



# COMP and CCPM Joint Code of Ethics Violation Complaint Procedure

## 1. Preamble

1.1. In this Complaint Procedure, the following definitions apply:

1.1.1. “Member” refers to:

1.1.1.1. an individual member in good standing of COMP and/or a Member or Fellow of CCPM; or

1.1.1.2. a former individual member of COMP and/or a former Member or Fellow of CCPM.

1.1.2. “Complainant” refers to any individual or entity who has initiated a complaint with the Ethics Committee. The Complainant can be a Member or a member of the general public.

1.1.3. “Respondent” refers to a Member who is the subject of an official complaint initiated by a Complainant.

1.1.4. “Appellant” refers to any individual or entity who applies for a reversal of the decision of the Ethics Committee.

1.1.5. “The Committee” refers to the COMP/CCPM Joint Ethics Committee as set out in their Terms of Reference. The Committee is led by two Co-Chairs and has several members. The Terms of Reference can be found in Appendix A. All references to Committee voting in this Procedure will take place in accordance with the voting process in these Terms of Reference. All duties of the Committee will be carried out in private, except as otherwise expressly indicated in this Procedure and/or the Terms of Reference.

1.1.6. “Entity” refers to any Organization or Institution which may employ or use the services of a medical physicist. (i.e., hospital, cancer centre, academic institution, research facility, etc.)

1.1.7. “Organization of Record” refers to the organization, either COMP or CCPM, that received the complaint, or has been deemed by the Committee as most relevant to the complaint.

1.2. The COMP/CCPM Joint Ethics Committee responds to all allegations of ethical misconduct by a Member that come to the attention of either one or both Organizations of Record, or the COMP/CCPM Joint Ethics Committee and all allegations will be carefully considered in a fair and impartial manner.

1.3. While every effort will be made to adhere to the timelines detailed in this Procedure, these are considered benchmarks only and a failure to strictly adhere to these timelines will not serve as grounds for overturning a decision.

1.4. The COMP and CCPM Joint Code of Ethics and this Procedure do not replace the legal obligations of Members. All suspected unlawful behavior should also be reported to the appropriate authorities.

## 2. Submitting a Complaint

2.1. Any person or Entity may file a written complaint against a Member. The Committee will neither accept nor act on complaints against non-Members.

2.2. All complaints must be made in the atmosphere of mutual respect and must not be frivolous, vexatious or an abuse of process. Any Member who files a complaint to harass another Member or to otherwise abuse the process may themselves be subject to a complaint under this Procedure.



- 2.3. Although there is no defined time limit placed on when a complaint can be made after the incident has occurred, acknowledging that it can take time for a Complainant to feel empowered enough to speak out about an ethical violation, the complaint should be brought forward within a reasonable amount of time from when it was discovered to be able to still substantiate the claim with evidence.
- 2.4. This Procedure will apply to the time since 12 July 1997, when the first Code of Ethics was adopted by COMP.
- 2.5. The complaint must be sent directly to one or both Co-Chairs of the Committee. In instances where a complaint is sent to only one Co-Chair, the organization that Co-Chair represents will be considered the Organization of Record, unless the Committee votes to declare for the other Organization. Where a complaint is sent to both Co-Chairs, the Committee will vote to declare the Organization of Record. In all instances, representatives of both organizations shall participate in all parts of the process. In the case where neither Co-Chair is available for an extended period, the complaint can be sent to any member of the Committee and the Committee will vote to designate one or more Acting Chairs to carry out the Co-Chairs' responsibilities under this Procedure for the matter. If either of the Co-Chairs is the Complainant or the Respondent, or otherwise needs to be recused, the other Co-Chair will preside alone on the matter.
- 2.6. The complaint should specify the violation(s) of the COMP/CCPM Code of Ethics of which the Member is accused or if not specified, the alleged violation should be readily ascertainable from the complaint. The complaint must describe specific events, provide available evidence, and be as specific as possible as to times, places, conduct, and persons involved.
- 2.7. A Complainant may submit a written request to withdraw a complaint at any stage in this Procedure prior to the Committee reaching a decision under s. 6.1. A request to withdraw a complaint prior to the complaint having been accepted by the Committee will be decided upon by the Co-Chair(s). A request to withdraw a complaint after the complaint has been accepted by the Committee will be decided upon by vote of the Committee. A decision to grant or deny a request to withdraw a complaint is final.

