

WRITTEN DECISIONS OF THE INVESTIGATIVE PANEL

POLICY NUMBER: PC-008-01

COMMITTEE: Investigative Committee

DATE APPROVED: November 13, 2020

DATE(S) REVIEWED (REVISED):

DATE TO BE REVIEWED: November 13, 2023

ISSUING AUTHORITY: NSCMIRTP Board

DISTRIBUTION: NSCMIRTP Board and Staff


APPROVAL: 

POLICY

When an Investigative Panel makes a decision, the Panel will prepare written reasons for the decision and will forward copies of the written decision to the respondent, the complainant, and such other persons as the Investigation Panel determines.

PROCEDURE

1. The Chair of the Investigative Panel shall ensure that written reasons for their decision includes:
 - a. the names of the members of the Investigative Panel;
 - b. the names of the individuals who appeared before the Investigative Panel (unless the Panel determines that an individual's name should not be disclosed);
 - c. the names of the various people in attendance throughout the meeting of the Investigative Panel;
 - d. a summary of the complaint;
 - e. a summary of the response and other information relevant to the response;
 - f. a summary of the other information reviewed by the Investigative Panel, including any information and submissions provided by individuals attending before the Panel during the meeting;
 - g. where appropriate, reasons for requiring the respondent to:
 - i. submit to a physical or mental examination by a designated assessor, including an explanation of the reasonable and probable grounds for believing the respondent has an issue of incapacity;
 - ii. submit to a review or audit of the respondent's practice by a designated auditor;
 - iii. complete a competence assessment or other examination to determine whether the respondent is competent;
 - iv. produce any records kept about the respondent's practice;
 - h. if satisfied that the respondent has been practicing without a license, the rationale for this conclusion, a determination whether a fine is appropriate, and the amount of fine levied (if any);
 - i. if an informal resolution has been accepted by the Panel, the content of the informal resolution and the rationale for its acceptance;
 - j. if the complaint has been dismissed, the reasons for the dismissal, and if considered useful by the Panel, any advice to the complainant, the respondent or any other person associated with

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- the complaint deemed appropriate by the Panel;
- k. if the matter has been resolved through a “counsel” to the respondent, guidance to the respondent with respect to the matter for which the counsel has been rendered;
 - l. if a “caution” has been issued, an indication of the specific conduct or action which has fallen below the accepted standards or ethical duties; and an indication of why such breach does not in the circumstances amount to professional misconduct, conduct unbecoming, incompetence or incapacity;
 - m. if a reprimand has been ordered, an indication of the specific conduct or action which has fallen below the accepted standards or ethical duties; an indication of why such breach amounts to professional misconduct, conduct unbecoming, and/or incompetence; the reasons why a reprimand is considered to be an appropriate disposition; confirmation of the respondent’s consent to the reprimand; and the direction for publication of the reprimand;
 - n. if conditions or restrictions have been imposed on the respondent’s license, an indication of the specific conduct or action which has fallen below the accepted standards or ethical duties; an indication of why such breach amounts to professional misconduct, conduct unbecoming, and/or incompetence; the specific conditions or restrictions imposed; the reasons why conditions or restrictions are considered to be appropriate, including the public protection concerns they address; confirmation of the respondent’s consent to the conditions and restrictions; and the direction for publication of the conditions or restrictions;
 - o. if the matter has been referred to the Professional Conduct Committee, a listing of the specific conduct or actions of the respondent which the Investigative Panel believes may have fallen below the accepted standards or ethical duties; and if the Panel considers it appropriate, a direction to the Registrar to attempt to negotiate a settlement proposal;
 - p. where a publication ban has been ordered, the reasons for such order and the extent of the ban.
2. In the event that the Panel determines that in its discretion, specific information regarding the complaint should be released to specific individuals other than the complainant and respondent, the reasons for such disclosure shall be set out in the decision and the Chair shall notify the Registrar of this determination (e.g., notification to a non-complainant employer of the complaint disposition).
 3. If a committee support person is present during deliberations of the Panel, the Chair shall ensure that the support person does not become a decision-maker. The Panel may receive assistance in drafting the decision in an appropriate form; however, the decision and rationale must be that of the Panel members.
 4. Draft decisions will be circulated to all Panel members for review and feedback. When all Panel members are satisfied that the document accurately reflects the Panel’s decision, all Panel members will confirm their agreement in writing and sign or electronically authorize the decision.
 5. In the event that any member(s) of the Panel disagrees with the decision of the majority, such member(s) may write a dissenting opinion which will be signed (or electronically authorized) and attached to the majority decision.
 6. The Panel shall ensure that a copy of the written decision is provided to the respondent, the complainant, and such other persons as the Panel determines.