

Appendix 2

**THE ASSOCIATION OF
TRANSLATORS AND INTERPRETERS
OF ONTARIO**

DISCIPLINE COMMITTEE PROCEDURAL CODE

Adopted by the Special General Meeting on November 30, 2024

Composition and Conduct of the Discipline Committee

1. The Association shall have a Discipline Committee (hereinafter called the "Committee"), which shall be composed of five members appointed by the Board of Directors of the Association (hereinafter called the "Board"), for a term of two years, provided that two of the members of the Committee first appointed shall have terms of one year so as to stagger the terms of office of members of the Committee.
2. Committee members shall be certified members of the Association. Insofar as possible, they shall represent the Association's various professions. Except as stipulated in Article 7, they shall not be members of the Board.
3. The Committee members shall select a chairperson and a secretary from among themselves.
4. The Chairperson of the Committee shall select a panel from among the members of the Committee to hold a hearing of a complaint against an ATIO Professional.
5. Three members of a panel shall constitute a quorum of the Committee.
6. Where, in the circumstances of a particular complaint, a member of the panel may be in a position of conflict of interest or there are reasonable grounds for apprehension of bias, that member shall not participate in the proceedings relating to the complaint.
7. In the event that a member resigns or withdraws from the panel such that the remaining members no longer constitute a quorum, the Committee shall appoint sufficient members to form a quorum whose mandate shall terminate at the conclusion of the proceedings in question. If a replacement member is also a member of the Board, this member shall not take part in any appeal of the panel's Order.
8. A member of the panel who ceases to be a member of the Committee after a hearing of a matter has commenced before the panel shall be deemed, for the purposes of dealing with that matter, to remain a member of the panel until the final disposition of the matter.
9. Committee members shall not disclose or use confidential information to which they become privy as members of the Committee, except in the performance of their duties as members of the Committee or as may be required by law.
10. Committee members shall not be remunerated, but they shall be reimbursed, upon submission of an appropriate invoice or voucher, for any reasonable expense incurred by them in the course of their official duties and an honorarium of \$250 per hearing day, with any increase thought to be necessary to be voted on at an AGM, shall be paid to each member serving on a disciplinary panel, retroactive to October 26, 2013.

11. The secretary of the Committee shall keep a record of the minutes of the Committee's proceedings and decisions, including all complaints received, all evidence submitted and a record of hearings. These archives will be kept in a secure location at the Secretariat of the Association.

Professional Misconduct

12. Professional misconduct, such as but not limited to the following examples, shall be subject to the discipline committee:
 - (a) conduct that is detrimental to the best interests of the public;
 - (b) practicing the profession in a manner which is harmful to the reputation of the Association or the profession in general;
 - (c) failing to meet or contravening a standard of practice of the profession;
 - (d) practicing the profession while the member is in a conflict of interest;
 - (e) in the case of a conference interpreter, an act or omission that materially breaches the *Professional Practice Conditions for Conference Interpretation*;
 - (f) disclosing confidential information without the consent of the client or as required or permitted by law;
 - (g) practicing the profession while the member's ability to do so is impaired by any substance;
 - (h) breaching an agreement with a client relating to professional services for the client or fees for such services;
 - (i) misrepresenting qualifications or certifications to clients, employers and/or the public;
 - (j) failing to comply with a Summons to Witness issued by the Association;
 - (k) failing to abide by the Code of Ethics of the Association;
 - (l) or engaging in conduct or performing an act, in the course of practicing the profession, that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unethical or unprofessional.

Initiation of Complaint

13. A person who has a complaint about the conduct or actions of an ATIO Professional shall file a signed, written complaint with the Executive Director of the Association, together with any relevant documentation, no later than 90 days after the date the complainant became aware of the incident giving rise to the complaint.
14. Proceedings on a complaint with respect to an ATIO Professional who has resigned or, whose registration has been cancelled or suspended may, notwithstanding the resignation, cancellation or suspension, be commenced within one year of the date of resignation, cancellation or suspension, as if the resignation, cancellation, or suspension had not occurred.
15. Article 13 notwithstanding, a member of the Board may file a complaint against an ATIO Professional. In such circumstances, the Board member shall not take part in any appeal of the Committee's decision to the Board. All other members of the Board may participate in the appeal. A complaint filed by the Board member must be submitted to the Executive Director no later than 30 days after the date the Board member became aware of the incident giving rise to the complaint.
16. The Executive Director shall, within 30 days after receiving a complaint, notify the member who is the subject of the complaint in writing and request a written response to the complaint. This notice shall be accompanied by a summary of the complaint and a copy of this Appendix.
17. An ATIO Professional who is the subject of a complaint may make written submissions to the Executive Director within 30 days after receiving notice under Article 16.
18. The Executive Director may, at any time, attempt to resolve the complaint through mediation or other informal means.

