

## **Fitness to Practise Committee Terms of Reference**

Approved by Fitness to Practise Committee: June 11, 2014

**Approved by Council: September 25, 2014**

### **1. Authority**

The Fitness to Practise Committee is a statutory committee as in the *Health Professions Procedural Code (Code)*, which is Schedule 2 of the *Regulated Health Professions Act, 1991 (RHPA)*.

### **2. Mandate**

In the transitional phase, the Fitness to Practise Committee will adopt Rules of Procedure in order to be ready to conduct fitness to practise hearings upon proclamation of the relevant provisions of the *Psychotherapy Act, 2007*.

Once the College is fully established, the Fitness to Practise Committee will perform the following functions:

- a. through panels selected by the Chair, conduct hearings into allegations of member incapacity, in accordance with the Code, and applicable regulations, By-laws, Rules of Procedure and policies;
- b. consider and make recommendations to Council for changes to applicable legislation, regulations, By-laws, policies and programs that fall within the scope and purpose of the Committee;
- c. submit to the Council an annual report on the number of hearings, the types of matters dealt with, the dispositions of those matters generally, and activities relating to changes to applicable legislation and policy.

### **3. Composition**

The Fitness to Practise Committee shall be composed of every member of Council and one (1) or more College members who are not members of Council if Council so wishes.

### **4. Term**

The term of office of a Committee member appointed by Council shall commence immediately after the appointment and shall continue for approximately one (1) year.

### **5. Frequency and Location of Meetings**

Committee meetings shall, wherever possible, be held at a place and on a date set in advance and shall occur at regular intervals and at such frequency as necessary for the Committee to conduct its business.

### **6. Quorum**

The quorum is three (3) members unless otherwise provided in the Code or the By-laws or unless the Committee is composed of only three (3) members, in which case, the quorum for such a Committee shall be two (2) members.

Despite anything in the By-laws, a Committee is properly constituted despite any vacancy so long as there are sufficient members to form a quorum of the Committee or a panel of the Committee.

## **7. Selection of the Chair**

The Chair or Chairs of the Committee shall be appointed by Council.

## **8. Alternate Chair**

In the event that the Chair of the Committee is unable or unwilling to preside at the meeting, the Chair shall designate an acting Chair from among the Committee members to preside at the meeting and if the Chair is unable to delegate his or her chairing duties, the Committee shall then select an acting Chair to preside at the meeting from among its members.

## **9. Voting**

Wherever possible, decision-making at the committee level (e.g. adopting Terms of Reference, Rules of Procedure, policies) shall be conducted using a consensus model. When necessary, formal voting will be used.

Unless specifically provided for otherwise under the Code or the By-laws, every motion that properly comes before a Committee shall be decided by a simple majority of the votes cast at the meeting by the Committee members present.

The Chair, as a member of the Committee, may vote.

In the event of a tie vote, the motion is defeated.

## **10. Panels**

Panels are selected by the Chair to perform statute-specific functions once the College is fully operational.

In accordance with the Code, panels shall be composed of at least three (3) Committee members, at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Three members of a panel constitute a quorum.

## **11. Staff Resources**

The Registrar acts in an *ex-officio* role as a Committee resource and in a non-voting capacity. Other staff members provide support to the Committee.

## **12. Committee Records**

The Chair of the Committee shall ensure that accurate minutes of all Committee meetings and proceedings are recorded, approved and maintained at the College office.

## **13. Conflict of Interest**

All Committee members have a duty to carry out their responsibilities in a manner that serves and protects the interest of the public. As such, they must not engage in any activities or in decision-making concerning any matters where they have a direct or indirect personal or financial interest. All Committee members have a duty to uphold and further the intent of the *Psychotherapy Act, 2007* to regulate the profession of psychotherapy in Ontario in the public interest.

Comprehensive information regarding conflict of interest obligations is included in the By-laws.

#### **14. Public Communications**

All media contact shall be channeled and coordinated through the Registrar's office. Any Committee member or any member of a working group (ad hoc committee) asked to be interviewed by media representatives, to respond to enquiries, or to comment on issues concerning the regulation of the profession or the operation of the transitional Council or College, shall not provide any such communication and shall instead refer such requests to the Registrar's office.

#### **15. Parliamentary Authority**

Schedule 2 of the By-laws outlines the Rules of Order of Council. The Committee should attempt to work by consensus where possible.