

Complaints about the CEO/Registrar

Policy Section: Governance Process	Policy Number: GP-22	Approved By: Council
Regular Council Policy Review Frequency: Every 3 years	Date Approved: June 10, 2019	Date Reviewed/Revised: June 9, 2022

Purpose:

To ensure a fair and transparent process for handling complaints about the CEO/Registrar as a member of the Registered Nursing profession, as contemplated in Section 90 of the Regulated Health Professions Act.

Policy

- 1) In the event a complaint is made to the College in writing about the CEO/Registrar, it shall be received by the CEO/Registrar who shall refer it to the chair (the “Chair”) of the Complaints Investigation Committee (the “CIC”) for their review.

Complaint Considered by the Chair

- 2) The Chair, in lieu of the CEO/Registrar, shall process the complaint in accordance with section 91 of *The Regulated Health Professions Act* (the “RHPA”).
- 3) If the Chair is satisfied, in accordance with subsection 91(2)(c) of the RHPA, that the matter is, on its face, trivial, vexatious, or obviously unsustainable, or that there is no or insufficient evidence of conduct about which a finding could be made under subsection 124(2) of the RHPA, the Chair may dismiss the complaint but must issue written reasons for the decision.
- 4) If the Chair dismisses the complaint, the Chair must promptly notify the complainant and the CEO/Registrar of the dismissal and the reason(s) and notify the complainant of their right to have the decision reviewed by the CIC.
- 5) The complainant has 30 days after being notified of the dismissal to apply in writing with reasons to the Chair for a review by the CIC in accordance with subsections 92(2) to 92(5) of the RHPA.
- 6) If the complainant submits a request for review of a dismissal made by the Chair, the CIC will consider whether the decision was within a range of reasonable decisions considering the information in the possession of the Chair at the time of their decision.
- 7) If the CIC concludes that the Chair’s decision to dismiss was within a range of reasonable decisions, the CIC will not substitute its own decision for that of the Chair.

- 8) If the CIC concludes that the Chair's decision to dismiss was not within a range of reasonable decisions, the CIC shall then process the complaint in accordance with sections 93 - 113 of the RHPA.

Where Complaint cannot be Considered at First Instance by the Chair

- 9) In the event the complaint is unable to be considered at first instance by the Chair, the CIC shall process the complaint in accordance with section 91 of the RHPA.
- 10) If the CIC is satisfied, in accordance with subsection 91(2)(c) of the RHPA, that the matter is, on its face, trivial, vexatious, or obviously unsustainable, or that there is no or insufficient evidence of conduct about which a finding could be made under subsection 124(2) of the RHPA, the CIC may dismiss the complaint but must issue written reasons for the decision.
- 11) If the CIC dismisses the complaint, the CIC must promptly notify the complainant and the CEO/Registrar of the dismissal and the reason(s) and notify the complainant of their right to have the decision reviewed.
- 12) The review of the decision will be conducted by a person external to the College (the "Complaint Adjudicator") selected by the chair of the Council from a roster of qualified individuals.
- 13) The complainant has 30 days after being notified of the dismissal to apply in writing with reasons to the CIC for a review by the Complaint Adjudicator, in lieu of the CIC, in accordance with subsections 92(2) to 92(5) of the RHPA.
- 14) If the complainant submits a request for review of a dismissal made by the CIC, the Complaint Adjudicator will consider whether the decision was within a range of reasonable decisions considering the information in the possession of the CIC at the time of its decision.
- 15) If the Complaint Adjudicator concludes that the CIC's decision to dismiss was within a range of reasonable decisions, the Complaint Adjudicator will not substitute their own decision for that of the CIC.
- 16) If the Complaint Adjudicator concludes that the CIC's decision to dismiss was not within a range of reasonable decisions, the Complaint Adjudicator shall then process the complaint in accordance with sections 95 - 113 of the RHPA.
- 17) In the event the complaint is unable to be considered by the CIC, the Complaint Adjudicator shall process the complaint in accordance with section 91 of the RHPA.
- 18) If the Complaint Adjudicator is satisfied, in accordance with subsection 91(2)(c) of the RHPA, that the matter is, on its face, trivial, vexatious, or obviously unsustainable, or that there is no or insufficient evidence of conduct about which a finding could be made under subsection 124(2) of the RHPA, the Complaint Adjudicator may dismiss the complaint but must issue written reasons for the decision.
- 19) If the Complaint Adjudicator dismisses the complaint, the Complaint Adjudicator must promptly notify the complainant and the CEO/Registrar of the dismissal and the reason(s) and notify the complainant of their right to have the decision reviewed by an *ad hoc* CIC panel (the "Panel") which meets the requirements of section 94 of the RHPA.



- 20) The complainant has 30 days after being notified of the dismissal to apply in writing with reasons to the Complaint Adjudicator for a review by the Panel, in accordance with subsections 92(2) to 92(5) of the RHPA.
- 21) If the complainant submits a request for review of a dismissal made by the Complaint Adjudicator, the Panel will consider whether the decision to dismiss was within a range of reasonable decisions considering the information in the possession of the Complaint Adjudicator at the time of its decision.
- 22) If the Panel concludes that the Complaint Adjudicator's decision to dismiss was within a range of reasonable decisions, the Panel will not substitute their own decision for that of the Complaint Adjudicator.
- 23) If the Panel concludes that the Complaint Adjudicator's decision to dismiss was not within a range of reasonable decisions, the Panel shall then process the complaint in accordance with sections 95 - 113 of the RHPA.