### 3. Accepting a Complaint

- 3.1 Except as indicated in this Procedure, or as required or authorized by law, all complaints will be treated confidentially by COMP/CCPM and all parties involved.
- 3.2 COMP/CCPM and/or the Committee may choose to defer any action under this Procedure if there is any related civil or criminal legal action, or if other related administrative action has been filed, or if any such action is anticipated as a result of the allegations giving rise to the complaint. If any civil or criminal legal action is initiated, the Complainant and the Respondent must report such action to the Co-Chair(s). If the complaint procedure has been initiated before the commencement of any related action, the COMP/CCPM proceeding may, in the discretion of the Committee, be paused until the legal and/or administrative action has been resolved.
- 3.3 Within 2 weeks of receipt of the complaint, the Co-Chair(s) must distribute copies of the complaint to all members of the Committee for review.
- 3.4 Within 30 days of reception from the Co-Chair(s), the Committee will review the details of the allegation(s) and vote to determine if the complaint should be accepted and proceed to the next phase in this Procedure.



- 3.5 A complaint will only be accepted if it alleges facts that, if proven, would amount to a violation(s) of the Code of Ethics by a Member.
- 3.6 If the Committee decides not to accept the complaint, the Co-Chair(s) will notify the Complainant and the case will be closed. The Committee's decision not to accept a complaint is final.

#### 4. Reviewing a Complaint

- 4.1 If the Committee accepts a complaint, then the Co-Chair(s) will notify the Complainant and the Respondent. The notification must include a copy of the complaint and provide the names of the Committee members and a copy of this Procedure.
- 4.2 Every reasonable effort will be made to reach the Respondent with confidentiality in order to provide notice of the complaint. At least two different modes of communication in collaboration with the COMP office will be used. In the case where three (3) unsuccessful attempts have been made by the Co-Chair(s) to notify the Respondent, the Committee reserves the right to proceed with its deliberations in the absence of input from the Respondent.

- 4.3 The Respondent must respond to the complaint within thirty (30) days of receipt of notification of the complaint. The response deadline may be relaxed at the Committee's discretion with a show of good cause.
- 4.4 If the Respondent disputes any of the allegations in the complaint, the Respondent's response should include any relevant evidence that supports their position.
- 4.5 The Respondent may also challenge any Committee member for conflict of interest, either prior to submitting their response or within their response.
- 4.6 In the absence of a response by the Respondent within the timeframe described, the Committee may proceed with its deliberations based on the material at hand.

## 5. Information Gathering

- 5.1 If necessary for the proper disposition of the complaint, the Committee may in its discretion request more information through an Information Gathering process. This may be an iterative process to allow the Complainant and/or Respondent to further respond to the information gathered.
- 5.2 This Information Gathering process can include:
  - 5.2.1 written responses from the Complainant, Respondent and/or third parties to specific written questions;
  - 5.2.2 private interviews with the Complainant, Respondent and/or third parties (held virtually or in person, at the discretion of the Committee); and/or
  - 5.2.3 requests to the Complainant, Respondent and/or third parties for records or other documentary evidence.
- 5.3 Information Gathering procedure:
  - 5.3.1 The Information Gathering period should not exceed 60 days.
  - 5.3.2 The Co-Chair(s) will designate an Information Gathering Sub-Committee consisting of at least three (3) members of the Committee.
  - 5.3.3 Interviews will be recorded and transcribed, using transcription software as appropriate.
  - 5.3.4 Sub-Committee members may ask questions, subject to the Co-Chair(s)' role to moderate and guide the interviews in an atmosphere of mutual respect. If desired, the person being interviewed may have one (1) individual with them during their interview.
  - 5.3.5 Interviews will not exceed one (1) hour in length. However, this time limit may be relaxed at the Co-Chair(s)' discretion, with a show of good cause.
- 5.4 The Information Gathering Sub-Committee will share all materials with the Committee within two (2) weeks of the final information being received.

