



Discipline Committee and Panel
Terms of Reference
(Last reviewed January 2021)

Overview:

These terms of reference set out the purpose, mandate and scope of work for the Discipline Committee, which was established by the Minister and members appointed by the Bereavement Authority of Ontario (BAO) Board of Directors.

1. Purpose

- 1.1. The Discipline Committee will hear and determine issues concerning licensee compliance with the Code of Ethics, Ontario Reg 216/18.
- 1.2. The Discipline Committee is established per subsection 63 (1) of the *Funeral, Burial and Cremation Services Act, 2002* (FBCSA), in accordance with Ontario Regulation 374/18.

2. Membership

- 2.1 The Discipline Committee will consist of at least 10 members selected by the Board of Directors, comprised of at least 2 individuals from each of the following license classes:
 - 2.1.1 Cemetery Operator
 - 2.1.2 Crematorium Operator
 - 2.1.3 Funeral Establishment Operator – Class 1
 - 2.1.4 Funeral Director – Class 1
 - 2.1.5 At least 2 representatives of the general public, who have never been a licensee or former licensee, a shareholder, officer, director, interested person or employee of a licensee or former licensee, an officer, director or employee of a trade association that represents licensees or the interests of licensees, or a member of the advisory committees established by the board of the Authority.

- 2.2 The Board of Directors will appoint one committee member to sit as the Chair, and two committee members to sit as Vice-Chairs of the Discipline Committee.

3. Eligibility

- 3.1 Only candidates or operators in good standing are eligible for appointment to the Discipline Committee.
- 3.2 Operators or licensees who have been the subject of a Proposal to Revoke are not eligible to serve on the Discipline Committee unless the proposal has been rescinded, or a Court or Tribunal has directed the Registrar not to carry out the Proposal.
- 3.3 Current and former Directors of the BAO Board of Directors, or former Board of Funeral Services cannot be committee members.
- 3.4 Members shall not serve as a member of both the Discipline Committee and the Appeal Committee concurrently.

4. Terms of Service

- 4.1 Discipline Committee members are appointed by the Board of Directors for terms of 1, 2 or 3 years and can be reappointed at the pleasure of the Board.

5. Roles and Responsibilities

5.1 General Responsibilities

- 5.1.1 The Discipline Committee is responsible for hearing and determining discipline cases concerning failure to comply with the Code of Ethics.
- 5.1.2 The Discipline Committee's determination on any proceeding before it will be provided in writing to the licensee and all other parties to the proceeding as soon as practicable. It will include a notice outlining the right to appeal under subsection 64 (3) of the FBCSA.
- 5.1.3 Discipline Committee members will commit to:
- Reviewing discipline hearing materials in a timely manner;
 - Attending all Discipline Committee meetings to the best of their abilities;
 - Abiding by the Board of Director's conflict of interest policies;
 - Treating discipline proceedings and decisions as confidential unless authorized by the Board of Directors to communicate such information; and

- Disclosing potential conflicts of interest in advance of Discipline Committee discussions and refraining from the discussion or voting if necessary.

5.2 Assigning Panel Members

5.2.1 When a matter is referred to the Discipline Committee, the Committee Chair must assign a panel of at least 3 of the committee's members to hear and determine the matter:

- At least 1 member must be the Committee's Chair or Vice-Chair;
- At least 1 member must be a committee member who is not the Committee's Chair or Vice-Chair;
- At least 1 member must be:
 - a Cemetery Operator if the subject licensee before the panel is a Cemetery Operator or Sales Representative;
 - a Crematorium Operator if the subject licensee before the panel is a Crematorium Operator;
 - a Funeral Establishment Operator (Class 1) if the subject licensee is a Funeral Establishment Operator or Transfer Service Operator; or
 - a Funeral Director (Class 1) if the subject licensee is a Funeral Director or Funeral Preplanner
- At least 1 member must never have been a licensee or former licensee, a shareholder, officer, director, interested person or employee of a licensee or former licensee, an officer, director or employee of a trade association that represents licensees or the interests of licensees, or a member of the advisory committees established by the board of the Authority.

5.2.2 Panels shall only be called by the Chair of the Discipline Committee, and a new panel will be called for each case that meets the criteria set out in the *Rules of Practice*.

5.3 Authority of the Panel

5.3.1 Should the panel find the licensee in breach of the Code of Ethics they may order any, or a combination of the following as per subsection 64 (2) of the FBCSA:

- The licensee to complete specified educational programs;
- Require licensees who are operators to fund and/or arrange educational

programs for their employees;

- Impose fines up to \$25,000;
- Suspend or postpone any of the above decisions; or
- Fix and impose costs of not more than \$25, 000 to be paid by the licensee to any person as prescribed.

6 Meetings

- 6.1 Discipline Committee meetings may be held in person, by teleconference or other such communication method that allows all participants equal access to communicate with one another.
- 6.2 A quorum of the majority of Discipline Committee members is required for executing the business of the committee.
- 6.3 Panel members shall attend discipline proceedings in person or virtually if necessary.

7 Deliverables

- 7.1 The Discipline Committee shall provide a report to the Board of Directors at least semi-annually, or as requested by the Board.

8 Minutes

- 8.1 The minutes of all meetings will be maintained, recorded and retained by a designated BAO staff member.
- 8.2 Minutes will be shared with all Discipline Committee members in a timely manner.

9 Communications Protocol

- 9.1 Unless approved by the Board of Directors, members of the Discipline Committee or the discipline panels should not communicate the activities of the committee publicly.
- 9.2 The Discipline Committee may conduct in camera sessions during their meetings to discuss confidential matters.

10 Access to Bereavement Authority of Ontario Staff Resources

- 10.1 The Discipline Committee will be supported by one or more designated BAO staff members who will be responsible for:

- 10.1.1 Scheduling meetings and discipline proceedings;
- 10.1.2 Taking meeting minutes;
- 10.1.3 Filing all materials of the Discipline Committee; and
- 10.1.4 Providing administrative support.

11 Expenses

- 11.1 Expenses incurred by Discipline Committee and Panel members will be reimbursed according to the BAO's Expense Policy and Remuneration Policy.

12 Amendment, Modification or Variation

- 12.1 These Terms of Reference may be amended, varied or modified by agreement of the Board of Directors.
- 12.2 The Discipline Committee will strive to review this Terms of Reference on an annual basis.