



Approving University Official(s): Yorkville University Academic Council

Responsible Office: Office of Student Rights and Responsibilities

Effective date: January 1, 2024

Last Reviewed Date: December 1, 2023

Next review date: 3 years

[MACP Professional Suitability Procedures]

Scope: The Professional Suitability Policy and these related Procedures apply to all students enrolled in the Master of Arts in Counselling Psychology program.

Conduct Subject to Review Under this Policy

Any conduct impacting on the University's assessment of an MACP student's professional and ethical judgments, while completing the MACP Program, may be subject to review under this Policy. For greater certainty, such conduct includes the student's conduct outside of the immediate University setting, including conduct at the site of a practicum and public activities, such as online postings, and also includes the student's conduct in relation to their application for admission to the MACP Program.

Conduct that might raise professional suitability concerns and that may be subject to review under this Policy includes, but is not limited to:

1. Concealment of relevant information and/or providing false information when applying for admission to the MACP Program.
2. Persistent and/or serious breaches of the ethical principles underlying the practice of counselling and psychotherapy, including, but not limited to:
 - a. Consistent failure to exercise professional judgment required to function safely and competently within a professional counselling context;
 - b. Persistent impairment due to substance abuse that interferes with a student's ability to safely and competently function within a professional counselling context;
 - c. Convictions of a criminal offense involving dishonest, violent, or abusive behaviour, such as physical or sexual assault, the breach of any fiduciary duty or fraud;
 - d. Conduct that constitutes harassment or discrimination based on protected grounds under applicable provincial human rights legislation (e.g., race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion,

- sex, sexual orientation, gender identity, gender expression, marital status, gender, age, socio-economic status, family status, political affiliation, or disability) and that may interfere with the provision of professional services to a client or with the provision and maintenance of an environment conducive to learning;
- e. Persistent and/or serious demonstrated inability to form professional, helping relationships with clients;
 - f. In a practicum placement:
 - i. Persistent failure to communicate in a professional and respectful manner with supervisors, instructors, colleagues, or clients that demonstrates a lack of respect for individuals, their dignity, rights and/or needs, or the learning process. This includes engaging in communications for the purpose of embarrassing or harassing supervisors, instructors, colleagues, or clients;
 - ii. Dishonesty regarding any aspect of the student's professional activity while in a practicum placement, including with respect to the nature of dual relationships, hours completed, and activities performed during the practicum placement;
 - iii. Misrepresentation of credentials, qualifications, or experience to any individual;
 - iv. Any breach of confidentiality regarding clients' information or any other information deemed confidential or reasonably known to be confidential in nature;
 - v. Persistent or serious lacking of accountability for the quality of service rendered and/or the practices employed in discharging the duties and/or responsibilities of counselling and psychotherapy.
 - g. Any other serious or persistent conduct that does not conform with the standard of behaviour expected of practicing clinicians, either by operation of law, professional standards, or the rules of a particular setting.
 - h. Failure to maintain the confidentiality of any proceedings under this Policy.

Process for Review of Student Conduct under this Policy

Professional suitability concerns to be addressed under this Policy may arise in a number of ways. Most commonly, a faculty member, practicum supervisor, or fellow student might express a concern about the conduct of a student. In whatever way the concerns arise, review of the allegation is initiated by the filing of a formal incident report to the University's Office of Student Rights and Responsibilities (OSRR). Investigation by the OSRR may result in a mediated outcome, informal resolution, or mutually agreed remediation. Where mediation, informal resolution, or mutual agreement are not possible, the OSRR may recommend that a Professional Suitability Review Panel of the Faculty of Behavioural Sciences meet to consider the allegations.

