



Fitness to Practise Committee – Terms of Reference

MANDATE

The Fitness to Practise Committee is mandated to ensure protection of the public interest by appointing a Panel from among the members of the Committee to hear and determine allegations of incapacity against a member of the College referred to the Committee by the Inquiries, Complaints and Reports Committee.

POWERS

The Fitness to Practise Committee has the power to:

- 1) direct the Registrar to revoke a member's certificate of registration;
- 2) direct the Registrar to suspend a member's certificate of registration;
- 3) direct the Registrar to impose specified terms, conditions, and limitations on the member's certificate of registration for a specified period of time or indefinite period of time.

RESPONSIBILITIES

The responsibilities of the Fitness to Practise Committee shall be:

- 1) to review and update all policies and documents of the College with regard to the Fitness to Practise process;
- 2) to select a Panel from the membership of the Committee to conduct a hearing upon referral from the Inquiries, Complaints and Reports Committee;
- 3) to hear applications for variation of a term, condition and/or limitation imposed on a certificate of registration or applications for reinstatement following the revocation or suspension of a certificate of registration;
- 4) to ensure that findings of a hearing are made public;
- 5) to ensure that documents and things put into evidence at a hearing are released to the person who produced them, on request, within a reasonable time after the matter has been finally determined.

ADMINISTRATIVE DUTIES

The Committee shall:

- 1) meet at least one (1) time per year to ensure the proper functioning of the Committee;
- 2) maintain minutes of its meetings in which shall be recorded all decisions and actions taken by it;
- 3) report its actions to Council at each Council meeting or more frequently if needed;
- 4) submit annually a report of its activities to the Council of the College;
- 5) maintain a handbook to standardize the incapacity process.

MEMBERSHIP

The Council shall appoint members of the Fitness to Practise Committee and may replace or remove members from time to time. The Committee shall be comprised of at least three (3) members of the Council of the College of Midwives of Ontario, at least one (1) of whom is an elected professional member and at least one (1) of whom is a publicly appointed

member. The President of the Council shall be designated as *ex-officio* member of the Committee.

CHAIR OF THE COMMITTEE

Council shall appoint the chair of the committee.

QUORUM

A simple majority of members of the Fitness to Practise Committee, that includes at least one member of the committee who is an elected professional member and one member of the committee who is a publicly appointed member, shall constitute a quorum for decision-making.

DECISION MAKING

The Committee will endeavour to arrive at decisions by consensus and all members may contribute to the consensus-making process. Where a decision cannot be reached by consensus, the decision shall be made by a majority of the votes cast by all members present. The President of the Council, as *ex-officio*, does not have voting privileges.

CONFIDENTIALITY

Every member of the Committee 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.