

**DISCIPLINE COMMITTEE OF THE
HUMAN RESOURCES PROFESSIONALS ASSOCIATION**

IN THE MATTER OF the *Registered Human Resources Professionals Act, 2013* and the regulations thereunder;

AND IN THE MATTER OF a pre-hearing motion between the Registered Human Resources Professionals Association (the “HRPA”) and Caroline Cole Power;

PANEL:	Jean-Francois Belanger, CHRL	HRPA Member, Chair
	Sean Doyle	Allied Registrant
	Bianca La Neve	Public Member

COUNSEL:	Justine Wong	Counsel, HRPA
	Cenobar Parker	Counsel, Caroline Cole Power (“Registrant”)
	Justin Safayeni	Independent Counsel to the Panel

DECISION AND REASONS ON PRE-HEARING MOTION

Overview

1. This matter was heard by a panel of the Discipline Committee of the Human Resources Professional Association (the “Panel”) on April 21, 2023, via videoconference. The allegations against the Registrant are set out in the Notice of Hearing, dated September 27, 2022, and attached as Appendix A to this decision.
2. At the outset of the hearing, the HRPA advised the Panel that as a result of negotiations between counsel, the parties had reached a resolution in this matter obviating the need for a hearing on the merits.
3. Given the parties’ resolution, the HRPA moved on consent, for an order staying the allegations in the Notice of Hearing as against the Registrant, Caroline Cole Power.
4. Following receipt of the parties’ submissions, the Panel concluded that it was appropriate and in the public interest to grant the order staying the allegations in the Notice of Hearing as requested.

The Parties’ Submissions

5. In its submissions in support of the request for a stay, the HRPA provided the Panel with the following information:
 - a. On January 10, 2023, the Registrant signed an Acknowledgement and Undertaking, filed with the Panel, in which she confirmed that she resigned her certificate of registration with the HRPA on or about March 18, 2022, and that she agreed, among

other things, to never reapply for or seek reinstatement of membership, registration or any title, designation, initials or similar status with the HRP.

- b. Further, the Registrant acknowledged that if she were to apply for membership, registration, designation, or similar status with the HRP in future, the HRP would be entitled to rely upon her Acknowledgment and Undertaking, and the material collected during the investigation of the allegations, in any registration or other similar proceeding as reason to deny her application.
 - c. Finally, the Registrant agreed to pay costs to the HRP in the amount of \$1,000.00, payable over two equal monthly installments, from the date she signed the Acknowledgment and Undertaking she paid the entirety of the amount by the time of the hearing.
 - d. As a result of the Acknowledgement and Undertaking signed by the Registrant, the HRP agreed to seek a stay of the allegations set out in the Notice of Hearing.
6. The HRP submitted that given the resolution, it was not in the public interest to proceed with the prosecution of the allegations set out in the Notice of Hearing. Those allegations, which relate to Caroline Cole Power's conduct during an online training session, remain unproven to date.
 7. The HRP further confirmed that should Carolyn Cole Power breach her obligations as set out in the Acknowledgement and Undertaking, the HRP would be free to proceed with the prosecution of Caroline Cole Power for such breach, even though she has resigned her certificate of registration.
 8. The Panel was advised that Caroline Cole Power consented to the order requested. She was represented by counsel during the negotiations and at the hearing.

Reasons for Decision

9. The issue before the Panel is whether it would be consistent with the HRP's mandate to protect the public interest to grant a stay of the allegations, given the Registrant's Acknowledgment and Undertaking, rather than hold a full hearing at which the allegations of professional misconduct would be adjudicated. The Panel is satisfied that the granting of the stay is consistent with its public interest mandate.
10. The Registrant's resignation and undertaking will protect the public. We note that this is a more significant consequence for the Registrant than could be imposed at a full hearing, since, even if her registration was revoked at a full hearing, she would be entitled to seek reinstatement in the future. However, should the Registrant attempt to seek registration again, the HRP is entitled to rely on Caroline Cole Power's Acknowledgement and Undertaking to deny her application.

11. The HRPAs obligation of public transparency will be served by the fact that this matter proceeded in an open hearing and given that our decision and reasons will be accessible via the HRPAs website.
12. The HRPAs and the membership will also avoid the costs of a full hearing.
13. We regard the proposed disposition as consistent with the public interest. Accordingly, we make the order requested by the HRPAs. The allegations as against Caroline Cole Power set out in the Notice of Hearing are hereby stayed.

I, Jean-Francois Belanger, sign this Decision and Reasons as Chair of the panel of the Discipline Committee on behalf of the members of the panel that heard this matter.

Signed:  (Chair)

Date: May 2, 2023.

PANEL MEMBERS

Sean Doyle

Bianca La Neve

**DISCIPLINE COMMITTEE OF THE
HUMAN RESOURCES PROFESSIONALS ASSOCIATION**

B E T W E E N:

HUMAN RESOURCES PROFESSIONALS ASSOCIATION

-and-

CAROLINE COLE POWER

NOTICE OF HEARING

THE COMPLAINTS COMMITTEE OF THE HUMAN RESOURCES PROFESSIONALS ASSOCIATION (the “Association”) has referred allegations that you have committed professional misconduct to the Discipline Committee under Chapter III, Division III (A registrant shall: 1) act in such a way as to respect the rights of all individuals involved; 2) act in such a way as to protect the dignity of all individuals involved; 3) in the practice of their profession, a registrant shall bear in mind the importance of work and the work environment for the psychological well-being of individuals and the protection of the physical and mental health of the persons under his or her authority or supervision; 4) under no circumstances shall a registrant engage in, or condone: any acts of harassment or intimidation); and/or Chapter VI (A registrant shall avoid any behaviour that would be unbecoming...act with courtesy and respect towards employers, employees, registrants of other professions, other registrants of the Association and the public; shall not breach another person’s trust; shall avoid an attitude or method which could harm the reputation of the profession; shall try to establish a relationship of mutual trust) of the Association’s *Rules of Professional Conduct* which is Schedule 1 to the General By-Law, and pursuant to section 32(1) of the *Registered Human Resources Professionals Association Act, 2013* (the “Act”).

