



OFFICE OF
THE SYNDIC:
INQUIRIES



Ordre des orthophonistes
et audiologistes du Québec

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

In Quebec, the titles of “Speech-Language Pathologist” and “Audiologist” are **reserved** for **members** of the Ordre des orthophonistes et audiologistes du Québec (“OOAQ”). Under the *Professional Code*, only members of OOAQ are allowed to use the reserved titles and engage in the professional activities related to them. Speech-Language Pathologists and Audiologists practice professions that are regulated and supervised by OOAQ and must therefore comply with specific standards of competency. The Office of the Syndic is one of the key components in the regulation of professional practice within OOAQ.

ARE YOU CONSIDERING FILING A COMPLAINT AGAINST A SPEECH-LANGUAGE PATHOLOGIST OR AUDIOLOGIST ?

You have concerns regarding the services provided by a member of the Ordre des orthophonistes et audiologistes du Québec (OOAQ) related to:

- › Professional competency;
- › Compliance with ethical obligations towards one or more clients;
- › Compliance with regulatory obligations;
- › Quality of services;
- › Inappropriate behaviour.

When you communicate with OOAQ to report the professional misconduct of a Speech-Language Pathologist or Audiologist, you must contact the **Office of the Syndic**.

This first step is called a “**request for an inquiry**”.

WHO IS THE SYNDIC ?

Appointed by the Board of Directors, the Syndic is an employee and member of the OOAQ. A syndic receives requests for inquiries, conducts inquiries and, as required, files complaints with the Disciplinary Council.

A SYNDIC MAINTAINS TOTAL INDEPENDENCE IN THE COMPLETION OF THEIR TASKS. THEIR POWERS ARE SET OUT IN THE QUEBEC PROFESSIONAL CODE.

The principle of independence means that a Syndic must, at all times, be in a position to conduct inquiries without being influenced by anyone, either from within OOAQ or from the outside.

The Office of the Syndic is currently comprised of two persons: the Syndic and the Assistant Syndic, both of whom have the same powers.

WHO MAY SUBMIT A REQUEST FOR AN INQUIRY TO THE SYNDIC ?

Anyone who feels that a member of OOAQ has committed an offence or is concerned about the professional conduct of a member may request that the Syndic conduct an inquiry.

This person can be :

- › A colleague or another member of the OOAQ;
- › A client or a person related to the member;
- › A manager or employer;
- › The Professional Inspection Committee;
- › The Board of Directors of the OOAQ.

PROCEDURE

You must fill out an inquiry request form, available on the OOAQ website. You must provide the name of the member who is the object of your request. We will also ask you to provide as much information as possible regarding the reasons for your request and to submit supporting documentation, if you have any. There is no time limit for submitting a request for an inquiry. However, it is better to do so as soon as possible in order to facilitate the gathering of evidence.

You then become the **Complainant**.

The syndic will open an inquiry based on the allegations you have put forward.

IS THE INQUIRY CONFIDENTIAL ?

The Syndic is obligated to maintain confidentiality. Only employees of the Office of the Syndic and the member being investigated are aware of the existence of an inquiry and its progress.

However, the Syndic may forward certain information to the Professional Inspection Committee or request the opinion of an expert or any other person to obtain assistance as required. In each case, all those involved are subject to strict conditions of confidentiality and discretion.

MAY I REMAIN ANONYMOUS ?

The Syndic will do everything possible to maintain your anonymity, should you so desire. It should be noted that it may be possible to determine your identity if you are the person who received services from the professional under investigation.

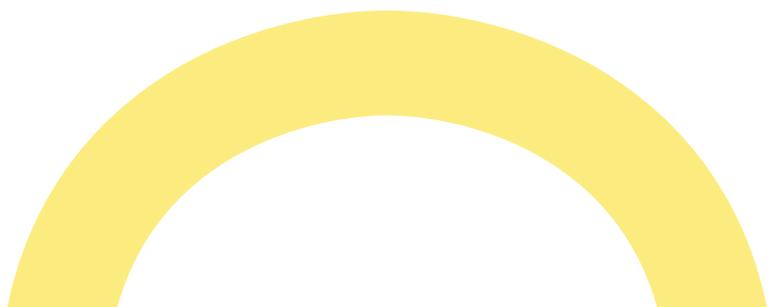
IS THE PROFESSIONAL UNDER INVESTIGATION ALLOWED TO CONTACT ME ?

