



POLICY ID	BP-E-03	SUBJECT	DISCIPLINE POLICY
SECTION	EXAMS		
EFFECTIVE DATE	05/01/2014	REVIEW CYCLE	BIENNIAL
DATE AMENDED	04/28/2018	NEXT REVIEW	

## Policy

The Canadian Chiropractic Examining Board (CCEB) acknowledges that Candidate conduct must be strictly monitored in order to maintain the validity and defensibility of the CCEB Examinations. This Policy addresses the process for managing complaints regarding Candidate conduct.

## Purpose

This document sets out the process by which complaints concerning the conduct of a Candidate shall be dealt with by the CCEB.

## Definitions:

In this policy:

“*Candidate*” means an individual who is eligible to take CCEB examination(s) at the time of the infraction.

“*CCEB*” means the Canadian Chiropractic Examining Board.

“*CEO*” means the Chief Executive Office (CEO) of the CCEB.

“*Chair*” means the Chairperson of the Discipline Committee.

“*committee*” means the Discipline Committee herein established.

“*Complainant*” means the party having set out in writing a complaint made pursuant to this enactment.

“*hearing*” means a hearing constituted pursuant to this enactment.

“*offence*” means any conduct which is unacceptable to the CCEB Board of Governors and/or the CEO, from time to time, which may include, but is not limited to matters set out in Appendix A – Improper Actions.

“*Proceedings*” means all actions, hearings and proceedings made pursuant to or under this enactment.

## Process

### **1. Discipline Committee**

- 1.1. The Discipline Committee shall be composed of a Chairperson, who shall be appointed by the Chair of the CCEB Board of Governors, 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.
- 1.2. Three (3) members of the Committee, including the Chairperson, shall constitute a quorum.
- 1.3. The Chairperson, of the committee, shall preside over all matters under its jurisdiction.
- 1.4. In the event that any member of the Committee shall be unable to sit on the Discipline Committee, the matter shall continue, notwithstanding same, so long as there shall be not less than three (3) members of the Discipline Committee hearing the matter. An alternative member may be appointed to hear the matter by the Chairperson of the Discipline Committee.
- 1.5. 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.

### **2. Complaints**

- 2.1. Any complaint made pursuant to this enactment shall be received, in writing, by the CEO, or instituted directly by the CEO, within ninety (90) days of the happening of the event giving rise to the complaint.
- 2.2. The complaint shall be directed to the CEO, who shall determine within fourteen (14) days after receiving the complaint, unless instituted directly by the CEO, 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.
- 2.3. Anonymous complaints will not be considered.
- 2.4. In the event that a hearing is directed, the CEO shall inform the Committee of such direction prior to seven (7) days after the expiry of the time referred to in 2.2.
- 2.5. Nothing in this enactment shall prevent the CEO 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.
- 2.6. In the event that a complaint is dealt with by the CEO, in the manner reference in 2.2, a Candidate, or complainant, may appeal the decision of the CEO by setting out in writing a request that a hearing be directed pursuant to this enactment.
  - 2.6.1.1. The notice of appeal must be received by the CEO within seven (7) days of the Candidate having been notified of the decision of the CEO;
  - 2.6.1.2. Upon receipt of the notice of appeal, the CEO shall direct that proceedings be instituted as if a complaint had been originally directed to the CEO, save and except that 2.2 shall not be applicable;

- 2.6.1.3. A decision of the Committee made pursuant to this enactment shall supersede and render null and void the decision of the CEO.
- 2.7. The Committee shall, within seven (7) days of receiving notification by the CEO that a hearing shall be constituted, notify the Candidate of such a hearing.

### **3. Investigations**

- 3.1. The Chief Executive Officer 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 of Governors of the CCEB, at any proceedings which shall take place pursuant to the complaint.

