

**IN THE MATTER OF *THE PSYCHOLOGISTS ACT, 1997* AND BYLAWS AND IN THE  
MATTER OF A COMPLAINT AGAINST  
MICHAEL MacGREGOR, A MEMBER OF THE SASKATCHEWAN COLLEGE OF  
PSYCHOLOGISTS**

**DECISION  
Saskatchewan College of Psychologists  
DISCIPLINE COMMITTEE**

Discipline Committee Members:

Renée Schmidt, Registered Doctoral Psychologist, Chair  
Christel Gee, Public Representative, Member  
Marc Sheckter, Registered Doctoral Psychologist, Member  
Val Harding, Registered Doctoral Psychologist, Member

Ronni Nordal, Q.C., appearing on behalf of the Professional Conduct Committee  
Scott Spencer, appearing on behalf of the member Dr. Michael MacGregor  
Merrilee Rasmussen, Q.C., legal counsel for the Discipline Committee

**INTRODUCTION**

[1] The Discipline Committee convened on June 17, 2022, via Zoom, as agreed by the parties, to hear and determine the formal complaint concerning the Member dated September 27, 2021, as required by *The Psychologists Act, 1997* [“the Act”].

[2] At all times material to the complaints made against him, Dr. Michael MacGregor was a member of the Saskatchewan College of Psychologists, licensed to practise in the Province of Saskatchewan subject to the Act, the regulatory bylaws of the College, the *Canadian Code of Ethics for Psychologists*, and related Saskatchewan College of Psychologists Practice Guidelines (“the Guidelines”).

## THE FORMAL COMPLAINT

[3] The Formal Complaint contains the following charges alleging that Dr. Michael MacGregor is guilty of professional misconduct and/or professional incompetence contrary to the provision of Sections 25 and 26 of *The Psychologists Act, 1997*, S.S. 1997, c P-36.01 and/or Regulatory Bylaw #20 in that he:

### Charge 1:

In or around 2014, conducted research in Tanzania, Africa without having first obtained proper approval from the University of Saskatchewan's Research Ethics Board, contrary to guideline 16.12 of the Saskatchewan Professional Practice Guidelines of the Saskatchewan College of Psychologists approved May 15, 2010.

### Charge 2:

In or around 2015, while teaching an Introduction to Psychology course, required and/or coerced students to participate in a research study:

- without obtaining informed consent from the students;
- without ensuring students were protected from adverse consequences of declining or withdrawing from participation;
- without providing students with any equitable alternative activity;
- while making participation worth eight percent (8%) of students' final grade; and
- while denying students the right to protect their own dignity;

contrary to guidelines 4.12, 4.13, 4.14, 16.5, 16.8 of the Saskatchewan Professional Practice Guidelines of the Saskatchewan College of Psychologists approved May 15, 2010 and sections 1.8, 1.24 and 1.28 of the Canadian Code of Ethics for Psychologists.

### Charge 3:

Presented research work as his own, which had been conducted/authored by Student A, "The Efficacy of a Combined Cognitive-Behavioural and Interpersonal Therapy Approach to the Treatment of Fibromyalgia: A Randomized Controlled Trial" at a conference without permission and without listing and/or crediting Student A as the author of the work, contrary to guidelines 17.1, 17.2, 17.3 and 17.6 of the Saskatchewan Professional Practice Guidelines of the Saskatchewan College of Psychologists approved May 15, 2010 and sections III.5 and III.7 of the Canadian Code of Ethics for Psychologists.

### Charge 4:

Gave credit to himself, on website [www.michael-macgregor.ca/Publications.html](http://www.michael-macgregor.ca/Publications.html), as one of the authors of the work "The impact of thinking and speaking in the third person on interpersonal processing" when he was not, in fact, one of the authors and had not contributed to the work, contrary to guidelines 17.1, 17.2, 17.3 and 17.6 of the Saskatchewan Professional Practice Guidelines of the Saskatchewan College of

Psychologists approved May 15, 2010 and sections III.5 and III.7 of the Canadian Code of Ethics for Psychologists.

## **FACTS**

[4] Charge 2 was withdrawn. The parties submitted an Agreed Statement of Facts with respect to the remaining charges, the relevant text of which (excluding repetition of the charges and documents referred to as attached) is set out below.

### **Jurisdiction**

2. Dr. Michael MacGregor ("Dr. MacGregor") is registered with the College of Psychologists in Saskatchewan and, accordingly, is subject to *The Psychologists Act, 1997*.

3. Dr. MacGregor is currently the subject of a Formal Complaint dated September 27, 2021. The original Formal Complaint was served on Dr. MacGregor by letter dated September 27, 2021. The Formal Complaint was amended with Dr. MacGregor's consent and a copy of the Amended Formal Complaint is attached at Tab "1".

