



Terms of Reference

Investigation Committee

Purpose

The purpose of the Investigation Committee is to oversee the College's investigation program including the investigation of complaints regarding a licensee's conduct, competence and/or capacity to practise.

Authority

The committee is established under section 357(e) of the *Health Professions and Occupations Act* (the HPOA) and Bylaw 3.1. As a statutory committee, the committee derives its authority from the HPOA, the bylaws and any additional authority delegated to the committee from the Board.

Committee Responsibilities

The committee has the responsibility to:

- (a) receive or initiate, then direct investigations into regulatory complaints
- (b) receive, assess and make orders concerning identity protection applications
- (c) direct the issuance of:
 - i. summary protection orders
 - ii. information and production orders
 - iii. capacity evaluation orders
- (d) assess the evidence obtained during investigations and determine and direct appropriate outcomes, which include directing:
 - i. dismissal, disposition and disciplinary orders
 - ii. requests for a citation
 - iii. investigation expense orders
- (e) consider and respond to applications for reconsideration or review



- (f) direct the publication of certain matters
- (g) engage with the Health Professions Discipline Tribunal for the disposition of regulatory complaints and follow its practice directives and guidelines as applicable
- (h) respond to applications made to and orders received from the Health Professions Review Board and follow its practice directives and guidelines and recommendations as applicable
- (i) approve policies relating to investigation functions
- (j) act in accordance with the Guiding Principles and conduct regulatory processes in a way that meets the objectives of the anti-discrimination measures in the Act
- (k) at least every two years, review and assess the committee's terms of reference and recommend any necessary revisions to the Board

Everything the committee does must comply with the HPOA, its regulations, the CHCPBC bylaws and policies, the *Freedom of Information and Protection of Privacy Act* (FOIPPA), and any other applicable legislation.

Members

Recruitment and appointment

The Governance and Human Resources Committee (GHRC) recommends a composition matrix to the Board for each College committee. This matrix identifies the ideal collection of skills, backgrounds, and lived experiences and includes individual and collective commitment and capacity in cultural safety, cultural humility, anti-discrimination and Indigenous-specific anti-racism.

When a vacancy needs to be filled, the GHRC will, in consultation with staff and the committee chair, compare current committee/committee member skills, backgrounds and lived experiences against the composition matrix for the committee and identify and prioritize gaps to be filled. These prioritized gaps will support the recruitment and assessment of potential candidates for the committee. When considering committee composition, the GHRC will work towards ensuring there is never only one Indigenous member in any setting (i.e. a minimum of two Indigenous members) to protect from harm as identified in Safe Spaces Expectation 6.3. Success will be dependent, in part, on the number of Indigenous applicants and the number of Indigenous members appointed to the committee.

Appointments will be made by the Board with consideration given to the recommendation(s) of the GHRC. In certain cases, the Board may make appointments directly. The Board, with consideration given to the recommendation(s) of the GHRC, will designate the committee chair and vice chair from among the committee members.

Composition

The committee will be composed of at least two licensee members from each designated health profession regulated by the College, and at least three public committee members. Licensee members who retire from the profession and are no longer registered



to practice are not eligible to apply to join the committee as a public member except in some circumstances as determined by the Board.

There will be a sufficient number of Indigenous committee members to ensure that when a panel is being selected for a matter involving an allegation of Indigenous-specific racism or discrimination, or Indigenous practices, the committee chair is able to appoint at least two Indigenous panel members.

If committee member competencies and lived experiences do not include the needed expertise or knowledge regarding a matter being discussed or decided, the committee may engage outside cultural, legal or other professional advice, in accordance with budget allocation. This approach should be used, for example, to avoid a situation when only one Indigenous person would be present.

There will be a sufficiently large number of both public committee members and licensee committee members from each designated health profession to form a number of panels.

There will be a sufficiently large number of committee members to meet the skills, background, and diversity requirements outlined in the committee's composition matrix.

Panels may be small, made up of licensees from a designated health profession and sufficient public members for profession-specific matters. Panels may be larger if they are dealing with issues not specific to one designated health profession and therefore may have licensees from multiple designated health professions and sufficient public committee members. See *Guidelines –Regulatory Panels* for more information.

Term of office

Each member of the committee will be appointed for a term of up to three years, unless otherwise specified by the Board. Committee members may be reappointed to the committee but may not serve as a committee member for more than six consecutive years except in some circumstances as determined by the Board. A person who completes six consecutive years on the committee will be ineligible for reappointment to the committee until three years have elapsed since the end of their service.

The term of office for the chair and vice chair is two years, renewable by the Board.

