



## Complaints and Discipline Process

The CPC is charged with the responsibility of protecting the public through the investigation of allegations of misconduct committed by a registrant and to discipline registrants accordingly. The CPC Complaints and Discipline Process is subject to the By-Laws of the CPC. If there is any discrepancy between the below process and the By-Laws, the By-Laws will take precedence.

Members of the public are encouraged to discuss any issues with a registrant directly to see if a resolution can be met. If you still have concerns and/or do not wish to contact a registrant directly regarding a concern, please contact the CPC.

Click [HERE](#) to file a complaint online against a CPC registrant.

### Introduction

This process sets out the procedures to be followed by the College of Pedorthics of Canada (the "CPC") where there is a complaint or concern about the conduct of a Canadian Certified Pedorthic Professional.

- Certified Pedorthist (Canada) – C. Ped (C)
- Certified Pedorthist Master Craftsman – C. Ped MC
- Certified Orthopedic Footwear Specialist – COFS
- Certified Pedorthic Technician – C. Ped Tech (C)

### Interpretation

- "CPC" refers to The College of Pedorthists of Canada;
- "Complainant" refers to the person making the complaint;
- "Respondent" refers to the Registrant who a complaint is being made against;
- "Investigating Panel" includes, where appropriate, a panel from the Ethics Investigating Committee;
- "Disciplinary Panel" includes, where appropriate, a panel from the Ethics Disciplinary subcommittee;
- "Registrant" means a person admitted into membership in the CPC and can include, if the context so indicates, a suspended or former Registrant;
- "PAC" refers to the Pedorthic Association of Canada.

A complaint may be received from any public source, any registrant of The College of Pedorthics Canada (the "CPC"), or from the CPC itself. Complaints shall be submitted online via email or by regular post and should be addressed to the CPC Registrar.

The CPC Coordinator shall process the complaint in the following manner:

1. The Coordinator shall assign a case file number to the complaint.

2. The Coordinator shall forward the complaint to the Chairperson of the Ethics Committee.
3. Within a reasonable time of receipt of the complaint, the Coordinator will send an email acknowledgement of receipt of the complaint to the Complainant, advising that the complaint has been forwarded to the Chairperson of the Ethics Committee;

Files regarding complaints will be kept at the Head Office of the CPC and shall be maintained indefinitely. No Registrant may resign or voluntarily terminate their Membership once a complaint has been filed against them and received by the Chair of the Ethics Committee and Registrar of the CPC. Subject to the procedures described herein, the Registrant is held accountable until the complaint is concluded or disposed of. The CPC preserves all confidentiality throughout the process.

### **Review of Complaint by Chairperson of Ethics Committee**

Upon receipt of a complaint, the Chairperson of the Ethics Committee shall review the complaint and determine:

- **Option 1:**

That the complaint is unfounded, or not within the jurisdiction of the Ethics Committee of the CPC, and ought to be dismissed. In whichever such case, the Complainant will be notified of this determination. It shall not be necessary for the Registrant that is the subject matter of the complaint to be informed of the matter.

- **Option 2:**

That the complaint is within the jurisdiction of the Ethics Committee and that more information is required in order to further evaluate the complaint, in which case the Registrant involved shall be notified within a timely manner.

### **Informing the Registrant Involved and Requesting a Written Response**

Once the Chairperson of the Ethics Committee determines that the complaint is within the jurisdiction of the Ethics Committee, the Registrant (the "Respondent") involved will be notified of the complaint. They will be emailed a Notice of Complaint (NOC) letter from the CPC office.

The NOC will describe the right of the Respondent to make a written submission via email to the CPC office regarding the allegation, and retain legal counsel as well as the availability of this document.

The Respondent will have 30 days to make a written submission via email regarding the allegation(s) to the Chairperson of the Ethics Committee.

## **Following Receipt of Written Submission from the Respondent**

Upon receipt of the written submission from the respondent or 30 days after the NOC has been delivered if a response has not been received, the Chairperson of the Ethics Committee will determine whether the complaint will be further investigated.

In the event that the Chairperson of the Ethics Committee determines that the complaint warrants further investigation, both the Complainant and the Respondent will be notified within a timely manner. Both the Complainant and Respondent will be emailed a Notice of Investigation (NOI). The NOI will include the original complaint form from the complainant.

## **Investigation Process**

Once the Chairperson of the Ethics Committee has sent the NOI to the Respondent, an Investigating Panel of an appropriate number (two to five Registrants), shall be struck. The Chairperson of the Ethics Committee may select a member of the public to sit on the panel at their discretion.

The Investigating Panel will be forwarded a copy of the original complaint as well as a copy of the response from the Respondent regarding the alleged complaint. The Investigating Panel shall investigate the complaint and allegations in a manner that it deems appropriate without bias. The investigation may include, without limitation, the following:

- Reviewing the information about the matter held by the Chairperson of the Ethics Committee;
- Conducting interviews of the Complainant, the Respondent or any witnesses;
- Gathering together the relevant documents;
- Obtain outside sources such as a private investigator, legal counsel or any other means that are reasonable and appropriate to assist in its investigation and to be approved by the CPC Registrar and Chairperson of the Ethics Committee; and
- Such other inquiries and investigative steps that are reasonable and appropriate.

After gathering the information in its investigation, the Investigating Panel will forward a copy of the summary of the facts and findings to the Chairperson of the Ethics Committee and CPC Registrar for review to determine if the investigation will move to a disciplinary hearing or other such action appropriate to the matter that is not inconsistent with this document and the by-laws of the CPC.

The Chairperson of the Ethics Committee will then send the Respondent either a Notice of Disciplinary Hearing ('NDH) or a Notice of Outcome ('NO').

## **Disposition/Actions**

After receiving the summary of the investigation from the Investigating Panel and considering any written submissions by the Respondent, the Chairperson of the Ethics Committee and Registrar of the CPC may do one or more of the following:

- Recommend do nothing;
- Inform the Respondent that there will be a placement of conditions of practice;
- Provide a written caution or advice to the Respondent;
- Require the Respondent to attend before the Chairperson of the Ethics Committee and Registrar of the CPC for a verbal caution or advice;
- Refer specific allegations to a Disciplinary Panel for a hearing;
- Such other action appropriate to the matter that is not inconsistent with this document, by-laws of the CPC and the law.

## **Disciplinary Panel Process**

- **Selection of Disciplinary Panel**

When it has been determined that a matter requires referral for potential discipline, the Chairperson of the Ethics Committee and the CPC Registrar will appoint a three person Discipline Panel, one of which will include a non-CPC member. Quorum consists of a minimum of two people.

The Chairperson of Ethics and the CPC Registrar will select legal counsel to represent the Disciplinary Panel.

- **Notification of Referral to Disciplinary Hearing**

The Chairperson of the Ethics Committee will send a notice to the Respondent, in writing or electronically of the 'Notice of Disciplinary Hearing' within a reasonable time. Any objections by the Respondent have to be received within 7 business days stating the ground(s) for the objection. The objection shall be in writing or electronically and addressed to the Chairperson of the Ethics Committee and the CPC Registrar.

The Respondent shall be entitled to be represented by legal counsel at the Disciplinary Hearing. Notwithstanding this, the Respondent must still be in attendance. Failure by the Respondent to attend the Disciplinary Hearing may result in an adverse inference being drawn against the Respondent in respect of the complaint. The Respondent shall be solely responsible for all costs and fees of their legal counsel.

- **Scheduling of the Pre-Hearing Conference**

Upon the matter being referred to the Disciplinary Panel, the Chairperson of the Ethics Committee or the CPC Registrar, will schedule a Pre-hearing Conference. Proposed dates, times and location for the hearing and the method of the hearing (may be in writing, electronic or in person) will be discussed. During the Pre-hearing Conference, all parties will mutually agree on submission dates for all disclosure documents. In scheduling the date and location of the Disciplinary Hearing, the Chairperson of the Ethics Committee or the CPC Registrar shall consider what is mutually convenient and practical for all parties and will set the method for the hearing.

- **Procedure for Disciplinary Hearing**

The Chairperson of the Ethics Committee will commence the Disciplinary Hearing by reviewing the complaint and calling on legal counsel for the CPC to present its case. The presentation of the CPC's case may include but is not limited to calling the Complainant as a witness should this be considered necessary. The Disciplinary Panel will ask any questions as required. The Disciplinary Panel will then afford an opportunity to the Respondent involved to answer to the complaint.

## **Disciplinary Panel's Disposition**

Within a reasonable time of the conclusion of the Disciplinary Hearing, the Disciplinary Panel shall render its decision, which shall be in writing or electronically and shall be comprised of one or more of the following dispositions:

### **1. Dismissal Of The Complaint**

In the event the Disciplinary Panel is satisfied that the complaint is without merit, the Disciplinary Panel shall issue an order dismissing the complaint.

### **2. Reprimand**

In the event that the Disciplinary Panel determines that a breach of the Code of Ethics has occurred which does not warrant the imposition of conditions on the Respondent's Certificate of Registration or a suspension or revocation of the Respondent's Certificate of Registration, the Disciplinary Panel may issue in writing a formal reprimand to the member involved.

