



## **NSCDO Complaints Committee Terms of Reference**

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### **Introduction**

In accordance with the requirements of the *Dispensing Opticians Act*, S.N.S. 2005, c. 39, and the Regulations and By-laws made thereunder, the Board shall appoint a Complaints Committee comprised of such number of members and non-members as determined by the Board.

The terms of reference below address the membership of the committee, terms of office of committee members, quorum, and mandate of the committee.

### **Committee Membership**

- Committee composition will be at least seven persons, including a minimum of
  - Two (2) non-members;
  - Three (3) dispensing opticians.
- The Board shall appoint a Chair and a Vice Chair of the Complaints Committee.
- When considering appointments to the Complaints Committee, with the exception of non-members, the persons appointed must hold a licence at the time of initial appointment to the committee, and ideally have held a licence for a minimum period of five years
- Experience on committees or boards is considered an asset when making appointments.

### **Panel Membership**

- Upon receipt of a referral or a request for review of a complaint, the Chair will appoint a panel of three (3) committee members to act as the Complaints Committee, including at least:
  - One (1) non-member;
  - One (1) dispensing optician.

### **Term of Office**

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

Where a proceeding is commenced before a panel of the Complaints Committee and the term of office of a member sitting on the committee expires, that member may remain part of the panel until the proceeding is concluded.

Dispensing optician members of the committee who have a complaint filed against them shall recuse their membership on the committee unless the Chair otherwise determines.

### **Quorum**

In accordance with subsection 25(4) of the Act, any two persons on the panel, regardless of whether such persons are members or non-members, constitutes a quorum of the Complaints Committee.

As set out in subsection 25(6) of the Act, all decisions of the panel require the vote of a majority of the panel.

### **Mandate**

The Complaints Committee is established by the *Dispensing Opticians Act* to exercise the powers and functions as provided for in the Act, Regulations, and By-laws, including without limitation the following activities:

- Consider complaints referred to the committee and take such steps as the committee considers appropriate within the scope of the authority granted to it in the Act, Regulations, and By-laws, including:
  - receiving reports from investigators and taking the actions authorized by subsections 24(1) to (4) under the Regulations;
  - when needed in the performance of its duties, subpoena documents in accordance with authority under the *Public Inquiries Act*;
  - exercise its authority to suspend a member from the practice of optical dispensing pending or following the completion of an investigation until the suspension is lifted, superseded or annulled by the Complaints Committee or the Professional Conduct Committee;
  - when issuing its decision under subsection 24(4) of the Regulations or when issuing an interim suspension under section 29 of the Act, the Complaints Committee shall give its decision in writing and provide reasons for its decision within a reasonable time after completing the matter.
- Consider settlement proposals that have been consented to by the College and a respondent to a complaint, and determine whether or not to recommend the settlement proposal to the Professional Conduct Committee for approval, in accordance with section 27 of the regulations.

The Complaints Committee may retain legal counsel to advise it in the performance of its mandate.

Approved by the Board this 26<sup>th</sup> day of July, 2023.