The professional under investigation may not contact the person who requested the inquiry unless the latter has granted permission. The Syndic will then send a written authorization to the professional in question.

WHAT SHOULD I EXPECT AFTER SUBMITTING MY REQUEST FOR AN INQUIRY ?

The Syndic acknowledges receipt of your request for an inquiry and then analyses the nature of your allegations. For the request to be considered valid, the professional cited in the request must be a member of OOAQ at the time the alleged misconduct took place. If such is the case, the Syndic will begin the inquiry.

If the Syndic determines that the request is not valid, an inquiry will not take place and the Syndic will provide you with an explanation.



HOW DO INQUIRIES PROCEED ?

The purpose of the inquiry is to verify the accuracy of the information received and gather evidence to determine whether the allegations stated in your request for inquiry constitute ethical or regulatory offences.

Stages of the Inquiry Procedure

- a The Syndic communicates with the professional in order to inform them of the request for an inquiry and the allegations against them.
- b The Syndic may then use several means to enable the professional to submit their version of events. Depending on the nature of the inquiry, the Syndic may:
 - i. Send the professional a letter explaining the nature of the allegations. The professional will then be asked to respond, in writing, in order to provide their version of events.
 - ii. Convene the professional to a meeting. The Syndic may or may not inform the professional as to the nature of the allegations concerning them prior to the meeting. These allegations and the professional's version of events will be discussed at the meeting

In all cases, the professional will be asked to provide the Syndic with any documentation or information in support of their version of events.

- c After receiving the various versions of events, the Syndic may request additional information from the complainant and the professional. In addition, the Syndic may request a copy of the file or any other document deemed relevant to the inquiry.
- d The Syndic may question third parties and request the opinion of an expert or any other person who may be of assistance. The Syndic may also require a third party to provide information or documentation.
- e The Syndic then analyses all the information received and decides on the direction of the inquiry.
- f The Syndic decides whether or not to file a complaint with the Disciplinary Council.

HOW LONG DOES AN INQUIRY TAKE ?

The duration of an inquiry varies depending on several factors, such as :

- The nature and complexity of the allegations and events;
- The cooperation of the various persons involved;
- The time it takes to send and receive documents;
- The need for an expert opinion.

Some inquiries may be completed in several weeks. Others may take several months. It is difficult to predict the duration of an inquiry.

The Office of the Syndic must inform you of the progress of the inquiry 90 days following the receipt of your request and every 60 days thereafter, until the inquiry is concluded.

WHAT ARE THE POSSIBLE CONCLUSIONS AT THE END OF AN INQUIRY ?

Once the inquiry ends, the Syndic determines whether any breach of ethics or professional misconduct has taken place, and whether to file a complaint with the Disciplinary Council. This decision will be sent to you in writing.



THE SYNDIC DETERMINES THAT NO BREACH OF ETHICS OR PROFESSIONAL MISCONDUCT HAS TAKEN PLACE

If, after concluding the inquiry, the Syndic is of the opinion that no breach or offence under the *Code of ethics of the Ordre des orthophonistes et audiologistes du Québec* or any other applicable law or regulation has taken place, the file is closed and no complaint is lodged with the Disciplinary Council.

2 THE SYNDIC DETERMINES THAT A BREACH OF ETHICS OR PROFESSIONAL MISCONDUCT HAS TAKEN PLACE

a The Syndic decides not to file a complaint with the Disciplinary Council.

Other remedial measures may be taken to ensure that the situation does not reoccur, if the Syndic feels that one or more offences were committed but they are not serious enough to warrant filing a complaint with the Disciplinary Council and/or there is insufficient supporting evidence.