## 6. Deciding on a Complaint

- 6.1 Within two (2) weeks of receiving the Respondent's response under s. 4.3 or from receiving the final information from the Sub-Committee under s. 5.4 (whichever is later), the Committee will meet to review the complaint, deliberate and vote on whether the Respondent has violated one or more subsections of the COMP and CCPM Joint Code of Ethics.
- 6.2 Where no violation of the COMP and CCPM Joint Code of Ethics is found by the Committee, the complaint shall be dismissed and the case closed, subject to the right of the parties to request a review under s. 7.



- 6.3 Where the Respondent is found by the Committee to have violated the COMP and CCPM Joint Code of Ethics, the Committee will then proceed to deliberate and vote upon the appropriate sanction(s).
- 6.4 The available sanctions can be one or more of the following options:
- 6.4.1 A confidential, written warning may be issued. The warning is intended to be educational in nature and may stipulate corrective action to be taken by the Respondent. It might require the Respondent to provide evidence back within a set time frame to the Committee that corrective action has occurred to address the concern(s).
  - 6.4.2 A 12-month probationary period may be issued. Although intended to be educational in nature, it may stipulate corrective action to be taken by the Respondent. It might require the Respondent to provide evidence within a set time frame to the Committee that corrective action has occurred to address the concern(s).
  - 6.4.3 The Respondent is excluded from holding any office in CCPM or COMP.
  - 6.4.4 The Respondent is prohibited from speaking to the media on behalf of or otherwise presenting themselves as a representative of CCPM or COMP.
  - 6.4.5 The Respondent is excluded from future consideration for Fellow status in CCPM. If the Respondent is already a Fellow, this status is revoked.
  - 6.4.6 The Respondent is expelled or barred from Membership in COMP and if applicable CCPM. As per CCPM bylaws, CCPM members must also be COMP Members in good standing and therefore a revocation of COMP membership will result in an automatic revocation of CCPM membership. After a period of five years, the Respondent may reapply for Membership, but any such application must be reviewed by the Committee. Approval of the Committee by a simple majority vote must occur in addition to the standard Membership application and approval processes.
  - 6.4.7 The Respondent is expelled or barred from Membership in CCPM. After a period of five years, the Respondent may reapply for Membership, but any such application must be reviewed by the COMP/CCPM Joint Ethics Committee. Approval of the Committee by a majority vote must occur in addition to the standard Membership application and approval processes, including examinations.
- 6.5 If any or all of sanctions 6.4.3 to 6.4.7 are recommended by the Committee, these sanctions require the approval of the Board(s) of Directors of the organization(s) to which the Respondent belongs (COMP and/or CCPM) before they can be effected. The Co-Chair(s) will bring a motion forward to the Boards of COMP and/or CCPM to request approval of the sanction(s). The Board(s) will vote in accordance with their Terms of Reference to either approve the sanction(s) or substitute their own sanction(s) from within the available options in s. 6.4.1 to 6.4.7. The decision of the Board(s) will be communicated in writing to the Complainant, Respondent and the Co-Chair(s) within seven (7) days of being made.
- 6.5.1 If no review has been requested under s. 7, the Co-Chair(s) will bring the motion forward to the Board(s) as soon as the time for requesting such a review has passed.
  - 6.5.2 If a review has been requested under s. 7 and the President has upheld or substituted one or more sanctions within s. 6.4.3 to 6.4.7, the Co-Chair(s) will bring the motion forward to the Board(s) within seven (7) days of the President's decision.