Review Process

Initiating the process:

- The review process is initiated by the filing of a formal incident report to the University's Office of Student Rights and Responsibilities (OSRR). Incident reports

- are normally filed by the Dean of Behavioural Sciences.
- Where a student identifies conduct involving a fellow student to be addressed under this Policy, that student should inform the faculty member responsible for the course in which the alleged conduct occurred, or the Associate Dean of Field Training if the alleged conduct occurred during a practicum placement or the Dean (or designate) in all other cases (e.g., conduct involving public statements made by a student). Individuals who receive such a report will report the alleged incident to the Dean of Behavioural Sciences, who will decide, based on the evidence provided, whether to file an incident report.
 - If a practicum site supervisor or other staff person at a practicum site or a member of the Field Training staff identifies conduct to be addressed under this Policy, that person should inform the Associate Dean of Field Training, who will notify the Dean of Behavioural Sciences, who will decide, based on the evidence provided, whether to file an incident report.
 - If a faculty member or instructor identifies conduct to be addressed under this Policy, they will notify the Dean of Behavioural Sciences who will decide, based on the evidence provided, whether to initiate an incident report.
 - Note, however, that if, while investigating an incident under another University policy (e.g., Student Code of Conduct, Discrimination and Harassment, Prevention of Sexual Misconduct and Violence), the OSRR concludes the alleged offense is best prosecuted under the Professional Suitability Policy, the OSRR will notify the Dean of Behavioural Sciences, the student against whom the allegations were made, and other interested parties that the investigation will proceed under the Professional Suitability Policy.¹

Process:

- Upon receipt of the incident report alleging breach of this policy, the OSRR will conduct a preliminary assessment to confirm that there is a prima facie case for believing the policy was infringed. The OSRR may conclude that there is insufficient evidence of a potential breach of this policy, that the alleged incident is better investigated as a breach of another University Policy (e.g., Student Code of Conduct, Discrimination and Harassment, Prevention of Sexual Misconduct and Violence), or that an investigation under the Professional Suitability Policy is appropriate.
- The OSRR will notify the student via email within two (2) business days that an Incident Report has been received, inform the student of the nature of the alleged offence, and of the range of potential penalties that might be imposed or recommended after an objective investigation and determination, based on the balance of probability. The Respondent will be invited to sign a confidentiality agreement and provided with an opportunity to set out their version of events.
- The OSRR will follow its normal investigation procedures with due regard to the rights of all participants.
 - The Respondent may bring a friend or colleague to meetings with the OSRR as a support person. The support person will be required to sign a confidentiality agreement.
 - The Respondent is entitled to be accompanied by a legal advisor or

represented by legal counsel at the meetings with the OSRR. In the event that the Respondent is accompanied by a legal advisor or represented by legal counsel at a meeting, the University may have legal counsel attended also.

Outcomes:

The OSRR investigation will result in one of three outcomes:

1. A fuller understanding of the alleged conduct and its circumstances, and a conclusion that the professional suitability concern was not supported by evidence and that no further action is necessary under this Policy.
2. A conclusion that the professional suitability concern is supported by evidence and can be addressed by education and/or remediation. If this is the outcome, the OSRR may recommend to the Faculty of Behavioural Sciences that the Respondent be referred to the Faculty of Behavioural Sciences Student Development Committee (SDC), which will develop and implement a remediation program to address the professional or ethical deficiencies underlying the breach of the Professional Suitability Policy. If the SDC concludes that remediation was successful, no further action will be taken under this Policy. If the SDC objectively concludes that remediation failed to address the professional or ethical deficiencies, a Professional Suitability Review Panel will be convened to consider the case.
3. A conclusion by OSRR that the concern is supported by evidence and is serious or reflects ongoing or cumulative behaviour, which shall result in a recommendation from the OSRR that a Professional Suitability Review Panel be convened to consider the case. The Professional Suitability Review Panel will be provided with a report on the OSRR investigation, recommendations from the OSRR on outcomes and actions the Review Panel might take, and evidence on which the OSRR based its conclusions and recommendations.

Formal Review by a Professional Suitability Review Panel (PSRP):

Initiating the Process:

A Professional Suitability Review Panel may be convened by the Dean of Behavioural Sciences

- If the OSRR concludes at any point during its investigation that the alleged breach of the Professional Suitability Policy cannot be addressed by mediation, informal resolution, or mutually agreed remediation. (In such circumstances, the OSRR will inform the Respondent that the case is being referred to a Review Panel and provide the Respondent with a copy of the OSRR report on its investigation.)
- If the SDC concludes that attempted remediation failed to appropriately address the professional or ethical deficiencies underlying the breach of the Professional Suitability Policy.

