

**CANADIAN CHIROPRACTIC EXAMINING BOARD
Policy**

Discipline Process

Approved May 2004
Amended April 2009

SECTION 1: PREAMBLE

The purpose of this Document is to set out the process by which complaints concerning the conduct of a Candidate shall be dealt with by the Canadian Chiropractic Examining Board.

SECTION 2: INTERPRETATION

In this Process, unless the context otherwise requires,

1. "Candidate" means an individual who is in the process of, or has completed the examinations conducted by the Board;
2. "Committee" means the Discipline Committee herein established;
3. "Board" and "CCEB" means the Canadian Chiropractic Examining Board;
4. "Complainant" shall be the party having set out in writing a complaint made pursuant to this enactment;
5. "Executive Director" shall be the Executive Director or Chief Executive Officer of the Board;
6. "Hearing" means a hearing constituted pursuant to this enactment;
7. "Chair" means the Chairperson of the Discipline Committee;
8. "Offence" shall mean any conduct which is unacceptable to the Board and/or the Executive Director, from time to time, which may include but not be limited to matters set out in Appendix A;
9. "Proceedings" shall mean all actions, hearings and proceedings made pursuant to or under this enactment.

SECTION 3: DISCIPLINE COMMITTEE

The Discipline Committee shall be composed of a Chairperson, who shall be appointed by the CCEB at its Annual Meeting, and failing which an alternative appointed by the Executive Committee of the Board, from time to time, and four (4) additional members of whom three (3) shall be members in good standing of the chiropractic profession in Canada, and selected by the Chairperson from any of the Provincial chiropractic associations and/or regulatory boards in Canada, and one (1) shall be a non-chiropractor. Three (3) members of the Committee, including the Chairperson, shall constitute a quorum.

SECTION 4:

In the event that any member of the Committee shall be unable to continue to sit on the Discipline Committee, the matter shall continue, notwithstanding same, so long as there shall be no less than three (3) members of the Discipline Committee hearing the matter, and provided that should the matter not have proceeded to an adjudication an alternative member may be appointed to hear the matter by the Chairperson of the Discipline Committee.

SECTION 5:

Any complaint made pursuant to this enactment shall be received by the Executive Director, or instituted directly from the Executive Director, within ninety (90) days of the happening of the event giving rise to the complaint.

SECTION 6:

The complaint shall be directed to the Executive Director, who shall determine within fourteen (14) days after receiving the complaint, unless instituted directly by the Executive Director, whether proceedings shall be continued and a hearing be constituted; or notify the complainant that no further proceedings shall take place pursuant to the complaint.

SECTION 7:

In the event that a hearing is directed, the Executive Director shall inform the Committee of such direction prior to seven (7) days after the expiry of the time referred to in Section 6.

SECTION 8:

Nothing in this enactment shall prevent the Executive Director at his or her sole discretion from dealing with any complaint submitted pursuant to this enactment, and imposing any penalty as provided for in this enactment.

SECTION 9:

In the event that a complaint is dealt with by the Executive Director, a Candidate or complainant may appeal the decision of the Executive Director by setting out in writing a request that a hearing be directed pursuant to this enactment.

- a. The notice of appeal must be received by the Executive Director within seven (7) days of the Candidate having been notified of the decision of the Executive Director;
- b. Upon receipt of the notice of appeal, the Executive Director shall direct that proceedings be instituted as if a complaint had been originally directed to the Executive Director, save and except that Section 5 shall not be applicable;
- c. A decision of the Committee made pursuant to this enactment shall supersede and render null and void the decision of the Executive Director.

SECTION 10:

The member of the Committee appointed by the Board shall act as Chairperson, of the Committee, and shall preside over all matters under its jurisdiction.

SECTION 11:

The Committee shall within seven (7) days of receiving notification by the Executive Director that a hearing shall be constituted, notify the Candidate of such a hearing.

SECTION 12:

The Executive Director may appoint an investigator, or any other individual, to diligently compile all relevant information necessary to carry out the investigation of the Candidate, and to preside as agent for the Board at any proceedings which shall take place pursuant to the complaint.

SECTION 13:

The Committee shall give all parties notice of the following:

- a. a statement of the time, place and purpose of the hearing;
- b. a statement that if the party notified does not attend at the hearing, the Committee may proceed in his/her absence, and the party will not be entitled to any further notice in the proceedings.

SECTION 14:

Notice of hearing may be served personally upon the Candidate by an individual who shall set out in writing that such service has been affected; or,

at the option of the Executive Director, service may be affected by forwarding such notice by regular pre-paid post or by registered mail to the last known address of the Candidate and notice shall have been deemed to have been given four (4) days after the posting of the said notice if given by regular pre-paid post or at the time of delivery if sent by registered mail.

SECTION 15:

Where notice of a hearing has been given to a party to any proceedings in accordance with this enactment, and the party fails to attend at the hearing, the Committee may proceed in his/her absence and the party shall not be entitled to any further notice in the proceedings.

SECTION 16:

A hearing may be open to the public except where the Committee is of the opinion that having regard to circumstances the desirability of avoiding disclosure thereof in the interests of any person affected, or in the interest of the Board, outweighs the desirability of adhering to the principle that a hearing may be open to the public, in which case the Committee may hold the hearing or any portion thereof concerning any matter in camera.

SECTION 17:

The Committee may make such order or give such directions as it considers necessary for the maintenance of order at a hearing and/or any proceedings which take place under and pursuant to the directions of the Committee; and, if any person disobeys or fails to comply with any such order or direction, the Committee may impose such penalty as it deems appropriate against any offender and within the power of the Committee.