Details about the allegations are contained in **Schedule “A”** to this Notice of Hearing.

A PRE-HEARING CONFERENCE MAY BE HELD at a date, time, and place to be set by the Chair of the Discipline Committee. Note that in accordance with Rule 15.3(b) of the *Rules of Procedure of the Discipline Committee*, the Committee may direct a pre-hearing conference to be held electronically.

THE DISCIPLINE COMMITTEE WILL HOLD A HEARING, under the authority of s. 34 of the *Act* for the purpose of deciding whether you have committed professional misconduct. The hearing shall take place on a date, time, place and format determined by the Chair of the Discipline Committee. Under Rule 16.2(b) of the *Rules of the Discipline Committee*, the Committee may hold the hearing by electronic conferencing.

You may be represented by a lawyer or a person licensed to provide legal services in Ontario (a paralegal).

The hearing will be open to the public, and the documents will be available to the public, unless the Discipline Committee determines otherwise pursuant to Rules 14 and 16 of the *Rules of the Discipline Committee*.

IF YOU DO NOT ATTEND THE HEARING in person or if you are not represented by a lawyer or paralegal, the Panel may proceed in your absence and you will not be entitled to any further notice of the proceedings.

SECTION 34(4) OF THE ACT PROVIDES THAT if the Panel finds that you committed professional misconduct, it may make an order, doing one or more of the following:

1. If at least two-thirds of the committee panel hearing the matter agree, revoke your membership or the firm's registration.
2. Suspend your membership or the firm's registration for a period determined in accordance with the by-laws.
3. Despite section 17 of the Act, direct that you refrain from using any designation, term, title, initials or description implying that you are a member of the Association or are authorized to use the designation, term, title, initials or description during the period of suspension.
4. Determine the timing and manner of the return of your certificate of membership to the Association.
5. Impose restrictions or conditions on the right of you or the firm to practise in the field of human resources.
6. Issue a reprimand and, if the committee considers it appropriate, direct that the reprimand be recorded in the register.
7. Direct you or the firm to take any specified rehabilitative measure, including requiring you or any member practising in the field of human resources through

the firm to successfully complete specified professional development courses or to seek specified counselling or treatment.

8. Direct you or the firm to pay a fine and specify the timing and manner of payment.
9. Direct that the imposition of a measure under this subsection be postponed for a specified period or on specified terms, including the successful completion of specified courses of study.
10. Direct that a failure to comply with the committee's order shall result in the revocation of your membership or the firm's registration.
11. Make any other order that the committee considers appropriate in the circumstances.

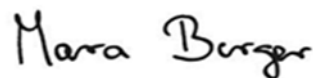
You are entitled to know what evidence the Association has against you or knows about. As set out in the Appendix, disclosure of this evidence has been provided to you along with this Notice of Hearing.

You, or your representative, may contact the solicitor for the Association, Rebecca Durcan, in this matter:

Steinecke Maciura LeBlanc
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401 Bay Street
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Toronto, ON M5H 2Y4

Telephone: (416) 644-4783
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DATED at Toronto, Ontario the 27 day of September, 2022.



Mara Berger
Associate Registrar
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SCHEDULE "A"

STATEMENT OF ALLEGATIONS

Caroline Cole Power

1. Caroline Cole Power (the "Registrant") initially registered with the Human Resources Professionals Association (the "Association") in December 2002. The Registrant resigned from the Association in March 2022. At the time of her resignation the Registrant held the CHRL and CHRP designations.
2. In or around November 2021 the Registrant taught a Succession Planning Course. The Course was allegedly accredited by the Association. It is alleged that the Registrant did the following:
 - a. She communicated to attendees in an unprofessional manner;
 - b. She failed to attend on time;
 - c. She yelled at an attendee;
 - d. She prohibited an attendee from speaking;
 - e. She repeatedly interrupted an attendee from speaking;
 - f. She unilaterally turned off her camera;
 - g. She unilaterally removed attendees from the course; and/or
 - h. She made other attendees feel uncomfortable as a result of her conduct.
3. It is alleged that the above conduct constitutes professional misconduct as defined in the Association Bylaws and following sections of the Association's *Rules of Professional Conduct*.
 - a. A registrant shall: 1) act in such a way as to respect the rights of all individuals involved; 2) act in such a way as to protect the dignity of all

individuals involved; 3) in the practice of their profession, a registrant shall bear in mind the importance of work and the work environment for the psychological well-being of individuals and the protection of the physical and mental health of the persons under his or her authority or supervision; 4) under no circumstances shall a registrant engage in, or condone: any acts of harassment or intimidation (**Chapter III, Division III**); and/or

- b. A registrant shall avoid any behaviour that would be unbecoming...act with courtesy and respect towards employers, employees, registrants of other professions, other registrants of the Association and the public; shall not breach another person's trust; shall avoid an attitude or method which could harm the reputation of the profession; shall try to establish a relationship of mutual trust (**Chapter VI**).

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

DISCIPLINE COMMITTEE OF THE
HUMAN RESOURCES PROFESSIONALS
ASSOCIATION

NOTICE OF HEARING

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Rebecca Durcan

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Lawyers for the Human Resources
Professionals Association