Process:

- Within two days of receiving the OSRR recommendation to convene a PSRP, the Dean will notify the Respondent that a hearing in relation to the Formal Review (the "Formal Review Hearing") will be convened and a date for the Formal Review

Hearing will be set. Subject to exceptional circumstances, the Formal Review Hearing will take place no later than 10 days after the Dean has decided to initiate the Formal Review Process in accordance with this Policy.

- The Dean will convene a PSRP to consider the case and to hold a Formal Review Hearing in accordance with the following:
 - When this Policy comes into effect, the Dean will identify a pool of at least 10 individuals who are qualified to evaluate professional suitability (the “Pool”). The Pool may include Deans, Associate Deans, faculty members from the Faculty of Behavioural Sciences as well as other faculties. The names of people in the Pool will be communicated to the University’s Vice President Academic/Principal. The membership and composition of the Pool will be periodically reviewed and revised by the Dean, as needed;
 - When the Formal Review Process is initiated, the Dean will strike a Panel of at least three (but always an odd number) individuals from the Pool, taking care to ensure that members of the Panel have no connection to the student or to the case that might lead to bias or a reasonable apprehension of bias in the Panel’s decision-making.
 - One member of the Panel will be designated by the Dean to chair the Formal Review and to prepare the Panel’s written formal decision upon completion of the Formal Review Hearing.

- Advance notification of a Formal Review Hearing to the Respondent will include:
 - Notice of the date, time, and place of the Formal Review Hearing;
 - A reminder that the Respondent may request a postponement or re-scheduling of the Formal Review Hearing, but only on verified medical or compassionate grounds supported by reasonable evidence;
 - The name of the person who will present the case for the University and the names of any witnesses known to be attending the Formal Review Hearing;
 - Particulars of the professional suitability concern giving rise to the Formal Review Hearing;
 - A reminder that the Respondent will be provided an opportunity to make written or oral submissions during the Formal Review Hearing;
 - Documentation, if any, in support of the concern;
 - A reminder of the Respondent’s right to be accompanied by a support person at the Formal Review Hearing;
 - A request that the Respondent and their support person sign a confidentiality agreement;
 - A reminder of the Respondent’s right to be accompanied by a legal advisor or represented by legal counsel at the Formal Review Hearing; and
 - Notice that if the Respondent fails to attend at the Formal Review Hearing without providing valid reason and advance notice, the Panel may proceed in the absence of the Respondent. The Chair of the Panel will decide whether to adjourn the hearing or proceed in the Respondent’s absence.

- During the Formal Review Hearing, the Respondent may be accompanied by a support person.

- The Review Panel will be provided with the report on the OSRR investigation of the allegations and evidence gathered by the OSRR.
- The Review Panel may receive representations from other witnesses who have information to convey relevant to the professional suitability concerns being addressed by the Formal Review Hearing. Witnesses should be asked to sign a confidentiality agreement to protect the rights and privacy of participants.
- The Formal Review Hearing will proceed in accordance with the principles of natural justice. The Respondent will accordingly have the right:
 - To receive written notice of the Formal Review Hearing
 - To receive a hearing before the Panel, including an opportunity to make oral or written submissions to the Panel;
 - To receive a decision made by a Panel that is free from the reasonable apprehension of bias;
 - To be accompanied by a legal advisor or represented by legal counsel; and
 - To receive the Panel's written reasons for the final decision arising from the Formal Review Hearing.
- Subject to exceptional circumstances, the Panel will provide written reasons for its final decision (the "Decision") within five (5) days of the Formal Review Hearing.
- A copy of the Decision will be provided to the Respondent and also maintained in the Respondent's official file.
- All documentation related to the Formal Review Hearing, other than the Decision, will be securely retained for two years, after which time it will be destroyed.

Outcomes:

The Formal Review Process will result in one or more of the following outcomes.

