

Terms of Reference for Legislated Committees of SCRT Document

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Committee Name: **Professional Conduct Committee (PCC)**

Authority: *The Respiratory Therapists Act section 25(1) The Act 2009 states: the professional conduct committee is [to be] established...*

- *The PCC is a statutory committee and is mandated to ensure protection of the public interest by, reviewing and investigating any and all complaints it receives either directly, or from council, alleging that a member is guilty of professional misconduct or professional incompetence.*

Date Approved:

Date Revised:

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## 1. Purpose/ Responsibilities

The Professional Conduct Committee will;

- Review and investigate any and all complaints received, as detailed in *The Act*, Regulatory Bylaws and applicable policies.
- Make a recommendation to council on the use of an outside investigator if warranted.
- Conduct the required investigation and interviews as outlined in *The Act*, Regulatory Bylaws and policies.
- Complete a written report to the Discipline Committee at the conclusion of its investigation, as agreed to by a majority of members, recommending one of three outcomes;
  - a. Notification that no further action be taken; or
  - b. Notification that the matter has been resolved through consensus with an Alternate Dispute Resolution (ADR) agreement by all parties; or
  - c. Notification the matter be referred to the Disciplinary Committee for a disciplinary hearing.
- Ensure all requirements as outlined in an ADR are completed with assistance from the office as needed.
- Ensure all necessary communication as described in the complaints process goes out to all parties.
- Direct the prosecution, through their legal counsel, at a DC hearing.
- Review and update policies and documents of the college with regard to the complaints process, including the complaints procedure, associated forms and policies, ensuring any suggested amendments are transparent, objective, impartial and fair.
- Ensure the confidentiality and secure handling of all information and files surrounding its work.

## 2. Membership

- The committee shall consist of at least three persons appointed by council the majority of whom are to be practicing members [*The Act section 25(1)*].
- No member of the council or member of the DC is eligible to be a member of the PCC [*The Act section 25(1)*].
- A public representative enlisted by council may be appointed as a member of the PCC.
- It is the responsibility of council to identify, recruit, and select replacement members.

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- Members shall be selected based on information supplied in a resume directed to council.
- Full geographical representation of the province shall be considered, whenever possible, when assigning members.
- Term of appointment to the committee will be 3 years: normally commencing with a January appointment: (post review of new volunteer forms after the AGM)
  - The terms will be staggered to ensure continuity of membership.
  - A member may be appointed twice to the same committee for successive terms.
- Core membership will be reviewed annually; maximum planned turnover should not exceed 40%.
- The decision to renew a member or appoint a new member will be made always ensuring the optimal functioning of the committee.
- New members will be sought from the college's volunteer pool based on their experience with committee work, as well as their understanding of governance, bylaws, and *The Act* associated with the SCRT.
- Members shall be required to receive training in Investigation [...for PCC Members of a Regulated Profession] in the timeliest manner possible and, may also receive training in [Conduction of ...] Tribunal Hearings.
- Where regular attendance and participation on a reliable basis is not maintained by a member, *Administrative Bylaw 31(5)* provides a means for removal of committee members by council.
- When an investigation has started, and the term of office of a member expires before the work is completed, the member shall remain on the committee until the hearing is completed (*The Act section 31*).
- Every member shall preserve confidentiality with respect to all information that comes to their knowledge in the course of their duties and shall not communicate any information to any other person. Furthermore, the member agrees to use all reasonable efforts to protect all confidential information in their possession or control, and recognizes their obligations to confidentiality continue indefinitely, even after their term on the committee is completed.

### 3. Organization

#### a. Chairperson:

- Committee members shall nominate a member for the chair position for council's approval.
- Chair responsibilities;
  - Ensure the business of the committee is conducted with processes consistent with the SCRT and its values.
  - Ensure new committee members receive an orientation and training, with assistance of ED/Registrar.
  - The chair may serve their full 3-year term as chair or, the committee may elect a regular replacement model, requesting a new chair be appointed by council.
  - When outgoing, will ensure an orientation is given to the incoming chair, once they have been appointed by council.

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- Ensure agendas and minutes are prepared and taken for all meetings, meeting minutes are circulated to members (to ensure accuracy) and subsequently filed with the College, with the assistance of college staff if required.
- In conjunction with the ED/Registrar, ensure all materials and information are prepared and distributed prior to a meeting.
- Ensure a lead investigator is assigned for every complaint filed.
- Ensure full and proper disclosure of all names involved in any complaint (named RT, witnesses, etc.) are provided at the first meeting held to discuss a new case to all PCC members, so any conflict of interest can be declared and the member recused.
- Provide reports for council meetings when requested, summarizing meeting business as permitted and, any other work of the committee.
- Provide an annual report to the college, summarizing the committee's business for the year.
- Link with ED/Registrar/staff and council for all communications to/from the committee.
- Link for communication with legal counsel for the PCC.

#### **b. Meetings**

- Meetings will be held at least twice a year;
  - One to complete necessary administrative work and, provide education to members with assistance of ED/Registrar; and
  - One to prepare the submission for the Annual Report to the Ministry or, more often, in order to fulfill its terms of reference, ensuring the work outlined in the points above is completed.
- Chair should endeavour to ensure at least one meeting annually has all members in attendance, either in person or via teleconference.
- Meetings and committee business may be conducted in person, via teleconference, or by electronic communication. (electronic meetings must record participants).
- Quorum: as per *Administrative Bylaw 34(1)*
- Members are expected to; attend all meetings, unless an excused absence is approved in advance and, to ensure confirmation or regrets are submitted in a timely manner.
- Meetings may be cancelled/rescheduled at the direction of the chair.

#### **4. Budget/ Resources**

- Expenses of committee members to participate in meetings will be reimbursed according to *Governance Policy (GP-5)*.
- The committee may request the registrar to consider contracting a professional investigative services provider.
- The committee may be supplemented on an ad-hoc basis by others with needed expertise as required to;
  - Explain the impact of a proposal;
  - Identify any legal implications for the organization of a proposed idea; or



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- To assist with research of an issue, etc.
- However, there are no funds available for honoraria or expenses for those invited unless, previously requested and approved by council.

**5. Other**

- These terms of reference may be amended by way of a majority vote of quorum of the committee for submission to and final approval by council.
- The committee will review its own terms of reference every 2 years for submission to council.