



Policy number	PC-01
Policy name	Complaints of sexual abuse and sexual misconduct
Approved	March 15, 2019
Last reviewed	September 15, 2023
Scheduled review	Q4 2025

## **POLICY**

The College of Alberta Denturists ensures fairness in discipline proceedings in order to ensure protection of the public. In considering and, if necessary, adjudicating discipline matters regarding sexual abuse and/or sexual misconduct, the College takes matters very seriously.

### **Complaints Director**

If the Complaints Director (i) utilizes section 56 of the *Health Professions Act* (HPA) and deems information alleging sexual abuse and/or sexual misconduct to be a complaint or (ii) receives a complaint alleging sexual abuse of and/or sexual misconduct towards a patient by a regulated member, the Complaints Director will, where appropriate:

1. Ensure that the complaint is investigated and, if warranted, refer the matter to a hearing and will not manage the complaint informally or through the alternative complaint resolution process.
2. Make reasonable efforts to interview, or have an investigator interview, the complainant and will ask the complainant for names of other individuals who may have information related to the investigation. These individuals may also be interviewed.
3. Ensure that a report letter is sent every 60 days advising the complainant and investigated member of the status of the investigation.
4. Ensure that legal counsel is consulted on drafting the allegations for any referral to hearing.

### **Hearings Director**

Upon receipt of a referral to hearing, the Hearings Director will:

1. Ensure that at least one member of the Hearing Tribunal is of the same gender identity as the patient alleging sexual abuse and/or sexual misconduct.
2. Ensure that all members of the Hearing Tribunal have received appropriate training, including as required in s.16(1.1)(b) of the HPA.
3. Ensure that the complainant and the investigated member receive at least 30 days' notice of the hearing.

### **Hearing Tribunal**

In a hearing pertaining to sexual abuse and/or sexual misconduct, the Hearing Tribunal will:

1. Where there is a finding of unprofessional conduct relating to sexual abuse and/or sexual misconduct, ensure that there is an opportunity for the complainant to make a written or oral patient impact statement to the tribunal.
2. In situations where there is a finding of sexual abuse, the Hearing Tribunal will:
  - a. Impose an immediate suspension of the investigated member's practice permit until such time as the decision and orders are delivered.
  - b. Ensure that in its decision and order that the investigated member's practice permit and registration are cancelled with no opportunity for reinstatement.
3. In situations where there is a finding of sexual misconduct, the Hearing Tribunal will:
  - a. Ensure that at minimum, a suspension is placed on the investigated member's practice permit. The length of the suspension is at the discretion of the tribunal.



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- b. Ensure the member is aware that they are not permitted to apply for reinstatement for five years, from the date of the decision, in situations where the tribunal cancels the member's practice permit and registration.
- c. Ensure that there are no gender-based conditions imposed on the investigated member.

**DEFINITIONS**

none

**APPENDICES**

none

**REFERENCES**

Government of Alberta. (2001). *Health Professions Act*. Alberta, Author. Available at: <http://www.qp.alberta.ca/documents/Acts/H07.pdf>.

Government of Alberta. (2002). *Health Professions Act – Denturists Profession Regulation*. Alberta, Author. Available at: [http://www.qp.alberta.ca/documents/Regs/2002\\_186.pdf](http://www.qp.alberta.ca/documents/Regs/2002_186.pdf)

**DOCUMENT HISTORY**

Date	Action	Rationale
15/03/19	Initial approval	Required to ensure clarity
25/06/21	Review	As scheduled
08/04/22	Review	As scheduled
17/03/23	Review	As scheduled
15/09/23	Review	Alignment and clarity per legal counsel