1. A Decision concluding that the professional suitability concern is not supported by evidence or has been adequately addressed, such that no further action will be taken;
2. A Decision concluding that the concern is supported by evidence and may be adequately addressed by education and/or remediation. If this is the outcome, the Respondent will be referred to the Faculty of Behavioural Sciences Student Development Committee (SDC), which will develop and implement a remediation program to address the professional or ethical deficiencies underlying the breach of the Professional Suitability Policy. During the period of education and remediation, the Respondent will be on probation and if they are found to violate this Policy during that probationary period, they will be either (a) suspended from the MACP Program for a period lasting no less than six months and no more than eighteen months; or (b) immediately dismissed from the MACP Program if either the original or subsequent violation is found to be serious in nature.
3. A Decision concluding that the concern is supported by evidence and may be addressed by one of the following disciplinary measures:
 - a. A written warning will be given to the Respondent to be held on the Respondent's official file and may be taken into account at any future investigation or Review under this Policy involving allegations against the Respondent; this warning might be accompanied by a probationary period;
 - b. The Respondent will be required to write a letter of apology to the

- Complainant or any other person the Panel deems appropriate in its Decision; this might be accompanied by a probationary period;
- c. The loss of credit or failure of the course or practicum placement during which the offending behaviour occurred;
 - d. Suspension from the MACP Program for a period of up to one year;
4. A Decision concluding that the concern is supported by evidence, that the Respondent's conduct is sufficiently serious or persistent that they are not professionally suitable for the practice of counselling and psychotherapy, and that such conduct cannot reasonably be addressed through discipline, education or remediation. Following such a finding, the Respondent shall be dismissed from the MACP Program, and will also be permanently prohibited from re-applying to the MACP Program.

Implementation of Outcomes

The Review Panel's decision will be reported to the OSRR, which will notify the Respondent of the outcome and of their right to appeal the decision. The OSRR will also take steps necessary to implement the Review Panel's decision.

Costs Incurred by the Respondent

Following the completion of the OSRR investigation process and/or the Formal Review Process, the University will not be liable for any costs incurred by the Respondent in relation to the completion of or termination from the MACP Program or any processes under this Policy.

Over-riding Duty to Protect

If, at any time, the Dean of the Faculty of Behavioural Sciences believes that any alleged unprofessional conduct creates an actual or potential risk to the safety of clients, students, staff, or members of the public, the Dean shall take reasonable measures to ensure that the Respondent is not in contact with any individuals potentially at risk, including removing the Respondent from the class or practicum site, temporarily suspending the Respondent from the University, and/or contacting the police or other authorities.

Right of Appeal

The student or complainant has the right to appeal decisions of the Panel to the University's Standing Committee Academic and Student Conduct Appeals in accordance with the policies governing non-academic appeals by Students under the University's Academic Calendar.

Confidentiality

All disclosures, reports and complaints made under this Policy will be treated in a confidential manner.

The Dean, and all University faculty and staff who receive a report or complaint under this Policy or who are involved in addressing or investigating it must keep the matter confidential in order to safeguard individuals against unsubstantiated allegations, to protect Complainants from retaliation or reprisal, to protect the rights of those involved in

the allegations and prevent an unjustified invasion of their personal privacy and to preserve the integrity of the Informal and Formal Review Process.

The University will make every reasonable effort to maintain confidentiality when it becomes aware of reports and complaints made under this Policy and will limit disclosure of information about individuals to those within the University who need to know for the purposes of, or those consistent with, carrying out a review or taking corrective action. However, the University might face additional legal obligations and may not be able to guarantee complete confidentiality if there is a risk of harm to any individual or where disclosure is otherwise required by law.

In receiving any report or complaint under this Policy, the University will balance the confidentiality of information about and provided by students with its duty to protect persons whose safety may be jeopardized by any student who is acting in an unprofessional or unethical manner. Thus, the confidentiality information disclosed in any documents, during meetings with instructors, University staff, practicum placement supervisors, students, or others associated with the MACP Program, may be limited where the information raises concerns about a student's ability to assume or execute the professional responsibilities of counselling and psychotherapy. Instructors, program administrators and review or appeal committee members, if applicable, may share pertinent information with each other in accordance with this Policy for the purpose of identifying potential ethical and professional conduct issues.

Related Information

MACP Professional Suitability Policy

Contacts

Office of Student Rights and Responsibilities
(studentrightsandresponsibilities@yorkvilleu.ca)

Revision Log

Policy URL: