

WHAT HAPPENS IF I WANT TO PROCEED WITH A REGULATORY BODY WHILE A CRIMINAL COMPLAINT IS ONGOING?

TIME LINE

Regulatory Boards

The time line for different regulatory boards may vary. Below are a few examples of complaint investigation times for different professional regulatory boards.

College of Physicians and Surgeons Ontario

- If the College decides to do an investigation into a complaint the process takes approximately 10 months to complete.
<https://mydefence.ca/college-of-physicians-and-surgeons-of-ontario-lawyer/>

The College of Psychologists of Ontario

- The average complaint investigation process takes six months, but depending on the case an investigation could take longer than one year.
http://www.cpo.on.ca/Concerns_and_Complaints_FAQ.aspx

Ontario College of Social Workers and Social Service Workers

- The College attempts to process complaints within four months, but it may take longer depending on the case.
<https://www.ocswssw.org/complaints-discipline/faqs/>

CRIMINAL PROCEEDINGS

Court Process

If charges are laid and the court process against the accused moves forward, the court process may take between several months to several years to conclude.

Decision

After conclusion of the court process and the trial, the judge may take several weeks to come back with a decision about the case. <https://yourchoice.to/guides/english.pdf>

REPORTING TO A PROFESSIONAL REGULATORY BODY

Not Okay Project

A Fact Sheet for Survivors of Sexual Violence



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If the person who assaulted you, or behaved inappropriately in a sexual way, belongs to a regulated profession (e.g., doctor, nurse, lawyer, teacher, massage therapist, chiropractor, social worker, psychologist or engineer), you can complain to the regulatory body that oversees and governs the ethical and professional conduct of individuals in that profession.

WHAT IS A PROFESSIONAL REGULATORY BODY?

Most professions have organizations that are in charge of licensing the people who want to work in that profession. Professional regulatory bodies govern particular professions and set out the rules or codes of conduct that members must follow in order to keep their licences. Examples of professions with regulatory bodies include, but are not limited to: doctors and other health professionals, lawyers, teachers, accountants, social workers, architects, and engineers.

I WAS ASSAULTED BY A PROFESSIONAL, WHAT CAN I DO?

If you have been sexually harassed or assaulted by a professional or registered practitioner, you can report the misconduct directly to the regulatory body that governs their profession.

Each of these organizations has their own complaint process for people to report the misconduct or inappropriate behaviour of their members. There are disciplinary or complaint committees that investigate the claims and decide if the professional's licence should be taken away or suspended.

You can generally find claim forms and an explanation of the complaint process on the website of the regulatory body in question.

A list of regulatory bodies in Ontario can be found at www.fairnesscommissioner.ca under "Professions & Trades."

WHAT HAPPENS IF I REPORT TO A PROFESSIONAL REGULATORY BODY?

Reporting to a professional governing body will require you to show proof that the sexual assault happened. Once you begin the complaint process, you will be asked to provide a written summary of the facts and evidence of sexual misconduct. Evidence can include photos, videos, testimonials, financial records, patient information and any other documents that can help prove your claim.

Some regulatory bodies require a "reasonable and probable grounds" standard or a similar test in order to initiate an investigation, similar to criminal charges. However, this varies from one jurisdiction to another.

WHAT IF THERE IS AN INVESTIGATION?

The disciplinary or complaint committee of the regulatory body will investigate the claims by hearing both sides of what happened before making a decision. You may be interviewed by an investigator from the professional organization. This process may operate together with a police investigation or independently if the misconduct is strictly regulatory. It will be your choice whether or not you make a report to the police. You may also be asked to mediate with the perpetrator with the aim of negotiating a settlement. This can be a difficult process, and it may be helpful to have a support person accompany you throughout.

WHAT HAPPENS AT A DISCIPLINARY HEARING?

A discipline hearing is the most serious proceeding that a regulated professional can face and carries with it the risk of loss of their professional registration. If a matter is referred to a discipline hearing, such hearings are generally held in public; however, the identity of witnesses (such as the complainant) can be protected by a publication ban in cases involving sexual abuse. A publication ban would mean that the professional regulatory body, the public or the media could not publish or otherwise communicate

certain details that could identify you.

If the disciplinary or complaint committee finds that sexual misconduct did occur, the committee may decide to suspend or take away their member's professional licence or take other appropriate measures to discipline or educate the perpetrator.

DO I NEED A LAWYER TO FILE MY CLAIM?

While you are not required to have a lawyer to make a complaint to a professional regulatory body, it may be beneficial to get legal advice from a lawyer or a legal clinic to better understand your rights and options.

IS THERE FUNDING FOR THERAPY OR COUNSELLING FOR COMPLAINTS OF SEXUAL ASSAULT BY REGULATED PROFESSIONALS?

There may be funding available to you if you were sexually abused by a regulated health professional (e.g. doctors, nurses, psychologists, chiropractors, optometrists, etc.). Under the Regulated Health Professions Act, 1991, (the "RHPA"), each health professional body is required to establish a program to provide funding for therapy or counselling for clients alleging sexual abuse by members of that body. Each professional association determines eligibility and administers the fund.