



## Awarding Costs

<b>Policy Section:</b> Governance Process	<b>Policy Number:</b> GP-10	<b>Approved By:</b> Council
<b>Regular Council Policy Review Frequency:</b>	<b>Date Approved:</b> March 9, 2018	<b>Date Reviewed/Revised:</b>

### Purpose:

To state the procedure for the Complaints Investigation Committee or the Council when ordering cost recovery in accordance with the applicable legislation (*The Registered Nurses Act* or *The Regulated Health Professions Act*).

### Policy:

#### Part 1

##### 1) Nature of Costs

In considering the issue of costs, the nature of the costs which may be awarded include, but are not limited to:

- a) All disbursements incurred by the College, including:
  - i) fees and reasonable expenses for experts, investigators and auditors whose reports or attendances were reasonably necessary for the investigation;
  - ii) fees, travel costs and reasonable expenses of any witnesses required to appear;
  - iii) fees for retaining a reporter and preparing transcripts of the proceedings; and
  - iv) costs for serving documents, long distance telephone and facsimile charges, courier delivery charges and similar miscellaneous expenses.
- b) Payment of remuneration and reasonable expenses to members of the Council or the Complaints Investigation Committee; and
- c) Costs incurred by the College in providing legal counsel for the College and the Complaints Investigation Committee or the Council, whether or not counsel is employed by the College.

##### 2) Terms for Payment

- a) Where an award of costs is made, the Complaints Investigation Committee or the Council, as the case may be, shall fix a deadline for the payment of the costs to the College, and may make any order as to payment terms as it deems just including the consequence(s) of nonpayment.

##### 3) The above list is not exhaustive and each particular cost award must be determined by the facts particular to that case.

##### 4) Factors to Consider

- a) Complaint history of the registrant including previous cost orders issued to the registrant;
- b) Cost orders given in similar cases;
- c) Whether some or all of the allegations made against the registrant have been proven;
- d) Aggravating or mitigating factors in the investigation, monitoring, or appeals process;
- e) Cooperation or lack of cooperation from the registrant throughout the process.



## Part 2

The following section is applicable to the Complaints Investigation Committee, the Council and a panel of the Inquiry Committee when ordering cost recovery in accordance with the *Regulated Health Professions Act*:

- 1) The nature of the costs, which may include but are not limited to:
  - a) The circumstances of the act of professional misconduct, contravention of the act, incapacity or unfitness to practice, conduct unbecoming, etc. being investigated, prosecuted or appealed;
  - b) Discipline history of the registrant including previous cost orders issued to the registrant;
  - c) Cost orders given in similar cases;
  - d) The manner in which the registrant conducted himself or herself in the investigation, appeal and/or the conduct of the defense before the discipline panel (i.e., did the manner in which the registrant conducted himself/herself result in unnecessarily inflated costs? Similarly, has expense been saved as a result of the registrant's approach?)
  - e) The consequence of the cost ordered upon the registrant;
  - f) The amount of costs incurred by the College in the course of the investigation, appeal or prosecution;
  - g) The degree of success, if any, of the registrant in resisting any or all of the charges.
- 2) The above list is not exhaustive and each particular cost award must be determined by the facts particular to that case.