- 6.6 An incremental approach will generally be applied when determining the appropriate sanction(s). Factors to be considered include (but are not limited to) the seriousness of the ethical violation, the Respondent's complaint history and the impact the sanction may have on the Respondent. When expulsion is being considered, the Committee and the Boards must consider the heavier implications for CCPM members as expulsion may have a direct impact on the ability of the member to be employed as a certified physicist.
- 6.7 Within two (2) weeks of deliberating and reaching a decision under s. 6.1 (and s. 6.3 if applicable), the Committee shall prepare reasons for the decision. A copy of the decision and reasons shall be provided to the Complainant and the Respondent, advising of the right to request a review under s. 7 of this Procedure.\
- 6.8 Except for a warning (s. 6.4.1) and probation (s. 6.4.2), details of sanctions enforced against members can, at the discretion of the COMP and/or CCPM Boards, be disclosed publicly and to any other person or Entity having a legitimate interest in the matter, provided the review process period under s. 7 has either passed or been completed.

## 7. President's Review of Ethics Committee Decision

- 7.1 The Complainant or Respondent may request a review of a Committee decision under s. 6.1 and/or s. 6.3 within fifteen (15) days of the party's receipt of the decision.
- 7.2 The request for review must be submitted in writing to the Committee Co-Chair(s), who will submit the request, the reasons for decision and the record reviewed by the Committee to the President of the Organization of Record for review. The President must declare any conflict of interest, and in the case of a conflict, the Committee Co-Chair(s) should then designate another Board Member to act in their stead.
- 7.3 The review will be decided entirely on the record before the Committee, and no additional evidence may be submitted.
- 7.4 On a review, the President shall consider only the adequacy of the investigation and the reasonableness of the decision.
- 7.5 On a review, the President has the following options:
  - 7.5.1 Affirm the Committee's decision, in whole or part;
  - 7.5.2 Send the complaint in whole or part back to the Committee for reconsideration with specific guidance regarding the President's concern(s) about the adequacy of the investigation and/or the reasonableness of the decision.
- 7.6 The President's decision on the review will be final. Within two (2) weeks of the decision, the Respondent, Complainant and Co-Chair(s) will be notified by the President in writing of the final decision with brief reasons.

## 8. Costs

- 8.1 Where the Respondent is found to have violated the Code of Ethics, at any time within 90 days of the review process period under s. 7 having either passed or been completed, the Committee may order that some or all of the costs incurred in dealing with the complaint be paid by the Respondent. Before making such an Order, the Committee will provide the



Respondent with particulars of the costs incurred and the opportunity to make submissions within 30 days. The Committee's order with respect to costs is final.

## 9. Records of Complaints

9.1 Records of Committee complaint proceedings, including all paper, electronic data and information related to the complaint will be kept for at least fifteen (15) years following the conclusion of all related proceedings and reviews.

## 10. Process

10.1 This Procedure is intended to ensure a fair and impartial process for Complainants and Respondents, and to serve as a guideline for the Committee.

10.2 The Committee may determine the specific way the provisions of this Procedure are to be implemented, provided that fairness is protected.

10.3 Any inadvertent omission or failure to conduct a proceeding in exact conformity with this Procedure will not invalidate the result of such proceeding, so long as a prudent and reasonable attempt has been made to assure a full and fair process according to the general steps set forth in this Procedure.

10.4 No Member of the Board of Directors of COMP and/or CCMP or of the Committee shall be liable for any action taken or not taken in relation to the COMP and CCMP Joint Code of Ethics or the complaints Procedure outlined in this document. All possible claims or liability arising out of any such action or failure to act shall be deemed waived by all Complainants and Members.

## 11. Development and Version History

11.1 This document was developed by a joint COMP/CCPM Working Group, Co-Chaired by the Vice Presidents of both organizations. The Working Group included diverse representation aligning with the membership criteria of the COMP/CCPM Ethics Committee as set forth in their Terms of Reference.

