

March 4, 2020

Executive Summary of Code of Conduct Matters Reported to Council –

February 26, 2020

The College of Chiropractors of Ontario (“CCO”) has a statutory obligation to act in the public interest and to be open and transparent in carrying out its duties. It has developed a Code of Conduct as part of its effort to help ensure that elected and public members of Council and non-council committee members adhere to a high standard of conduct when carrying out their regulatory work. During the period September 2019 – February 2020, the CCO received and dealt with several Code of Conduct complaints.

The Code of Conduct complaints that the CCO received were carefully investigated as required by an independent investigator. Each Council member who was complained about had an opportunity to review and respond to the complaint. The complaint, response and investigation were reviewed by the appropriate committee, which had authority to deal with the complaint. At its February 26, 2020 meeting, Council directed that a summary of the Code of Conduct matters and their dispositions be posted on the CCO website, because it is required to be open and transparent in carrying out its work. Council also considered that publishing the summaries would be educational and, going forward, help Council focus constructively and predominantly on its public protection mandate.

Complaints by the Executive Committee re: Dr. Janet D’Arcy (Elected Member) and Ms Karoline Bourdeau (Appointed Member) – September 2019

The Executive Committee initiated a Code of Conduct complaint regarding elected Council member Dr. Janet D’Arcy and appointed public member Ms. Karoline Bourdeau. The complaints concerned their conduct regarding certain Council documents that, as a result of conflict of interest concerns, were only provided by the CCO to certain Council members. The Executive Committee found Dr. D’Arcy had not maintained the high standards of integrity, honesty and loyalty expected in discharging her duties, as she had gone through inappropriate channels to obtain the documents at issue, and had not been forthcoming in advising the CCO President how and when she obtained them. The Executive Committee found Ms. Bourdeau had breached the Code of Conduct by inappropriately providing confidential information to Dr. D’Arcy, and then misleading the CCO President and Registrar and General Counsel by denying she had provided the documents to Dr. D’Arcy. The Executive Committee recommended that both Dr. D’Arcy and Ms. Bourdeau attend a course on governance, the Code of Conduct (including the importance of internal and external confidentiality) and the responsibilities of executive members of organizations. Both Dr. D’Arcy and Ms. Bourdeau attended a strategic planning exercise on the facilitation of professional, respectful behaviour on November 29, 2019, and, in addition, attended a course on February 25, 2020 on governance and the Code of Conduct facilitated by Ms Deanna Williams and Mr. Richard Steinecke.

Re: Complaint by Dr. Janet D'Arcy (Elected Member) – September 2019

Elected Council member Dr. Janet D'Arcy complained that elected council member Dr. Dennis Mizel and appointed public member Mr. Robert MacKay had breached the Code of Conduct by harassing her during the course of a discussion regarding her conduct in relation to certain Council documents (noted above) that, as a result of conflict of interest concerns, had only been provided by the CCO to certain Council members.

The Executive Committee took no action regarding the complaint as it found Dr. Mizel and Mr. MacKay had not harassed Dr. D'Arcy within the meaning of CCO's harassment provisions (while recognizing that Dr. D'Arcy may have perceived the discussion differently).

Complaints by Dr. Brian Budgell (Elected Member) – October 2019

Elected Council member Dr. Brian Budgell made complaints about: a) three elected Council members - Dr. Dennis Mizel, Dr. Cliff Hardick, and Dr. Peter Amlinger; b) one appointed public member, Mr. Robert MacKay; and c) a senior CCO staff person. In each complaint, Dr. Budgell alleged that the individual he complained about was responsible for the publication on the CCO website of certain feedback that the CCO received in relation to proposed changes to CCO By-law 6: Elections. The complaints about Drs. Mizel, Hardick and Amlinger were forwarded to and reviewed by the Inquiries, Complaints and Reports Committee. The complaints about Mr. MacKay and the CCO staff person were forwarded to and reviewed by the Executive Committee. For each complaint, the reviewing committee decided to take no action because the decision to post the feedback in question had been made by Council, not individuals, and the posting of the information was consistent with Council's decision. In addition, Council's decision to post the feedback was based on legal advice, CCO's statutory obligation to post on its website the information and documentation that would be reviewed at Council meetings, and CCO's responsibility to be open and transparent. The decision to post the information was made by Council after careful deliberation and discussion and was consistent with legal advice received.

Re: Complaint by Dr. Kristina Peterson (Elected Member) – January 2020

Elected Council member Dr. Kristina Peterson complained that appointed public member Mr. Robert MacKay may have breached confidentiality requirements and may have communicated to 3rd parties on behalf of the CCO without authorization. She also complained that Mr. MacKay had failed to participate in committee work because he did not provide feedback on two documents by a certain deadline, did not respond to a doodle poll regarding the scheduling of a conference call, did not notify the President or Registrar and General Counsel that he would be away from his email for a period of more than three days, and sent CCO staff information without consulting her first. The Executive Committee took no action regarding the complaint. It was satisfied that Mr. MacKay had not breached the confidentiality or communication requirements of the Code of Conduct. It also found he had participated appropriately in committee work and had ensured that the CCO President and Registrar and General Counsel were able to contact him at all times and in fact was in attendance with both at a national meeting. In addition, the Executive Committee expressed its view that Code of Conduct complaints ought to be reserved for serious matters that concerned the public interest and related to CCO's statutory mandate of public protection.