



Setting the Standard for Great Teaching  
Fixer la norme pour un enseignement de qualité

# Memo

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Date: December 3, 2020  
 To: Members of Council  
 From: John Hamilton, OCT  
 Chair, Discipline Committee  
 Subject: Report of the Discipline Committee

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## Committee Meetings/Hearing Dates

### Meetings

A Discipline Committee meeting was held remotely on October 30, 2020.

### Training

A Joint Training session with the Discipline and Fitness to Practise Committees and Roster members was held remotely on October 29, 2020.

### Hearing Dates (From October 5 to December 2, 2020)

October: 7, 9, 13, 14, 19, 20, 22, 23, 27, 28  
 November: 3, 5, 10, 16, 18, 24, 25, 30  
 December: 1

### Statistics

The following is a summary of the disposition and status of 12 cases concluded by panels of the Discipline Committee from August 1 to September 30.

The total number of hearings during this period was 12, of which 1 was contested.

Disposition of Cases	Cases Disposed of by the Discipline Committee
Revocation	5
Suspension	4
Reprimand	1
Reinstatement permitted	0
Withdrew Notice of Hearing	1
Withdrew Notice of Hearing + TCL	0
Not Guilty	0

Cancelled-Resigned	1
Incompetent	0
TOTAL	12

**Duties/Mandate of the Discipline Committee**

The duties and mandate of the Discipline Committee are described in Appendix 1 of this document.

**Future Committee Training and Meeting Dates**

Thursday, April 8, 2021: Joint Training of the Discipline and Fitness to Practise Committees and Roster Members

Friday, April 9, 2021: Discipline Committee Meeting

**Upcoming Hearings (December 7, 2020 to March 3, 2021)**

December 7, 11, 15, 16,  
 January 11, 12, 19, 20, 29  
 February 16, 17, 23, 24  
 March 2, 8, 9, 30, 31

## **Members of the Discipline Committee**

Diane Ballantyne, OCT  
John Cammarata  
Irene Dembek, OCT  
Richard Fillion  
Rebecca Forte, OCT (Vice-Chair)  
Mary Ellen Gucciardi, OCT  
John Hamilton, OCT (Chair)  
Élaine Legault  
Marlène Marwah  
Sara Nouini, OCT  
Wanda Percival  
Thomas Potter  
Nicola Powadiuk, OCT  
Jonathan Rose  
Nancy Saunders, OCT  
Stéphane Vallée, OCT



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John Hamilton, OCT

## **APPENDIX 1**

### **Discipline Committee**

#### **Mandate**

To deal with discipline issues. (OCTA, s. 3(1)).

#### **Nature of the Discipline Committee's Work**

The Discipline Committee:

- a) shall hear and determine matters directed or referred to it under section 26, 29 or 33 (OCTA, s. 30(1)(a))
- b) shall perform such other duties as are assigned to it by the Council (OCTA, s. 30(1)(b))
- c) may, after a hearing, find a member guilty of professional misconduct, if the member has been guilty, in the opinion of the Committee, of professional misconduct (OCTA, s. 30(2))
- d) may, after a hearing, find a member to be incompetent if, in its opinion, the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a student of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations. (OCTA, s. 30(3)).

#### **Powers of the Discipline Committee**

Where the Discipline Committee finds a member guilty of professional misconduct or to be incompetent, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke any certificate held by the member under the Act.
2. Directing the Registrar to suspend any certificate held by the member under the Act for a stated period, not exceeding 24 months.
3. Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under the Act.
4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period.
5. If the act of professional misconduct consists of or includes sexual abuse or a prohibited act involving child pornography, requiring the member to reimburse the College for funding provided for a person under the program required under section 58.1.

6. If the panel makes an order under paragraph 5, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse the College under the order under paragraph 5. (OCTA s. 30(4)).

Where the Discipline Committee finds a member guilty of professional misconduct, it may, in addition to exercising the powers described above, make an order doing one or more of the following:

- a) Requiring that the member be reprimanded, admonished or counselled by the Committee or its delegate and, if considered warranted, directing that the fact of the reprimand, admonishment or counselling be recorded on the register for a specified period of more than three years.
- b) Imposing a fine in an amount that the Committee considers appropriate, to a maximum of \$5,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.
- c) Fixing costs to be paid by the member to the College. (OCTA, s. 30(5)).

In making an order directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period, the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the successful completion by the member of specified courses of study. (OCTA, s. 30(6)).

In making an order revoking or suspending a certificate or imposing terms, conditions or limitations on a certificate, the Committee may fix a period during which the member may not apply for reinstatement or variation of the order. (OCTA, s. 30(7)).

Where the Discipline Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or such portion of them as the Discipline Committee fixes. (OCTA, s. 30(9)).

A hearing of the Discipline Committee shall, subject to making an order that the public be excluded from the hearing in accordance with the Act (OCTA, s. 32(7) and (7.1)), be open to the public. (OCTA, s. 32(6)).