- i. **Conciliation**: an agreement is reached between you and the professional through mediation by the Syndic.
- ii. **Warning**: the Syndic warns the professional not to repeat the offence of which they have been accused. This measure involves the recording of a note in the member's file, held by the Office of the Syndic. If the offence is repeated, the Syndic may file a complaint with the Disciplinary Council.
- iii. **Voluntary agreement**: the Syndic obtains a formal commitment from the professional to take a course or serve an internship; be supervised during part or all of their professional activity; limit their practice; correct certain errors, etc.
- iv. **Referral to the Professional Inspection Committee**: the Syndic has reasonable grounds to believe that the professional practice or competence of the member must be subject to inspection.

In all cases, the Syndic must inform you in writing of the decision not to file a complaint and explain the reasons for this decision.

I DISAGREE WITH THE SYNDIC'S DECISION NOT TO FILE A COMPLAINT. WHAT ARE MY OPTIONS ?

If you are informed of a Syndic's decision **not to file a complaint with the Disciplinary Council**, you have 30 days to contest this decision and request a review by the Review Committee. Instructions will be provided to you at that time. This committee is independent and does not report to the Syndic.

b The Syndic decides to file a complaint with the Disciplinary Council.

If the Syndic decides to refer the case to the Disciplinary Council, this means that they are filing a **complaint** before this council.

In the performance of its duties, the Disciplinary Council is a tribunal that is independent from OOAQ and the Office of the Syndic. It is comprised of a government-appointed attorney, and two members of the OOAQ appointed by the Board of Directors. It receives complaints filed by the Syndic.

When a complaint has been filed with the Disciplinary Council, the Syndic must inform you of the date, time and place of the hearing.

The Disciplinary Council will hear the evidence of both parties. At this stage, the Syndic becomes the “plaintiff” and you become a “witness”. At the end of the hearing, the Disciplinary Council will determine whether or not an offence has been committed.

Will I have to testify?

As a **witness**, you may be called upon to testify before the Disciplinary Council.

WHAT SANCTIONS MIGHT THE DISCIPLINARY COUNCIL IMPOSE ?

If it determines that an offence has been committed, the Disciplinary Council will impose one or more of the sanctions set out in the Professional Code of Quebec, for example :

- A reprimand;
- The obligation to provide a document or any information it contains and the obligation to complete, delete, update or rectify this document or information;
- A fine of no less than \$2,500 and no more than \$62,500 per offence;
- Limitation or suspension of the right to practice;
- Revocation of the professional’s permit to practice;
- Removing the professional from the membership register of the OOAQ, either temporarily or permanently. This means that the member may no longer practice their profession, either temporarily or permanently.

Sanctions may include certain terms and conditions (skill upgrading courses or internships, payment of costs related to the hearing, etc.).

The Syndic must contact you once again to inform you of the Disciplinary Council's decision and, if applicable, the sanctions imposed on the professional.

If some information falls under a non-disclosure order, or a publication or broadcast ban, the Syndic will inform you of this at that time.

MAY I FILE A COMPLAINT WITH THE DISCIPLINARY COUNCIL ON MY OWN ?

You may file a complaint directly with the Disciplinary Council without going through the inquiry request process via the Syndic. In this case, you are responsible for preparing the file yourself and submitting evidence before the Disciplinary Council. If you decide to obtain assistance from a lawyer, you must pay the related fees yourself.

WHAT YOU NEED TO KNOW

Recourse

If the Syndic feels that one or more offences have been committed, and, regardless of whether they decide to file a complaint with the Disciplinary Council or not, once the inquiry is completed, you may not claim any money for damages or inconvenience caused by the professional in question. To obtain monetary compensation for damages caused by a professional, you must address the **civil courts** to petition for **action in liability**.

In addition, if you believe that a professional has committed a criminal offence, you should also file a complaint with the police.

NOTE: If you appeal to a civil or criminal court, you may, at any time, request that the Syndic hold an inquiry into a professional's conduct (for example, in the case of fraud or assault).

