

## **Professional Conduct Committee Terms of Reference**

In accordance with the *Dietitians Act*, the Board shall appoint a Professional Conduct Committee composed of:

- at least one public representative; and
- such other number of registrants and public representatives as the Board determines.

### **Committee Membership**

The composition of the Professional Conduct Committee will be at least three members, including a minimum of:

- two registrants; and
- one public representative.

The Board shall appoint a Chair and Vice-Chair of the Professional Conduct Committee. The Vice-Chair shall act as Chair in the absence of the Chair. Where neither the Chair nor the Vice-Chair is available, the Chair may appoint a member of the Profession Conduct Committee as Chair of the Committee.

### **Panel**

Upon receipt of a referral, the Chair of the Professional Conduct Committee shall appoint a panel of at least three members of the Committee to act as the Committee, at least one of whom must be a public representative

The Chair of the Professional Conduct Committee may sit on the panel and, if so, shall act as the Chair of the panel. Where the Chair of the Professional Conduct Committee is not appointed to the panel, the Chair of the Professional Conduct Committee shall appoint a Chair for the panel.

### **Term of Office**

Professional Conduct Committee members hold office for one, two, or three year terms as directed by the Board, and are eligible for reappointment.

A registrant member who is subject to any licensing sanction or ongoing regulatory process that in the opinion of the Chair of the Professional Conduct Committee impacts their ability to ethically and competency serve as a member of the Committee, or would otherwise be contrary to the objects of the Regulator, shall recuse their membership on the Committee.

A Professional Conduct Committee member whose term of office expires remains a member of the Committee until the proceeding is concluded.

### **Quorum**

Pursuant to the Dietitians Act, a quorum of the Professional Conduct Committee shall consist of three Committee members, at least one of whom must be a public representative.

A decision of the Professional Conduct Committee requires the vote of a majority of the panel of the Committee.

### **Mandate**

The Professional Conduct Committee is established by the *Dietitians Act* to exercise the powers and functions as provided for in the Act, Dietetic Regulations, and policies, including, without limitation, the following activities:

- consider Notices of Hearing, and take such steps as the Committee considers appropriate in accordance with the scope of authority granted to it in the Act, Dietetic Regulations, and policies;
- dispose of allegations in a Notice of Hearing referred to the Committee in accordance with the authority granted to it in the Act, Dietetic Regulations, and policies;
- where needed in the performance of its duties, exercise the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*, except the powers of contempt, arrest and imprisonment;
- consider whether a matter should be referred to the Fitness to Practise process;
- hold pre-hearing conferences to address procedural matters in advance of a hearing;
- at the request of a party, the Committee may make orders relating to the exclusion of the public at a hearing or may impose publication bans;
- during the course of a hearing, the Committee may order a respondent to submit to a physical or mental health examination, audit, or competence assessment, or produce records or documents;

- where the Committee determines that one or more of the allegations in a Notice of Hearing are proven, set a date for a determination of the disposition of the matter, and then continue the hearing for that purpose in accordance with the procedure determined by the Committee;
- consider a proposed Settlement Agreement referred by the Complaints Committee and:
  - accept the Settlement Agreement;
  - recommend changes to the Settlement Agreement; or
  - reject the Settlement Agreement;
- in its discretion, award costs against the respondent;
- issue a written decision and direct its distribution and publication as required or permitted by the Act and Regulations; and
- set determine its own procedures provided they are consistent with the Act and Dietetic Regulations.

### **Criteria for Membership**

No member of the Board or employee of the NSCDN shall serve on the Professional Conduct Committee.

A registrant must hold a licence at the time of their appointment to the Professional Conduct Committee.

All Committee members must adhere to the NSCDN Code of Conduct.

### **Additional Skills for Chair and Vice-Chair**

The Chair and Vice-Chair must have an understanding of committee chair duties.