19. The Executive Director shall refer any complaint filed in accordance with Article 13 or Article 15 to the Committee. Any written submissions made by an ATIO Professional who is the subject of a complaint shall be provided to the Committee at the time that the complaint is referred to it by the Executive Director.

Direction of the Committee

20. The Committee, after considering the complaint, any submissions filed by the ATIO Professional who is the subject of the complaint, and any documents it considers relevant to the complaint, may direct:
 - (a) that no further action be taken against the ATIO Professional, if it is satisfied that the complaint is frivolous or vexatious; or
 - (b) that the ATIO Professional be subject to an order in accordance with article 42, if it is satisfied that the complaint is valid; or
 - (c) that a hearing be held before a panel to consider the complaint within 30 days or within any longer period agreed to by the Committee and the ATIO Professional.
21. A direction by the Committee under Article 19 shall be given no later than 45 days after a complaint has been referred to it by the Executive Director.
22. The Committee shall issue written notification of its direction under Article 20 to the complainant and the member to be delivered by the Executive Director within 7 days.
23. Despite Article 20(a), the Board may direct the Committee to hold a hearing and dispose of the complaint.

Interim Suspension

24. An ATIO Professional who is the subject of a complaint may have their membership with the Association suspended under the following circumstances:
 - (a) by the Board, pending the direction of the Committee under Article 20 or until the complaint is disposed of by the Committee; or
 - (b) by the Committee, pending its disposition of the complaint.
25. An ATIO Professional who is suspended pursuant to Article 24 shall receive immediate notice of the suspension from the Board or the Committee, as the case may be, to be delivered by the Executive Director.
26. The suspended member is *ipso facto* suspended from any position or office occupied or exercised by that member on behalf of the Association and does not have the right to participate in any activities of the Association during the period of suspension. The Board or the Committee, as the case may be, shall direct the Executive Director to update the Register to reflect the suspension and notify any person concerned, within or outside of the Association, of the suspension.

Notice of Hearing

27. If a hearing is to be held before a panel, the Secretary of the Committee shall, not less than 21 days before the hearing, serve notice of the hearing to the complainant and the member under investigation, which shall include:
 - (a) the date, time and place at which the panel will hold the hearing; and
 - (b) a statement that if the ATIO Professional does not attend the hearing, the panel may proceed in his or her absence and the ATIO Professional will not be entitled to any further notice in the proceedings.
28. The panel may at any time permit a notice of hearing to be amended to correct errors and omissions of a minor or clerical nature if it is of the opinion that it is just and equitable to do so and the panel may make any order it considers necessary to prevent prejudice to the ATIO Professional.

Hearing of Complaint

29. The Association and the ATIO Professional against whom a complaint has been made are parties to a hearing.
30. The panel, on proof of service of the notice of hearing on the ATIO Professional who is the subject of a complaint, may:
 - (a) proceed with the hearing in the absence of the ATIO Professional under investigation; and
 - (b) take any measures, decide, or report on the matter being heard in the same way as though the ATIO Professional were present.
31. The panel may adjourn a hearing on consent of the parties, or at the request of the ATIO Professional or the Association.
32. All proceedings before the panel with respect to a complaint against an ATIO Professional of the Association may be held in camera.
33. Evidence against an ATIO Professional is not admissible at a hearing of a complaint against the ATIO Professional unless the ATIO Professional is given, at least ten days before the hearing,
 - (a) in the case of written or documentary evidence, an opportunity to examine the evidence;
 - (b) in the case of evidence of an expert, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence; or
 - (c) in the case of evidence of a witness, the identity of the witness.

Evidence of an expert led by a person other than the Association is not admissible unless the person gives the Association, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

A panel may, in its discretion, allow the introduction of evidence that is inadmissible under this section and may make directions it considers necessary to ensure that neither the Association nor the member is prejudiced.

34. No member of a panel holding a hearing shall communicate outside the hearing, in relation to the subject-matter of the hearing, with a party or the party's representative unless the other party has been given notice of the subject-matter of the communication and an opportunity to be present during the communication.
35. If a panel obtains legal advice with respect to a hearing, it shall make the nature of the advice known to the parties and they may make submissions with respect to the advice.
36. The ATIO Professional against whom a complaint has been made may make oral representations and be represented at the hearing by an agent or counsel. The ATIO Professional may call and examine witnesses, including expert witnesses, and may conduct a reasonable cross-examination of witnesses for a full and fair disclosure of the facts in relation to which they have given evidence.
37. Evidence may be given before the panel in any manner that the panel considers appropriate, and the panel is not bound by the rules of law respecting the admissibility of evidence applicable to judicial proceedings.
38. The panel may require any ATIO Professional to appear at the hearing to give testimony if, in the opinion of the panel, that ATIO Professional has knowledge of the subject matter of the complaint at issue.