Compensation

Compensation for a committee member's time spent time will be paid in accordance with the *Policy - Board and Committee Compensation (Honoraria)*. Committee members will be reimbursed for travel and other committee business related expenses in accordance with the *Policy - Travel and Business Expenses*.

Responsibilities of All Committee Members

Expectations of all committee members are set out in the *Board and Committee Code of Conduct*. All committee members have a responsibility on an annual basis to read and sign the *Confirmation of Understanding and Acceptance of the Code*, and to always comply with the expectations set out within it.

Committee members must also ensure they have read, understand and follow the *Policy - Conflict of Interest* and submit a *Declarations of Interests* annually.



Responsibilities of the Committee Chair and a Panel Chair

In addition to the general responsibilities of committee members, the roles of both the committee chair and a panel chair include:

- developing and/or approving the agenda in consultation with staff
- fulfilling duties under the HPOA, the regulations and the bylaws. This includes acting in accordance with the Guiding Principles and meeting the objectives of the anti-discrimination measures in sections 14 and 15 of the Act
- monitoring committee member compliance with *the Board and Committee Code of Conduct*
- encouraging and cultivating a culturally safer environment for Indigenous participants
- using facilitator, coaching, and other interpersonal skills to be sure meaningful discussions, decisions and/or recommendations occur and to encourage committee and panel member participation in discussion
- encouraging meeting attendance, including speaking with committee or panel members not attending
- being aware of and facilitating meetings in accordance with principles of Indigenous cultural safety including when relevant any local First Nations customs, laws or protocols, and any other guidelines set out by the Board or committee
- ensuring relevant Board directives are followed including reporting to the Board
- ensuring timely communication with the Board on extraordinary situations as they occur, including any concerns with the functioning of the committee or panel.

Responsibilities of the Committee Chair

In addition to the general responsibilities of committee members and the above responsibilities of both the committee chair and the panel chairs, the role of the committee chair includes:

- appointing committee members to panels and designating the Panel chair in accordance with the *Guidelines - Regulatory Panels*
- where a panel is created for a specific task or is established as a standing, long-term panel and the chair deems it necessary, approving Terms of Reference for the panel
- supporting committee and committee member evaluations when required
- providing oversight, feedback, and mentorship to panel chairs as required with respect to chair issues



Responsibilities of the Committee Vice Chair

In addition to the general responsibilities of committee members, the vice chair will assist and support the chair in the execution of their responsibilities as determined by the chair and will assume the responsibilities of the chair if the chair is unable or unwilling to act for any reason.

Panels

While the committee may meet as a whole when needed for purposes such as orientation, education, and consultation, the committee will usually meet in panels.

Duties

A panel may exercise any power, duty, or function of the committee subject to any procedures, policies, or rules established by the Board.

Selection and composition

Each panel consists of at least three committee members, including one public committee member. Members and the chair of a panel are appointed by the committee chair from among committee members, in consultation with staff using the *Guidelines - Regulatory Panels*. A committee member can be appointed concurrently to more than one panel.

When a panel is being selected for a matter involving Indigenous practices or an allegation of Indigenous-specific racism or discrimination the committee chair must appoint at least two Indigenous panel members. If there are not two Indigenous committee members available and eligible for appointment, the committee should engage outside cultural guidance to ensure safety and that Indigenous voices are represented in decision making.

Meetings

Frequency

The frequency of meetings will be determined by staff, in consultation with the chair. Members can expect to review meeting-related materials both prior to and following each meeting.

Method of meeting

The committee and its panels may meet and conduct business in person, by telephone, by videoconference or by any other method of telecommunication.

Voting

Each committee or panel member has one vote. Committee and panel decisions are made by majority vote. The committee or panel may make a decision electronically by majority vote if quorum is met.



Attendance

Committee members are expected to participate actively and regularly in meetings. If a committee member is absent for three consecutive meetings or is absent on a regular basis, the committee chair will discuss the absence with the member and determine any necessary support or action.

Quorum

A majority of committee members constitutes quorum.

If the panel has three members, quorum consists of all members.

If the panel has more than three members, quorum consists of the majority of the panel as long as at least one public member is present.

Minutes

It is the responsibility of the chair to ensure that minutes are taken at each meeting of the committee or panel, approved, and retained on file. In practice, the chair delegates the responsibility of note taking and retention to support staff.

Removal

The Board may by Special Resolution remove a committee or panel member and appoint a replacement for any person removed. The Board may by Special Resolution remove the committee chair or vice chair from office and must appoint a new one as soon as possible. Special care must be taken when removing a committee or panel member when the committee or a panel on which the person sits is in the process of considering a matter.

Resourcing and Staff Liaison

The committee and its panels will be supported by one or more members of staff, as determined by the registrar. The committee may engage outside cultural, legal or other professional advice, in accordance with budget allocation.

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