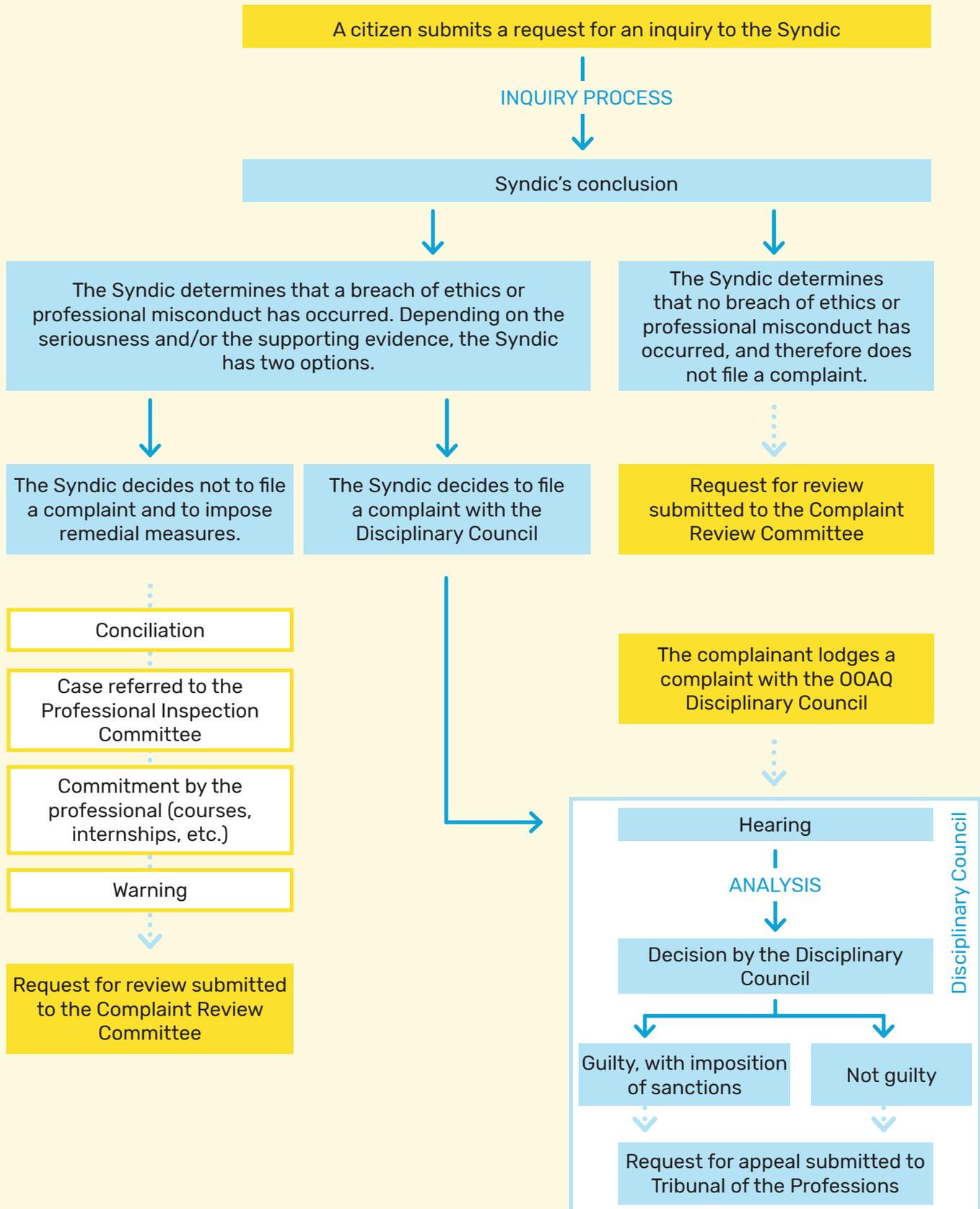
Conciliation of accounts

If the Disciplinary Council renders a decision that specifically calls into question the quality or necessity of a professional act for which you have paid, a conciliation of accounts, for the purpose of obtaining a partial or full refund of the professional fees paid, may be requested within 45 days following the decision, unless the account has already been the subject of a conciliation or arbitration. During this procedure, a mediator will suggest solutions that may be suitable for both parties.

If the conciliation results in an agreement, the fees will be adjusted, as required. If no agreement has been reached between you and the professional, you may request arbitration of the account by the Arbitration Council.

Caution ! Expenses incurred by the parties to hold the arbitration session are borne by each party (section 25 of the regulation).

DISCIPLINARY RECOURSE



: Alternative or optional step

: Examples of remedial measures

: Steps taken by the complainant



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