

[2] In our July 31 decision, we found that the Member, Mohmed Chikhlikar, had committed professional misconduct as follows:

- (a) On March 24, 2022, the Member touched Complainant C's buttocks without consent (Statement of Allegations, paragraph 14). The Member did so for a sexual purpose and without Complainant's C's consent.
- (b) The Member sent inappropriate messages to Complainant A on December 22, 2019 (exhibit 5) and in April 2020 (exhibits 6-8) (Statement of Allegations, paragraph 4).
- (c) On February 23, 2022, the Member touched Complainant B's buttocks and/or lower back area.

[3] We received written submissions from the parties and heard oral submissions on November 21, 2025. We received advice from independent legal counsel and gave the parties an opportunity to comment on his advice. Counsel for the Member sent us comments, which we considered.

Positions of the parties

[4] The College sought revocation of the Member's licence.

[5] Counsel for the Member sought a suspension of his certificate of registration for a maximum of three to four months. Mr. Chikhlikar submits that the panel could order any additional terms or conditions it sees fit. He suggests that the term of the suspension could end early if he completes the conditions. However, he does not propose any particular terms, conditions, or limitations.

Analysis

[6] The paramount goal of penalties under the *RHPA* is to protect the public. The penalty should also maintain public confidence in the profession and its ability to self-regulate. A penalty order should be proportionate to both the circumstances of the Member and the nature or seriousness of the misconduct. It should also meet the objectives of: (1) specific deterrence, (2) general deterrence, and (3) rehabilitation/remediation where possible and appropriate. These objectives do not necessarily require equal weight in every case.

[7] To analyze proportionality, we need to consider the features of the case that weigh in favour of a more severe penalty (aggravating factors) and those that weigh in favour of a less severe penalty (mitigating factors).

Aggravating factors

[8] The aggravating factors of the case are the following:

- (a) The number of acts of professional misconduct. The Member committed several acts of professional misconduct involving three different complainants. Combined with the nature of the misconduct below, we perceived a pattern of boundary violations.

(b) The nature of the misconduct itself. The Member engaged in non-consensual touching of two of the complainants, for a sexual purpose. This was invasive and deliberate conduct.

(c) Relationships with the complainants. The Member was a teacher at a private institution teaching traditional Chinese medicine. Two complainants were students at the school and one was a junior employee (a receptionist) with whom he was in an unequal power relationship. Although one of the student complainants was not in a class taught by the Member when most of the misconduct occurred, he was still a teacher at the school and she was still a student there, so there was still an unequal power relationship. The theme of the Member's conduct was the exploitation of power imbalances, including in the teacher-student relationship.

(d) Victim impact. Before us, all three complainants spoke about the impact the incidents had on them. One complainant submitted a victim impact statement in which she elaborated on those impacts and the lasting emotional distress they caused.

[9] We note that one of the more serious allegations in the Notice of Hearing – that the Member had touched the foot of one of the complainants with his crotch while demonstrating a TCM procedure – was not made out on the evidence. We disagree with the Member that our decision on this allegation reflected any general rejection of the complainant's credibility. It simply reflects our decision that the evidence on this incident did not satisfy us to the required standard.

[10] Before us, the Member denied having committed professional misconduct. He advanced a non-sexual explanation for his conduct in relation to Complainant C, he claimed that Complainant A had expressed sexual/romantic interest in him, and he denied any touching in relation to the relevant incident with Complainant B. The lack of remorse or insight is perhaps more the absence of a mitigating factor than an aggravating factor, but it is still concerning.

Mitigating factors

[11] The Member's lack of discipline history can be considered as the absence of an aggravating factor, or a mitigating factor. In our view, the label is less important than the facts: it is noteworthy that he had no prior history of discipline and, in the four years since these allegations emerged, has not had any further disciplinary issues, to our knowledge.

[12] The Member submitted letters speaking to his good character. These letters are from colleagues, students, and patients, including female patients. It is apparent that at least some of the authors are aware of the allegations that led to the findings we made. The fact that the Member has an otherwise good character is a mitigating factor, although one of less weight, since the conduct that we have found to have occurred was to some extent surreptitious.