39. Any ATIO Professional called to appear before the panel pursuant to Article 38 may be required to produce reports, records, papers and other archival documents that are relevant to the hearing. A Summons to Witness will be issued by the Chairperson of the Committee and will be delivered by the Executive Director prior to the day that the ATIO Professional is required to attend at the hearing. The Summons to Witness will state the date, time and place of the hearing and the reports, records, papers and other documents, if any, that the member is required to produce.
40. The panel holding the hearing shall ensure that oral evidence is recorded and that copies of the transcript of the hearing are available to a party on the party's request at the party's expense.
41. The Executive Director will provide the panel, upon request from the panel's chairperson or secretary, with any reasonable assistance in the proceedings.

Orders of the Committee

42. If a panel finds an ATIO Professional has committed an act of professional misconduct, it may make an order doing any one or more of the following:
 - (a) Directing the Executive Director to revoke the ATIO Professional's membership in the Association;
 - (b) Directing the Executive Director to suspend the ATIO Professional from the Association for a specified period of time;
 - (c) Directing the Executive Director to impose specified terms, conditions and limitations on the ATIO Professional's membership in the Association for a specified or indefinite period of time;
 - (d) Requiring the ATIO Professional to appear before the panel to be reprimanded; and/or
 - (e) Requiring the ATIO Professional to pay a financial penalty as follows:
 - i) First violation: Up to \$1,000 and/or suspension or termination of membership;
 - ii) Second violation: Up to \$5,000 and/or suspension or termination of membership
 - iii) Third violation: Up to \$10,000 and/or suspension or termination of membership as per the procedures outlined in this appendix.
 - iv) Should the financial penalty remain unpaid by the due date established by the committee, the ATIO Professional shall be struck from the register, or expelled.
43. All Orders of the panel are made by majority vote, and no record of dissenting votes shall be kept.
44. The panel shall report its Order to the Secretariat of the Association. Once the time for appeal to the Board has lapsed, the Executive Director shall take all measures necessary to implement the Order. The Executive Director shall inform the Board of the panel's Order at the following Board meeting.
45. The panel shall:
 - (a) inform the ATIO Professional in writing of its Order, together with reasons; and
 - (b) inform the complainant in writing of the Order, together with reasons.
46. The Committee shall release documents and things put into evidence at a hearing to the person who produced them, on request, within a reasonable time after the matter in issue has been finally determined.

Appeals

47. An ATIO Professional against whom an Order has been made under Article 42 may, within 30 days of the Order being served upon him or her, by written notice to the Secretary of the Association, request the Board to review the Order. The notice of appeal shall specify that the ATIO Professional is requesting an appeal of the Order, set out the reasons for the request, and set out the Order which the member is requesting.

48. The Board shall meet within 45 days of receiving a notice of appeal pursuant to Article 47. It shall review the Order and the reasons for the order.
49. Any member of the Board who has a conflict of interest or who may show reasonable grounds for apprehension of bias in relation to a particular complaint shall not participate in the appeal.
50. The Board, in conducting an appeal, may:
 - (a) amend, substitute or add to the particulars of the matter investigated;
 - (b) adjourn the appeal or reserve the matter for a later meeting of the Board;
 - (c) review all or part of the evidence given before the panel in the same manner and subject to the same rules and with the same powers as are provided with respect to hearings before the Committee; or
 - (d) on an application by a party to receive further evidence, inquire as to the nature of that evidence and, on granting leave, receive part or all of that evidence in the same manner and subject to the same rules and with the same powers as are provided with respect to hearings before the Committee.
51. The Association and the ATIO Professional who is the subject of the complaint may make oral representations before the Board and be represented by an agent or counsel at the appeal.
52. The Board may:
 - (a) draw inferences of fact and make any determinations or findings that in its opinion ought to have been made by the panel;
 - (b) confirm, vary or quash the finding or Order of the panel.
53. The Board shall serve the ATIO Professional and the complainant with a copy of its decision and of the reasons for its decision.
54. A decision of the Board is final and binding upon the parties.

Miscellaneous

55. ATIO Professionals and the Canadian Translators, Terminologists and Interpreters Council (CTTIC) shall be informed of the identity of any ATIO Professional whose membership in the Association has been revoked or suspended, and the Order shall be recorded in the register of the Association.
56. Any notices mentioned in this Appendix shall be delivered by registered mail.
57. ATIO Professionals who have had their membership with the Association revoked as a result of a disciplinary procedure will not be eligible to have their membership reinstated.