### **3. Imposition Of Specific Conditions On The Member's Certificate Of Registration**

In the event that the Disciplinary Panel determines that a breach of the Code of Ethics has occurred, but that the Respondent's Certificate of Registration ought not to be suspended or revoked, the Disciplinary Panel may impose specific conditions on the Respondent's Certificate of Registration for a specified or indefinite period of time.

Examples of such conditions may include restrictions on the practice of the respondent involved pending completion of certain educational programs or the satisfaction of such other conditions as the Disciplinary Panel deems appropriate.

### **4. Suspension Of Certificate Of Registration**

In the event that the Disciplinary Panel determines that a breach of the Code of Ethics has occurred which warrants the temporary suspension of the Respondent's Certificate of Registration, the Disciplinary Panel may issue an order for the Registrar of the CPC to suspend the Respondent's Certificate of Registration for a specified period of time. Upon the expiry of the period of suspension, the Disciplinary Panel may impose conditions upon the Respondent Certificate of Registration for a specified or indefinite period of time.

## **5. Revocation Of Certificate Of Registration**

In the event that the Disciplinary Panel determines that a breach of the Code of Ethics has occurred which warrants the revocation of Certificate of Registration, the Disciplinary Panel may issue an order for the Registrar of the CPC to revoke the Respondent's Certificate of Registration indefinitely.

## **6. Ordering The Payment Of A Fine**

In addition to the sanctions referred to herein, the Disciplinary Panel shall have the discretion to order the Respondent to pay a fine commensurate with the complaint and the severity of the breach.

## **7. Order Of Costs**

The Disciplinary Panel may in its absolute discretion, order the Respondent to pay costs, as part of its decision to reprimand, impose conditions, suspend the Respondent's Certificate of Registration, revoke the Respondent's Certificate of Registration or require a payment to the CPC of a reasonable amount to reimburse the CPC for the costs incurred by its investigation and disciplinary process of the matter in question.

## **8. Considerations**

The Disciplinary Panel may impose any other action appropriate to the matter that is not inconsistent with this document and the by-laws of the CPC.

## **Disciplinary Panel Decision To Be In Writing**

The decision of the Disciplinary Panel shall be in writing or electronically, sent to the Respondent and shall contain its reasons for the determination made. The Disciplinary Panel shall issue its decision via the Head Office of CPC. The decision, together with information regarding the procedure for appealing the decision shall be sent to the Respondent by the Chair of the Ethics Committee or the CPC Registrar.

## **Appeal Process**

The Respondent has the right to Appeal the decision of the Disciplinary Panel to the Chairperson of the Ethics Committee and the CPC Registrar within 14 days of the decision being rendered. The 'Notice of Appeal' shall include but is not limited to, the reason for the appeal. The Respondent will have 30 days from the date of the appeal received to provide written or electronic transcripts. The cost of the transcripts is the sole responsibility of the Respondent. An Appeal Panel will consider only any credible evidence that would have impacted the outcome of the case or the evidence could not be obtained in a timely fashion prior to the disciplinary hearing.

- **Appeal Panel Selection**

The Chairperson of the Ethics Committee along with the CPC Registrar will select a panel of three CPC Members in good standing. Quorum will consist of a minimum of two people. Any objections by the Respondent to the selection of the Appeal Panel have to be received within 7 business days stating the ground(s) for the objection.

- **Decision of the Appeal**

The decision of the Appeal Panel shall be in writing or electronically and sent to the Respondent, the Chairperson of the Ethics Committee and the CPC Registrar and shall contain the reasons for the determination made.

The decision of the Appeal Panel is final and no party shall have a further right of appeal, or a right to challenge or seek a further review of it.

### **Enforcement**

The Chairperson of the Ethics Committee and the CPC Registrar in collaboration with the CPC Board of Directors shall implement a final decision of the Disciplinary Panel or the Appeal Panel on "Penalty".

If a Respondent's membership is suspended or terminated, the CPC Registrar shall notify the Respondent that they will not be eligible for the following:

- To hold office at any level of the CPC and PAC;
- To serve as a member of a committee in the CPC and PAC;
- To volunteer in any capacity in the CPC and PAC;
- Use the title commensurate with their member category in the CPC.

The CPC shall publish a copy or a summary of the "Final Decision" of the Disciplinary Panel or the Appeal Panel in the CPC and PAC newsletters and corresponding websites. If a finding was made against the Member, the Member shall be identified by their name in the publication.

*Last updated 15-jul-2023*



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