



## Complaint, Disciplinary and Appeals Process

### Complaint Procedure

1. Individuals are required to submit a written complaint, using the complaint form downloaded from the CMC Canada website. The form must be mailed into the Ontario Registrar at 2 St. Clair Avenue West, 18th Floor, Toronto, M4V 1L5. *Note: this process is applicable to Ontario only. Each province has a “complaint” link on the website, but it directs to an email and no indication that the form needs to be completed.*
2. The complaint form is reviewed by the Registrar to determine next steps:
  - a. Does the complaint have merit?
  - b. Is it a complaint with merit that could proceed with an investigation facilitated by the Registrar?
  - c. Is it a complaint with merit that should proceed to formal investigation?
3. The Registrar would acknowledge the complaint and respond accordingly as to how the complaint was proceeding or not.
  - a. Complaint without merit**
    - (i) The Registrar would review the complaint and communicate with the complainant if it did not meet the requirements for a formal complaint.
  - b. Complaint with merit that could be resolved with an investigation, facilitated by the Registrar**
    - (i) If required, the Registrar would contact the complainant for further information or clarification.
    - (ii) The Registrar would contact the member to advise them of the complaint and, if required, additional information.
    - (iii) The Registrar would solicit the member’s response and facilitate a resolution.
    - (iv) The Registrar would advise the member and complainant of the outcome.

If the circumstances of the complaint were somewhat ambiguous and it was not clear as to whether this should proceed to an investigation or not, the Registrar would advise and discuss the situation with the Council President and/or Council’s Regulatory Executive.



**c. Complaint with merit that requires an investigation:**

- (i) The Registrar would advise the Council President a complaint process is underway. *In the case of a complaint involving criminal activity, the complainant may be advised to first speak to the police. If they are proceeding with a criminal charge, a determination as to how best to proceed will be determined by the Registrar and Council President.*
- (ii) The Registrar will appoint an investigator, independent of all parties and circumstances of the complaint and may do this with the assistance of National Office.
- (iii) The Registrar would advise the investigator and provide information and any relevant documentation received.
- (iv) The Registrar would advise the member of the complaint and next steps proceeding to an investigation.
- (v) Upon completion of the investigation, the Registrar will receive the investigator's report.
  - If there is no finding, the Registrar will advise the complainant and member.
  - If there is a finding, the Registrar will move the process through to the Disciplinary Committee.
- (vi) Upon completion of the disciplinary process, the Registrar would advise the applicable parties of the outcome.

*See the section on Reporting Requirements for reporting to Council.*

**Registrar Conflict of Interest**

In the case where the Registrar has a conflict of interest with either a member or the complainant, he/she should advise the Council President. Reallocation of the complaint may be directed to a partner Registrar or other approved designate.

**Investigation Procedure**

1. The investigator would contact the complainant for further information/clarification. If meeting in person, the investigator should take notes and ask the complainant to sign the notes verifying they are an accurate representation of their dialogue.
2. Any witnesses may be contacted and interviewed by the investigator as recommended by either the complainant or member in support of their complaint or response respectively. The investigator should also take notes of any witness statements and ask witnesses to review and sign their notes acknowledging they are an accurate representation of their dialogue, if meeting in person.



3. The investigator contacts the member and provides them a detailed letter outlining the process and confidentiality along with a copy of the complaint for their review and response.
4. The investigator meets with the member to defend their case. The member may provide a written response in advance of the meeting if requested by the investigator and depending upon the nature of the complaint. If meeting in person, the investigator should take notes and ask the member to sign them verifying they are an accurate representation of his/her response.
5. Upon completion of the investigation, the investigator prepares a written report and provides it to the Registrar including a conclusion of whether or not the member has committed an offense.

### **Disciplinary Committee**

1. The Registrar advises the Council President to advise him/her that the investigation is moving to the Disciplinary Committee (“Disciplinary Committee”).
2. Council appoints a Disciplinary Committee comprised of four individuals (three members and one individual who has experience in the disciplinary process and who is not a member of the Institute). The Disciplinary Committee Chair is appointed by Council.
3. The Registrar sends the investigator’s report to the Disciplinary Committee for their review.
4. The Disciplinary Committee may make a recommendation to dismiss the charge without a hearing.
5. Alternatively, a minimum of two Disciplinary Committee members will hold a hearing to determine whether the member is guilty or not guilty of the charge. Disciplinary Committee members may order one or more of the following penalties if found guilty:
  - Oral and/or written reprimand.
  - Fine
  - Suspension
  - Expulsion
  - Other required remediation such as professional development courses, tutoring or examinations
  - Supervised practice
  - Other penalties as outlined in 3.3(d) (e) of the by-laws
6. The Disciplinary Committee will formally advise the member of the penalty.
7. The Disciplinary Committee will notify the Registrar of the decision.
8. The Registrar will advise all other relevant parties in the complaint, (complainant, National Office, Council President).



## Appeals Process

1. A member may appeal the sanctions imposed by the Disciplinary Committee by providing a written request to the Registrar within 30 days of the receipt of the decision of the Disciplinary Committee.
2. The Registrar will provide this appeal request to Council.
3. Council will review the request and make a reasoned judgment to accept or reject the request.
4. Council will advise the appellant of the decision to accept or reject the appeal.
  - A rejection by Council is deemed binding.
  - If accepted, Council will deem the best approach to review the decision.

## Reporting Requirements

The Registrar should provide a report to Council upon the completion of any complaint process. Specifically, in the cases of complaints that moved to a mediated settlement or a full investigation, which was either dismissed or sanctions were imposed and overview of the complaint and results. In the case of a frivolous complaints, the Registrar will advise the number of cases reported during that period.