SECTION 18:

A Candidate may, at his/her discretion at a hearing:

- a. Be represented by counsel or an agent, or act on his/her own behalf;
- b. Call and examine witnesses and present his/her arguments and submission;
- c. Conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence;
- d. Not give or present evidence on his/her own behalf.

SECTION 19:

Testimony given at a hearing may be given under oath, with the witness being sworn or affirmed to tell the truth as the case may be, and as the Committee may in their discretion decide.

SECTION 20:

The Executive Director may appoint a clerk to compile and retain, as the case may be, all records of a hearing; and to attend at all hearings for the purpose of fulfilling any directions of the Committee, such as the reading of a charge and the swearing of witnesses.

SECTION 21:

The Committee may, in making its decision:

- a. Take notice of facts that may be judicially noticed;
- b. Take notice of any generally recognized, scientific or technical facts, information or opinions within its scientific or specialized knowledge;
- c. Admit as evidence at a hearing, evidence not given or proven under "oath or affirmation"; and
- d. Admit, upon the Committee being satisfied as to their authenticity, any documents or other things.

SECTION 22:

The Committee shall not be required to keep a detailed account of testimony of the proceedings, but shall compile a record of proceedings in which a hearing has been held, which shall include:

- a. Any complaint by which the proceedings were commenced;
- b. The notice of any hearing;
- c. Any intermediate orders made by the Committee;
- d. All documentary evidence filed with the Committee; and
- e. The decision of the Committee, and the reasons therefore where reasons have been given.

SECTION 23:

In the event that any member of the Committee cannot act as a result of bias, illness or any other reason, an alternative member may be appointed as provided in this enactment.

SECTION 24:

The Committee shall, within fourteen (14) days following the conclusion of a hearing, inform the parties and the Executive Director of the decision of the Committee, together with reasons therefore, where reasons have been given.

SECTION 25:

The Committee shall impose such penalty, as allowed under this enactment:

- a. At the time of the giving of the decision; or
- b. The Committee may set a date for hearing submissions as to penalty; and
- c. Shall notify the Candidate forthwith of the penalty decided upon by the Committee, but in no event after the expiry of fourteen (14) days.

SECTION 26:

A decision of the Committee shall be:

- a. Kept confidential to the extent determined by the Committee;
- b. Based upon a majority decision of the members of the Committee.

SECTION 27:

- a. In the event that the Committee is unable to come to a decision, it shall forthwith notify the Executive Director and the Candidate;
- b. In such an event, the Executive Director may direct new proceedings to be commenced, or direct that the complaint be withdrawn, in which case no further proceedings may be instituted pursuant to this charge.

SECTION 28:

In cases of an offence by a Candidate, the Committee may require the Candidate to pay the costs of the hearing and any proceedings relating thereto as established by the Executive Director of the Board prior to being entitled to write any Examinations and/or receive the results of any Examinations;

SECTION 29:

In the event that a penalty imposed by the Committee is not satisfied within the time prescribed by the Committee, then the Committee may impose such further and other penalty as it deems appropriate.

SECTION 30:

No action, or proceeding whatsoever, shall be commenced against any member of the Committee for having participated in the activities of the Committee.

SECTION 31:

No decision of the Committee shall be set aside as the result of any irregularities which take place under this enactment, except at the sole discretion of the Committee.

SECTION 32:

No decision, order, direction, declaration or ruling of the Committee shall be questioned or reviewed in any court; and no order shall be made or process entered or proceedings taken in any Court, whether by way of injunction, declaratory judgement, certiorari, mandamus, prohibition, quo warranto, or otherwise; to question, review, prohibit or restrain the Committee or any of its proceedings.

APPENDIX A: Improper Actions

The CCEB shall treat any of the actions cited herein as an offence against the CCEB, its governors, officers and employees and shall deem such offence to have been committed on receipt of prima facie evidence in writing; the statement of a proctor, examiner, or examination administrator in writing; statistical analysis and any statement regarding such analysis:

- a. a false statement on an application form on which eligibility to write the examinations is based;
- b. cheating on or during an examination as evidenced by observation or statistical analysis of score forms;
- c. cheating by committing any act, or communicating with any other person which gives the candidate the advantage over other candidates, or places other candidates at a disadvantage;
- d. engaging or participating in any act which could invalidate the Examination results;
- e. engaging or participating in any act which could skew the results;
- f. breaching an Examination Rule or Regulation of the CCEB;
- g. placing the integrity of the CCEB or any of the Canadian Chiropractic Examining Board Examinations in jeopardy or peril by any act;
- h. engaging or participating in any unethical conduct or such conduct as might be considered to be unprofessional or improper in nature.

With respect to any improper conduct by a candidate, the CCEB shall ascertain the method by which such conduct will be examined, which may involve the establishment, from time to time, of policies and regulations concerning the matter of Appeals and Misconduct and failing the establishment of such policies and regulations, an Appeal and/or Misconduct matter shall be dealt with by the Executive Director as he/she determines appropriate.

Penalties

A candidate or applicant who has been found guilty of improper conduct may be penalized by any one or more penalties as follows, and such penalties of the CCEB do not waive any exercise of the legal rights of the CCEB for further legal action:

- a. any or all provincial jurisdictions may be notified of the offence and decision;
- b. disqualified as a candidate with forfeiture of fees for the exam in question;
- c. suspended from writing any further examinations for a period of time to be determined by the CCEB;
- d. disqualified from receiving results from any one or all examinations;
- e. voiding of any Certificate of Competency issued to such candidate;
- f. penalized by any one, or all, or any combination of the above, or such other penalty, including legal action, as may in the discretion of the CCEB be determined appropriate.