### **4. Notice of Hearing**

- 4.1. The Committee shall give all parties notice of the following:
- 4.1.1. A statement of the time, place and purpose of the hearing;
  - 4.1.2. 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.
- 4.2. Service of any documentation required to be given, including but not limited to a Notice of Hearing, shall be served by electronic mail to the last known email or fax number of the party receiving such documentation, or Notice of Hearing. Service shall be deemed to have been made on the day of delivery if sent by 5:00 pm. EST and if sent later shall be deemed to have been made on the next ensuing day.
- 4.3. 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.

### **5. Hearing**

- 5.1. 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 CCEB, 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.
- 5.2. 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.
- 5.3. A Candidate may, at his/her discretion at a hearing:
- 5.3.1. Be represented by counsel or an agent, or act on his/her own behalf;
  - 5.3.2. Call and examine witnesses and present his/her arguments and submission;

- 5.3.3. 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;
- 5.3.4. Not give or present evidence on his/her own behalf.
- 5.4. 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.
- 5.5. The CEO 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.
- 5.6. The Committee may, in making its decision:
  - 5.6.1. Take notice of facts that may be judicially noticed;
  - 5.6.2. Take notice of any generally recognized, scientific or technical facts, information or opinions within its scientific or specialized knowledge;
  - 5.6.3. Admit as evidence at a hearing, evidence not given or proven under "oath or affirmation"; and
  - 5.6.4. Admit, upon the Committee being satisfied as to their authenticity, any documents or other things.
- 5.7. 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:
  - 5.7.1. Any complaint by which the proceedings were commenced;
  - 5.7.2. The notice of any hearing;
  - 5.7.3. Any intermediate orders made by the Committee;
  - 5.7.4. All documentary evidence filed with the Committee; and
  - 5.7.5. The decision of the Committee, and the reasons therefore where reasons have been given.

## **6. Decision**

- 6.1. The Committee shall, within fourteen (14) days following the conclusion of a hearing, inform the parties and the CEO of the decision of the Committee, together with reasons therefore.
- 6.2. The Committee shall impose such penalty, as allowed under this enactment:
  - 6.2.1. At the time of the giving of the decision; or
  - 6.2.2. The Committee may set a date for hearing submissions as to penalty; and
  - 6.2.3. Shall notify the Candidate forthwith of the penalty decided upon by the Committee, but in no event after the expiry of fourteen (14) days.
- 6.3. A decision of the Committee shall be:
  - 6.3.1. Kept confidential to the extent determined by the Committee;
  - 6.3.2. Based upon a majority decision of the members of the Committee.
- 6.4. In the event that the Committee is unable to come to a decision, it shall forthwith notify the CEO and the Candidate;
  - 6.4.1. In such an event, the CEO 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.

## **7. Penalty**

- 7.1. 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 CEO of the Board prior to being entitled to write any CCEB examination(s) and/or receive the results of any CCEB examination(s);
- 7.2. 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.

## **8. Further Action**

- 8.1. No action, or proceeding whatsoever, shall be commenced against any member of the Committee for having participated in the activities of the Committee.
- 8.2. 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.
- 8.3. 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.

### Scope

This Policy applies to all CCEB examination Candidates regardless of which CCEB examination(s) they have completed.

### Responsibility

Approval: Changes to this policy must be approved by the CCEB Board of Governors.

### References

Discipline Policy Appendix A – Improper Actions  
Discipline Policy Appendix B - Penalties  
CCEB Appeal Policy



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 examination(s) is based;
- b. testing irregularities on or during an examination as evidenced by observation or statistical analysis of score forms;
- c. testing irregularities caused by committing any act, or communicating with any other person which gives the candidate or any other person 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 CEO as he/she determines appropriate.

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 examination in question;
- c. suspended from writing any further examination(s) for a period of time to be determined by the CCEB;
- d. disqualified from receiving results from any one or all examination(s);
- 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.
- g. the Candidate may be responsible for the costs associated with the investigation and hearing of the complaint.