4. Attached at Tab "2" is proof of Dr. MacGregor's registration with the Saskatchewan College of Psychologists.

5. Notice of Hearing was sent to Dr. MacGregor and legal counsel for Dr. MacGregor.

### **Dr. MacGregor's Education and Background**

6. The following sets out Dr. MacGregor's education and employment history:

B.A. Psychology from the University of Calgary

Ph.D. Clinical Psychology from Dalhousie University

Clinical Internship from the University of Virginia, Counseling and Psychological Services

Employment since 2000, University of Saskatchewan, Assistant then Associate Professor of Psychology

### **General Information**

7. The Saskatchewan College of Psychologists ("the College") received a complaint raising concern with the practice of Dr. Michael Macgregor ("Dr. MacGregor") on May 28, 2018. The dates of the allegations contained in the complaint ranged from 2014 to 2018.

8. At all times material to the complaint made against him, Dr. MacGregor was an Associate Professor in the Department of Psychology, University of Saskatchewan.

9. At all times material to the complaint made against him, Dr. MacGregor was a member of the Saskatchewan College of Psychologists, licensed to practise in the Province of Saskatchewan subject to *The Psychologists Act, 1997*, the regulatory bylaws of the Saskatchewan College of Psychologists, the Canadian Code of Ethics for Psychologists ("the Code"), and the Saskatchewan College of Psychologists Practice Guidelines, which were approved May 15, 2010 ("the Guidelines")

10. At all times material to the complaint made against him, Dr. MacGregor was dealing with long standing mental health illness. Dr. MacGregor underwent a psychological assessment on November 2, 2018 a copy of which was provided to the Professional Conduct Committee which accepted that Dr. MacGregor was not medically able to participate in the complaint investigation process at that point in time. The complaint investigation was put in abeyance on March 15, 2019 and remained in abeyance until February 2, 2021.

### **Circumstances relating to Charges**

#### *Charge 1:*

11. Dr. MacGregor, together with student(s), conducted research relating to effects of water access on individuals psychological well-being, in Tanzania, Africa.

12. As the research involved individual participants, approval from the University of Saskatchewan's Research Ethics Board (REB) was required as set out in the Human Research Ethics Policy (available at: <https://policies.usask.ca/policies/research-and-scholarly-activities/human-research-ethics-policy.php#AuthorizationandApproval>).

13. Dr. MacGregor did not obtain REB approval and proceeded with the research projects in Tanzania, Africa without proper REB approval.

#### *Charge 3:*

14. In 2008, Dr. MacGregor supervised a student, Student A, who ultimately submitted a thesis entitled *"The Efficacy of a Combined Cognitive-Behavioural and Interpersonal Therapy Approach to the Treatment of Fibromyalgia Syndrome: A Randomized Controlled Trial"* (see Tab 3).

15. In 2015, Dr. MacGregor, and others, were listed as authors of *"The Efficacy of a Combined Cognitive-Behavioural and Interpersonal Therapy Approach to the Treatment of Fibromyalgia Syndrome: A Randomized Controlled Trial"* in a submission to a meeting of the Canadian Psychological Association (see Tab 4). Student A was not listed or credited and had not provided permission for use of the work she had authored.

16. Dr. MacGregor should not have been listed as an author and did not take steps to

remove his name from the submission.

*Charge 4:*

17. Prior to, and during 2018, Dr. MacGregor maintained a personal website at [www.michael-rnacgregor.ca](http://www.michael-rnacgregor.ca) and on that website set out a list of selected publications, including conference presentations that Dr. MacGregor had been involved in.

18. As of April 7, 2018, the conference presentations listed at [www.michael-macgregor.ca/PublicLions.html](http://www.michael-macgregor.ca/PublicLions.html) included (see Tab 5):

Campoli, J., Reid, D., & Macgregor, M. Wm. (2014). The impact of thinking and speaking in the third person on interpersonal processing. Canadian Psychology/Psychologie Canadienne.

19. Dr. MacGregor was not a co-author and had not contributed to the work "The impact of thinking and speaking in the third person on interpersonal processing".

**Conclusion**

20. Dr. MacGregor, though legal counsel, pleads guilty to the three charges set out in the amended Formal Complaint outlined above

**LEGISLATION**

[5] The Act defines professional misconduct as follows:

**Professional misconduct**

25 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, that:

- (a) is harmful to the best interests of the public or the members of the college;
- (b) tends to harm the standing of the profession;
- (c) is a breach of this Act or the bylaws; or
- (d) is a failure to comply with an order of the professional conduct committee, the discipline committee or the council;

is professional misconduct within the meaning of this Act.