Decision on penalty

[13] Considering the parties' submissions, findings we made, the aggravating and mitigating factors listed above, and the authorities cited by the parties, we impose the following penalty:

(a) The Member shall appear before the panel (in person or virtually as permitted) to be reprimanded, within 60 days of this order.

(b) The Member's certificate of registration shall be suspended for 6 months, commencing 30 days after the date of this decision becoming final.

(c) The Member shall complete the PROBE ethics course at his own expense. The Member shall also complete a review of the College's Jurisprudence course (or equivalent ethics/boundaries module) at his own expense. Proof of successful completion of both must be provided to the Registrar before the suspension ends and the certificate is reinstated. If either is not completed within the suspension period, the suspension shall continue until proof is received.

[14] In our view, revocation was not required to protect the public and ensure public confidence in the effectiveness of the College's professional regulation system. The Member's conduct, while serious, concerning, and harmful, was not so grave that it warranted revoking his licence to practice, given his lack of discipline history.

[15] We found the cases provided by the Member more comparable to the facts of this case than we did the cases cited by College counsel. The latter were more serious and, in almost all, the penalty was revocation. The former generally imposed penalties of two months' to six months' suspension. However, they largely involved the sexual harassment or non-consensual sexual touching of workplace colleagues. This case differed from them in that, here, the Member was teaching the very profession that this College oversees, and the victims of his conduct were two students and one junior employee at the school where he taught. One victim was a student in a class he was teaching, and the Member touched her for a sexual purpose while demonstrating a procedure. We were also troubled by the Member's lack of insight or remorse.

[16] Accordingly, a suspension at the upper end of the range suggested by the Member's cases was necessary. The fact that the suspension will remain in effect until the Member completes courses aimed at remediation will further protect the public.

[17] The Member should know that future misconduct will attract a more severe penalty. Given his otherwise clean disciplinary record, and the lack of other complaints in the roughly four years since these events, we are hopeful that he will not come before the Discipline Committee again.

Costs

[18] After a finding of professional misconduct, a panel of the Discipline Committee can award costs to the College. The purpose of a costs award is to compensate the College for the expense of investigating and prosecuting the matter, and thereby protect other Members of the profession from the weight of the expense of discipline hearings. Costs are not designed to be a further penalty for professional misconduct.

[19] Here, the College requests a costs award of \$225,000, while the Member submits that a costs award in the range of \$25,000 to \$35,000, with five to seven years to pay.

[20] In the recent case of *Moore v. College of Chiropractors*, 2025 ONSC 6190, the Divisional Court varied a costs award of \$690,376.24 imposed after a 28-day hearing. It fixed costs in the amount of \$450,000.

[21] The key consideration in awarding costs is proportionality. Proportionality can be assessed by looking at several factors:

- (a) Did either party take steps that were unnecessary, or that unreasonably prolonged the proceeding?
- (b) Conversely, did either party take steps that simplified or shortened the proceeding?
- (c) What was the relative degree of success of the parties?
- (d) Did either party make a reasonable offer to settle the hearing?
- (e) Were the resources expended by the College reasonable in the circumstances? A case with complex factual and legal issues, or with serious allegations, may justify expending greater resources than would be spent on a simpler case, or a case with less serious allegations.
- (f) Would the award have a disproportionate impact on the member? Evidence from the Member about their financial situation may strengthen this factor but is not necessary.

[22] The court in *Moore* held: “Costs awards should not be so high as to create a real practical barrier to Members being able to defend themselves in discipline proceedings.” (paragraph 151)

[23] We do not find that there was any conduct by the Member that inappropriately caused the hearing to be longer than it should have been.

[24] The College did not enjoy complete success in the hearing. One significant allegation was not established to the required standard.

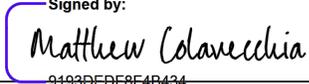
[25] There were no settlement offers in evidence before us.

[26] In our view, a proportionate costs award would be \$50,000. We order the Member to pay this amount in equal monthly installments over 24 months, commencing seven months after this decision becomes final.

[27] If the appeal period has expired or the Member has waived his appeal, the parties shall contact the College’s hearing coordinator so that a hearing can be scheduled to deliver the reprimand.

I, Matthew Colavecchia, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: February 26, 2026

Signed:  Signed by:
Matthew Colavecchia
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Matthew Colavecchia
Judy Cohen
Kevin Ho