



## INVESTIGATION COMMITTEE POLICY

### Limiting Complainants to Written Communication

Initial Approval: February 27, 2019

Effective Date: February 27, 2019

Revised with Changes:

#### CONTEXT

Section 90 of *The Regulated Health Professions Act* (“RHPA”) provides that any person may make a complaint about a member's conduct and that a complaint must be made in writing to the registrar. Although complaints must be in writing, the members of the Complaints and Investigation Department (“Department”) staff often speak with complainants over the phone or in person to answer their questions or address their concerns. On occasion, the communications over the telephone and/or in person become problematic and counterproductive because of inappropriate behaviour or comments on the part of a complainant.

#### POLICY

From time to time the College requires that an individual communicate with the College only in writing. Where one or more members of the Department staff believe that it is necessary to require a complainant to communicate only in writing with the College, the following process shall apply:

1. The requesting staff member(s) shall discuss the matter with their supervisor and the Director of the Department must be informed of the concerns.
2. The Director will prepare a memorandum to the Registrar outlining the reasons for the request to limit the complainant's communication to writing in respect to the complainant's complaint, particularizing the basis for the request, and attaching documentation relevant to the request.
3. When assessing the request, the Registrar must include the following considerations:
  - a. Clarity - It is essential to maintain integrity of the complaints process by ensuring that information is exchanged in a manner that is clear and transparent. Written communication creates a clear record of the information exchanged and can facilitate a clear record of the process at the complaints level, which can be the first step in proceedings under Part 8 of the RHPA;

- b. Workplace Safety - The College has a responsibility to its staff to create a safe and appropriate work environment. This includes restrictions on individuals who pose threat of physical confrontation or those who engage in other types of abusive behaviours;
  - c. Impact on the complainant - Any potential adverse impact on the complainant by enforcing the requirement must be considered by the Registrar.
4. If the Registrar approves the request, the matter must be reviewed by legal counsel to assess for compliance with applicable human rights legislation.
  5. If the decision is made to require a complainant to communicate only in writing with the College, the College must write to the complainant providing the reasons for the decision.
  6. Staff members must be provided with clear guidance and assistance from the Director of the Department and/or legal counsel, as necessary, as to how to deal with any future attempts by the complainant to communicate in person or by telephone.