[6] Where a member is found to be guilty of professional misconduct, the Discipline Committee is authorized to make orders directed at improving the conduct or competence. Section 32 of the Act provides the Discipline Committee with the following authority:

**Disciplinary powers**

32(1) Where the discipline committee finds a member guilty of professional incompetence or professional misconduct, it may make one or more of the following orders:

- (a) an order that the member be expelled from the college and that the member's name be struck from the register;
- (b) an order that the member be suspended from the college for a specified period;
- (c) an order that the member be suspended from the college pending the satisfaction and completion of any conditions specified in the order;
- (d) an order that the member may continue to practise only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
  - (i) not do specified types of work;
  - (ii) successfully complete specified classes or courses of instruction;
  - (iii) obtain treatment, counselling or both;
- (e) an order that reprimands the member; or
- (f) any other order that to it seems just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

- (a) that the member pay to the college within a fixed period:
  - (i) a fine in a specified amount not to exceed \$5,000; and
  - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and the costs of legal services and witnesses; and
- (b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the college.

## **ANALYSIS AND DECISION**

[7] The Discipline Committee accepts the guilty plea provided by Dr. MacGregor in the Agreed Statement of Facts in relation to charges 1, 3 and 4 as contained in the Amended Formal Complaint. He has acknowledged that he failed to comply with the Saskatchewan Professional Practice Guidelines of the College and the sections of the *Canadian Code of Ethics for*

*Psychologists* as identified in those charges. A failure to comply with the Code of Ethics is a breach of section 20 of *The Saskatchewan College of Psychologists Regulatory Bylaws, 2021*. A failure to comply with established standards of practice, as reflected in the College's Practice Guidelines, is a breach of clause 6(1)(l) of the Regulatory Bylaws. A breach of the bylaws is defined as professional misconduct pursuant to clause 26(c) of *The Psychologists Act, 1997*, and, in addition, these failures are professional misconduct as defined in clause 26(a) or (b) of the Act. The Discipline Committee therefore finds that Dr. MacGregor is guilty of professional misconduct. The Discipline Committee appreciates that Dr. MacGregor's mental health was a significant contributing factor to his failure to meet the standards of his profession and understands that he has been able to address his health concerns and take responsibility for his actions. The Committee urges Dr. MacGregor to continue to be vigilant in addressing his health needs to ensure that he does not again find himself in this type of situation.

[8] Having found that Dr. MacGregor is guilty of professional misconduct, the Discipline Committee must determine the appropriate consequence to follow as a result of that finding. Section 32 of the Act sets out the powers of the Discipline Committee where it finds a member guilty of professional misconduct. The range of powers available to the Discipline Committee runs from reprimand to expulsion and includes the ordering of counselling or a requirement to take certain courses, among other things. The list gives the Discipline Committee as broad a discretion as possible to tailor its order to the needs of the situation, so as to ensure that the disposition of the complaint will accomplish the goal of protecting the public while respecting the interests of members. The list concludes with a broad power to make any order that the Discipline Committee thinks is "just".

[9] The parties have also submitted a Joint Submission as to Penalty, which states as follows:

In accordance with the Agreed Statement of Facts and Admissions, Dr. Michael MacGregor admits to each of the three charges against him and accepts the following penalty which is acknowledged to be reasonable and appropriate by the Professional Conduct Committee:

1. A reprimand.
2. An Order requiring payment of a fine in the amount of \$2,000.00 to be paid within one year of the Discipline Committee's decision, the Member will be removed from the Register of

the College and will not be reinstated to the Register until full payment has been made.

3. An Order requiring payment of costs incurred by the College of Psychologists in this matter in the amount of \$20,000.00 including costs of the Professional Conduct Committee, Discipline Committee and Discipline hearing; and if the said costs are not paid within one year of the Discipline Committee's decision, the Member will be removed from the Register of the College and will not be reinstated to the Register until full payment has been made.

4. An Order prohibiting the Member from conducting research until the Member has completed the CPA on-line course: Being an Ethical Psychologist, by Carole Sinclair and submitted proof of successful completion to the Saskatchewan College of Psychologists.

5. An Order that, from the date of the Discipline Committee's decision, that the Member will be prohibited from conducting research unless:

i) the Member obtains supervision for this work from a member of the College who claims competency in the area of research ethics and is approved by the Registration Committee as a supervisor.

ii) Supervision must consist of six hours of face-to-face supervision for every 160 hours of work for a minimum of 400 hours and a minimum of three years;

iii) a Supervision Plan must be approved by the Registration Committee prior to commencing work in this area; and

iv) the Member must provide a successful summary report from their supervisor regarding the member's skill in this area of practice and this must be accepted as successfully passed by the Registration Committee and the Member notified of this formally, before the Member can conduct research independently.

6. An Order that the Discipline Committee's decision and penalty shall be published on the website of the College in accordance with ss. 6(2) of *The Saskatchewan College of Psychologists Regulatory Bylaws, 2021*.

