

SSMLT Bylaws

SECTION 3 - Discipline Committee:

- (1) The membership of the Discipline Committee shall be:
 - (a) four practicing members appointed by the Council, one designated as Chairperson and one as Vice-Chairperson;
 - (b) one Public Representative to Council appointed by the Lieutenant Governor in Council;
 - (c) in the event of a conflict of interest, the involved Committee member will step down, and the Council will appoint a replacement member to deal with the specific investigation;
 - (d) no member of the Council or of the Counselling and Investigation Committee is eligible to be appointed as a member of the Discipline Committee.

- (2) The duties of this Committee shall be:
 - (a) to review the reports of the Counselling and Investigation Committee and, where recommended by the Counselling and Investigation Committee that the Discipline Committee hear and determine a complaint, to conduct hearings to review the complaint set out in the written report including that a member has violated the provisions of the Act or Bylaws of the Society;
 - (b) to determine whether the person whose conduct is the subject of a complaint or allegation is guilty of professional incompetence and/or professional misconduct;
 - (c) to hold hearings to determine applications for reinstatement of a license to practice from persons whose registration or right to practice has been suspended or revoked as a result of a disciplinary action;
 - (d) to provide a written decision respecting the determination of the Committee subsequent to any hearing conducted;
 - (e) to exercise the disciplinary powers and authorities and conduct the procedures contained in the Act;
 - (f) to prepare and to provide to Council an Annual Report of the number and nature of hearings conducted;
 - (g) to hold in confidence all sessions and documentation.

- (3) The Society's solicitor may participate in any inquiry before the Committee but shall not vote thereat.

SSMLT Policy Manual

Section 4.8

Discipline Committee

The Council shall appoint a Discipline Committee Chairperson who has served as a member of Council, but who is not currently a Council member nor will seek election as a Council member while serving as Discipline Committee Chairperson.

- 4.8.1 The Council shall appoint a Discipline Committee Vice-Chairperson who has served as a member of Council, but who is not currently a Council member nor will seek election as a Council member while serving as Discipline Committee Vice-Chairperson.
- 4.8.2 The Chairperson of the Discipline Committee shall be responsible for conducting all meetings of the Committee and shall submit written reports to the Council on the Hearings conducted and an Annual Report to the Annual Meeting.
- 4.8.3 In the event that a Discipline Hearing is held, the defendant will be strongly advised to seek legal counsel.
- 4.8.4 The members of the Discipline Committee shall be as outlined in the Act, Section 23, and as outlined in the Bylaws, Bylaw VIII, Section 3(1).
- 4.8.5 The duties of the Discipline Committee shall be as outlined in the Act, Sections 24 and 25, and as outlined in the Bylaws, Bylaw VIII, Section 3(2).
- 4.8.6 The retiring Discipline Committee Chairperson passes all files to the incumbent and whenever possible, meets with the incumbent to facilitate a smooth transition.
- 4.8.7 The term of the appointment for the Discipline Committee Chairperson is one year.
- 4.8.8 The Discipline Committee meets with legal counsel, or a knowledgeable individual, for an orientation session each year or as needed.
- 4.8.9 The Discipline Committee meets with legal counsel prior to hearings.
- 4.8.10 The Discipline Committee assigns penalties to those found guilty of professional incompetence and or professional misconduct.