



In The Matter of: **The Regulated Health Professions Act, S.M.2009, c. 15**

And in The Matter of: Janice Benson, a Registrant of the College of Registered Nurses of Manitoba (CRNM# 143255)

To: Janice Benson

TAKE NOTICE that the Complaints Investigation Committee (the “Committee”) of the College of Registered Nurses of Manitoba (the “College”) resolves and hereby censures you with respect to:

1. As an instructor, you were obligated to exercise due diligence to ensure that the materials you used did not infringe upon the property rights of others.
2. Your conduct directly resulted in a substantial financial impact on the Manitoba Association of Foot Care Nurses (MAFCN).
3. You failed as a registered nurse to uphold the standards expected of you in the following ways:
 - a. You did not comply with legislation governing copyright and the appropriate use of materials.
 - b. You failed to obtain the necessary permissions to use and distribute source materials, thereby breaching practice expectations.
 - c. You did not ensure adherence to all applicable acts and regulatory requirements.
 - d. You did not communicate effectively with the relevant professional organization.
 - e. You did not demonstrate the level of awareness and compliance with practice standards that is expected of someone in your position.

On June 26, 2025, in accordance with section 102(1)(d) of *The Regulated Health Professions Act* (the “RHPA”), the Committee decided to censure you as a record of its disapproval of the deficiencies in your conduct.

Censure creates a disciplinary record which may be considered in the future by the Committee, or an Inquiry Committee when determining the action to be taken following an investigation or hearing.

I. The Relevant Facts Are:

While employed as an instructor at the Assiniboine Community College (ACC), you used copyrighted material belonging to the MAFCN as instructional material and provided a copy of the MAFCN Policy & Procedure Guide to your students without permission. This constitutes a violation of copyright law and unauthorized use of MAFCN's Policy & Procedure Guide (2012).

You purposefully removed the logo on the inside cover and replaced it with '*Foot Care by Jan: Policy & Procedure Manual*'.

You failed to respond to MAFCN's legal counsel letter dated March 24, 2023, where it was asked that you:

- Immediately cease and desist from the use and distribution of the infringing work
- Inform MAFCN of the following information:
 - How many copies were distributed (in written, electronic or other media).
 - Any consideration paid for each copy.
 - The number of copies of the infringing work that remained in your inventory.
 - Provide an undertaking to deliver up for destruction of the infringing work and undertake to make no further use of this protected material.

Your actions have not only violated copyright; it also significantly reduced a source of revenue to MAFCN. Records indicate that you never purchased a copy of the Policy and Procedure Guide and have never been a member of MAFCN.

The MAFCN and the College finds your actions to be unethical and unacceptable as a registered nurse.

II. Practice Directions and Code of Ethics

The Committee is reasonably satisfied that on the balance of probabilities you did not meet the following Practice Directions: Practice Expectations for RNs (2022).

Professional Practice: #1, #2a

Competent Practice: #3, #5, #6, #7

Ethical Practice: #12

Client-centered Practice: #24

Collaborative care: #26

The Committee is reasonably satisfied that on the balance of probabilities you did not meet the following Values and Ethical Responsibilities from the Code of Ethics (2017).

F. Promoting Justice

G. Being Accountable

The Committee is reasonably satisfied that on the balance of probabilities you did not meet the following Entry Level Competencies (2019).

Items with a * indicate a critical competency.

2. Professional: 2.1, 2.3

6. Leader: 6.8

III. On these facts of the Complaints Investigation Committee records its disapproval of your conduct.

The Committee encourages you, Ms. Benson to reflect deeply on the seriousness of this matter and to take the appropriate steps necessary to ensure that in the future, you are adhering to professional and ethical standards.

You had a professional obligation to ensure that any material you used was properly authorized. A reasonable and prudent registered nurse would have taken steps to verify ownership and obtain appropriate permissions before using content that did not belong to them. You failed to do so.

You had multiple opportunities to seek clarification or guidance from the College, regarding the continued use of the material in question. Despite this, you did not take the initiative to confirm whether your actions were appropriate.

You were explicitly warned to cease using the copyrighted material and were given the opportunity to cooperate with the rightful owner. However, you failed to communicate or engage in a manner consistent with the expectations of a registered nurse.

This lapse in judgement resulted in financial loss to MAFCN, the owner, depriving them of rightful compensation and recognition. Such conduct reflects a disregard for professional integrity and ethical standards.

The Committee emphasizes that the conduct in question is inconsistent with the obligations of a registered nurse and must not be repeated. It is expected that you will use this experience as a valuable learning opportunity to reinforce the importance of accountability, professionalism, and integrity in nursing practice.

On these facts, the Committee records its disapproval of your lack of professionalism in failing to adhere to the ethical values and practice directions.

Registered nursing is a self-regulated profession governed by *The Regulated Health Professions Act (RHPA)*. In accordance with the RHPA, registered nurses must comply with practice directions established for their profession. As such, registered nurses are required to comply with the practice directions: *Practice Expectations for RNs* and the *Code of Ethics for Registered Nurses*.

Although the conduct is sufficiently serious to refer to the Inquiry Committee, the Committee is mindful of the fact that you do not have a disciplinary record.

The censure will provide adequate regulatory force necessary to protect the public's expectations of a Registered Nurse's professional integrity, ethical decision making, and responsible use of intellectual property.

The Committee has directed that the censure be published to act as a specific deterrence for you, the Registrant, and as a general deterrence for other Registered Nurses.

Furthermore, the Committee orders the Registrant to pay costs of \$1000.