[10] In its decision in the case of *Rault v. Law Society of Saskatchewan*,<sup>1</sup> the Saskatchewan Court of Appeal made it clear that a discipline committee must give serious consideration to a joint submission on sentencing that has been agreed to unless the sentence is unfit or unreasonable, or contrary to the public interest, and it should not be departed from unless there are good or cogent reasons for doing so.<sup>2</sup> The Court went on to say, in relation to the discipline process applicable to members of the Law Society of Saskatchewan (which is similar to the process applicable to psychologists):

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<sup>1</sup> 2009 SKCA 81.

<sup>2</sup> *Ibid*, at paragraph 13.

The discipline process in the Act has many similarities to the criminal process and as such the bargaining process is undermined if a joint submission, the product of compromise, is readily rejected by the Discipline Committee. There is a formal process for the handling of complaints, including the appointment of an Investigation Committee, which may set out a Formal Complaint outlining the allegations which may constitute a finding of guilt as to conduct unbecoming a lawyer. This can lead to the appointment of a Hearing Committee, which determines if the allegations in the Formal Complaint are well-founded and, if so, the matter is referred to the Discipline Committee for sentencing on the charges.

This process can be time-consuming for Benchers involved in the various stages leading to the final penalty imposed by the Discipline Committee and can involve significant costs for both the member and the Law Society. Therefore, all members and the Law Society have a vested interest in ensuring that matters proceed expeditiously. If the member co-operates with the investigation and hearing process and, as happened in the instant case, pleads guilty, and puts an Agreed Statement of Facts before the Hearing Committee, the Law Society is relieved of the burden of proving the allegations in what could, in some instances, be a complicated and protracted hearing with the usual risks and vagaries that may occur in the course of such hearings. If the parties negotiating compromise agreements cannot expect their efforts will be respected, there is little incentive to attempt to negotiate a resolution. For this reason, joint submissions on sentence should be considered by the Discipline Committee in a principled way similar to the jurisprudence in criminal matters and as applied by discipline committees in the provinces noted above.

[11] As a result, it is only in a situation where the Discipline Committee is persuaded that the sentence agreed to in a joint submission is unfit or unreasonable or contrary to the public interest that the Discipline Committee would not accept the joint submission. The Discipline Committee is also mindful of the fact that the objective of professional discipline proceedings is not punishment, but correction or improvement of conduct or competence to ensure, to the extent that it is reasonably practicable to do so, that the public is protected from substandard conduct or competence on the part of psychologists who are members of the College.

[12] The Discipline Committee found no good or cogent reason to depart in substance from the sentence agreed to in the joint submissions provided by the parties. However, the Discipline Committee notes that the reference in the Joint Submission to removing the Member from the register if he fails to pay the fine and costs to be ordered is not exactly accurate. Clause 32(2)(b) of the Act authorizes the Discipline Committee to suspend a member who fails to pay a fine or

costs that has been ordered. The Discipline Committee understands the reference in the joint submission to removal from the register to be equivalent to suspension.

## **ORDER**

[13] For all of the reasons set out above, the Discipline Committee of the Saskatchewan College of Psychologists therefore finds Dr. Michael MacGregor guilty of professional misconduct and, pursuant to section 32 of *The Psychologists Act, 1997*, orders that:

1. Dr. Michael MacGregor is hereby reprimanded.
2. Dr. Michael MacGregor shall pay to the Saskatchewan College of Psychologists, within one year of the date of this decision:
  - (a) a fine of \$2,000; and
  - (b) costs in the amount of \$20,000;

and if he fails to do so his licence shall be thereupon suspended until the fine and/or costs are paid in full.

3. Dr. Michael MacGregor is prohibited from conducting research:
  - (a) until he submits proof of successful completion of the Canadian Psychological Association on-line course, *Being an Ethical Psychologist*, by Carole Sinclair; and
  - (b) unless he:
    - (i) obtains supervision for his work from a member of the College who claims competency in the areas of research ethics and is approved by the Registration Committee as a supervisor in accordance with a supervision plan approved by the Registration Committee, consisting of six hours face-to-face supervision for every 160 hours of work for a minimum of 400 hours and a minimum of three years;

(ii) submits a summary report from his supervisor regarding his skill in this area of practice that is accepted by the Registration Committee; and

(iii) is formally notified by the Registration Committee, in writing, that his supervisor's report is accepted, and he can conduct research independently.

Dated at Regina, Saskatchewan this 29<sup>th</sup> day of June 2022.

SASKATCHEWAN COLLEGE OF PSYCHOLOGISTS,  
DISCIPLINE COMMITTEE



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Renee Schmidt, Registered Doctoral Psychologist  
Chair

On behalf of the members of the Discipline Committee:

Christel Gee, Public Representative

Marc Sheckter, Registered Doctoral Psychologist

Val Harding, Registered Doctoral Psychologist