11.2 This document was reviewed by legal counsel on January 17, 2024.

11.3 This document is intended to be used in conjunction with the COMP and CCPM Joint Code of Ethics approved by members in 2022. This document, and the COMP and CCPM Joint Code of Ethics are intended to complement existing COMP policies, procedures and CCPM regulations and to align with the bylaws of each organization.

11.4 This document was compiled based on the process developed by the American Association of Physicists in Medicine (AAPM) to support the adjudication of their Code of Ethics. It also drew upon the ethics review procedure developed by the Canadian Society of Safety Engineering, a certifying body of similar size to COMP and CCPM.

11.5 This document was first approved by the COMP Board of Directors on the 22<sup>nd</sup> of March 2024 and the CCPM Board of Directors on the 26<sup>th</sup> of March 2024. This document was presented to the Members of both organizations on June 7<sup>th</sup> 2024.

11.6 Version

11.6.1 Version date: March 2024



## Appendix A: Terms of Reference of the COMP/CCPM Ethics Committee

### Background

The Joint COMP and CCPM Ethics Committee ('Ethics Committee') consists of the following two independent organizations: the Canadian Organization of Medical Physicists (COMP) and the Canadian College of Physicists in Medicine (CCPM). Both organizations maintain a close relationship and jointly approved and implemented the COMP and CCPM Joint Code of Ethics (1997, 2022).

### Purpose

The purpose of the Ethics Committee is to implement a consistent, fair and transparent process to adjudicate complaints that allege contraventions of the approved COMP and CCPM Joint Code of Ethics set out by the COMP/CCPM.

### Responsibilities and Duties

1. On behalf of COMP/CCPM, provide oversight for a fair and inclusive adjudication process of ethics violation complaints.
2. Make decisions and/or recommendations regarding the types of consequences resulting from an investigation of an ethics violation that, on balance of probabilities, is substantiated by the majority vote of the Ethics Committee.
3. The Co-Chairs will be responsible for updating the process and seeking input from their respective Boards as necessary.
4. Members will be responsible for participating in meetings, which may include a sub-committee for Information Gathering, when a complaint is submitted.
5. The Information Gathering sub-committee consists of at least three (3) members who will gather evidence through written responses and interviews with any party involved in the complaint (i.e., Complainant, Respondent, Witnesses) and will be held to the same TOR here within.
6. Co-Chairs and Members shall make every effort to adhere to the timelines set out in the Complaints Process document at all stages of the process up to and including the final decision of a review, if required.
7. Co-Chairs and Members shall keep confidentiality during and after the Complaints Process. If found to have broken confidentiality, the Co-Chairs and Members will be subjected to disciplinary action at the discretion of their own Board of Directors.
8. The Co-Chairs will be responsible for ensuring that the members are engaged, meeting secretariat duties and for facilitating any legal engagement, if necessary.
9. The Committee will make recommendations on sanctions to the COMP and/or CCPM Boards of Directors for any sanction other than a warning or probation. In these circumstances, final approval of the complaints' adjudication process sanctions shall be made by consensus from the COMP and/or CCPM Boards of Directors.
10. Members of the Committee reviewing a complaint at any stage, including the Co-Chairs, must be able to perform in an impartial and objective manner. If unable to do so, Members must recuse themselves. If involved in the complaint, Members, including Co-Chairs, must recuse themselves.
11. Members of the Ethics Committee will keep all sensitive information strictly private and confidential, for and beyond the terms of their appointments.





## Membership

All Members, including Co-Chairs, of the Ethics Committee shall be required to sign a conflict of interest/non-disclosure agreement and be bound by the conditions within. COMP and CCMP members with current or pending ethics complaints will not be eligible to participate on the Ethics Committee.

