College, a summary will be provided to the respondent. A copy of this information will be provided to the Investigative Committee.
2. The Investigative Panel may appointment an investigator, who may be a member of the Investigative Committee or Panel, to conduct a preliminary investigation.
3. The Registrar may prepare an Appointment of Investigator document on behalf of the Panel identifying the investigator(s) and setting out the investigator's authority to conduct the investigation.
4. In the course of conducting the investigation, the Investigative Panel or the investigator(s):
 - a. may contact the complainant to obtain any relevant information, including further specifics of the complaint;
 - b. may interview, by whatever means the Investigation Panel or investigator(s) determine is appropriate, any other individuals (including the respondent) who may have direct and relevant knowledge of the complaint;
 - c. will prepare written statements of any interviews conducted, or where appropriate, document the relevant information in an alternative written format;
 - d. may request and review any documents relevant to the complaint which may be in the custody of any individual or organization.
5. At any time before the final disposition of a complaint, the Investigative Panel may receive additional information if the information is relevant to the matters before it. If the Investigative Panel receives additional information, the respondent must be given an opportunity to respond to the matters raised in the information before the final disposition of the matter by the Investigative Panel.
6. Where an Investigative Panel or investigator seeks to interview a witness or acquire a relevant document and the person to whom the request is made does not voluntarily comply, the Investigative Panel Chair may issue a Notice to Produce or subpoena in an appropriate form.
7. The Investigative Panel or investigator(s) may investigate any other matter relating to the respondent that arises in the course of the investigation that may constitute professional misconduct, conduct unbecoming the profession, incompetence, or incapacity.
8. An Investigation Panel may direct an investigator to conduct any investigation that the Panel



considers necessary.

9. The Investigative Panel may require a respondent to do 1 or more of the following:
 - a. submit to physical or mental examinations by a qualified person or persons designated by the Investigative Panel, and authorize the reports from the examinations to be given to the Investigative Panel;
 - b. submit to a review of the respondent's practice by a qualified person or persons designated by the Investigative Panel, and authorize a copy of the review to be given to the Investigative Panel;
 - c. submit to a competence assessment or any other assessment or examination the Investigative Panel directs to determine whether the respondent is competent to practise, and authorize the assessment or examination report to be given to the Investigative Panel;
 - d. produce any records or documents regarding the respondent's practice.
10. A respondent may submit medical information and any information relevant to the complaint to an investigator or the Investigative Panel
11. In a proceeding before the Investigative Panel, a respondent to a complaint has the right to all of the following:
 - a. be represented by legal counsel, a union representative or another representative at the respondent's own expense;
 - b. notice of any matters under investigation;
 - c. a reasonable opportunity to present a response and make submissions in a form determined by the Investigative Panel;
 - d. any additional information, as determined by the Registrar.
12. The Investigative Panel or investigator(s) may prepare an investigation report. Where possible, the report should include the letter of complaint, summary of investigation, witness statements, relevant documents, and response (if available).
13. The investigation report will be provided to the Registrar (or delegate), who will forward a copy of the report to the respondent and invite the respondent to respond to the report within 30 days, or such other time period as determined by the Investigative Panel. The respondent may be invited to respond in writing.