COMP and CCPM are committed to ensuring fair, inclusive, equal and open representation on the Ethics Committee and will consist of at least five (5), and no greater than thirteen (13) members, including the Co-Chairs who will be the Vice President of COMP and the Vice President of CCPM. Ethics Committee membership must reasonably include a variety of representatives of the following:

- Professional Discipline (i.e., radiation oncology, imaging and diagnostics)
- Academic and community radiation oncology centres
- Early and later career
- 25% minimum gender representation
- 25% minimum equity, diversity and inclusion (as noted below)

### Length of term

- Co-Chairs will be the Vice President of COMP and CCPM. They will serve terms that align with their term of office on the Board of Directors of COMP and CCPM; two (2) years and three (3) years respectively.
- Other Ethics Committee members will serve a two (2) year term, which may be renewed once, thus a total of four (4) consecutive years.
- Where possible, no more than 50% of the Members will end their term in a given year.

## Equity, Diversity and Inclusivity

This Ethics Committee will reflect COMP and CCMP's diverse membership. As such, a focus on increasing diversity of its leadership and general membership shall remain a priority and, when possible, the Ethics Committee will be comprised of at least 25% from intersecting social, equity-denied identities, as well as other geographic and/or demographic groups including (but not restricted to):

- 2SLGBTQ+
- Living with disability
- Minority religious/faith communities
- Immigrants/refugees
- Francophone
- Rural/remote
- Internationally educate

## Rules for Meetings

In recognizing that there are different and complex power dynamics on the Ethics Committee that may put some individuals in vulnerable situations, the Co-Chairs will strive to create a protective space for members to engage in meaningful discussions and voting, free from reprisal. If an Ethics Committee member is identified as not adhering to the rules of a meeting, one or both Co-Chairs will address the individual directly. If the behaviour is egregious, the Co-Chairs, in consultation with the Board of Directors, may remove the Member of the Ethics Committee.

Members who miss more than two meetings in a row without notifying the Co-Chairs may have their membership on the Ethics Committee revoked.

## Meetings

1. The Ethics Committee shall convene as needed to undertake the adjudication of a complaint or other arising business, as directed by the Ethics Violation Complaints Procedure.
2. The Ethics Committee will also meet at least once per year to review the COMP and CCPM Joint Code of Ethics and the Ethics Violation Complaint Procedure in order to both re-familiarize themselves with the documentation and to provide recommendations for updates.
3. The Ethics Committee shall meet with meetings scheduled to accommodate members with various availability by varying meeting time and day and will be dependent on the incoming complaint(s) and the time frames set out in the Complaint Process document.
4. The Executive Director of COMP or CCPM will attend meetings as a resource to the Ethics Committee (i.e., taking minutes) as an ex officio member.
5. Summary minutes of meetings will be taken, and all decisions shall be recorded and available to the membership. Those parts of the minutes that do not include confidential information will be made available to the Boards of both COMP and CCPM.
6. Quorum is defined as 50% of the Ethics Committee Membership
7. Decision-making will be done by consensus where possible.
8. The Ethics Committee shall reach decisions by a simple majority of those voting on the issue in question, with quorum being attained. If the number of votes for and against a certain action are equal, the Ethics Committee's Organization of Record's Co-Chair (i.e., Lead Co-Chair for the complaint) shall have a casting vote. Any resolution evidenced in writing or by electronic or voice recognition means, by such member or members of the Ethics Committee as would have been necessary to pass such resolution had all members of the Ethics Committee been present at a meeting to consider such resolution, shall be valid and effective as if it had been passed at a meeting of the Ethics Committee duly convened and held, provided that notice and details of the proposed resolution have been given in advance to each member of the Ethics Committee.
9. When a decision must be made by the Co-Chairs, this means that the Co-Chairs must come to mutual agreement. When Co-Chairs are unable to come to a mutual agreement, the decision must be presented to the whole Ethics Committee to decide. When a decision is to be made by the Ethics Committee, it will do so by simple majority as described in point 8 above.

## Budget

Funds associated with engaging legal advice on specific complaints will be decided upon by the Board of the organization of record, either COMP or CCPM. The Ethics Committee may at any time request that legal counsel be retained for the Committee. While such a request should be made by the Co-Chairs to

the Board of the organization of record, the advice of legal counsel will be confidential to the Ethics Committee.