



## Discipline Committee Terms of Reference

### I Purpose

In strict accordance with Part 5 of the Engineering Profession Act, to adjudicate allegations of unskilled practice or unprofessional or unethical conduct against members of APEY, and thereby maintain levels of competence and ethics in the practice of the profession of engineering in order to protect the public interest.

### II Committee Goals

- a) To demonstrate that the Discipline Committee is an effective vehicle in the adjudication of allegations of unskilled, unprofessional or unethical practice in the engineering profession.
- b) To implement adjudication procedures that reflect an emphasis on natural justice and judgment by peers and comply with the Engineering Profession Act 1995.
- c) To ensure an efficient, prompt and cost effective adjudication process.

### III Committee Activities

The Discipline Committee shall:

- a) Work with the Registrar in his/her role in discipline and enforcement.
- b) Immediately on the receipt of a complaint appoint a person or persons ("Investigation Committee") to conduct an investigation with respect to the matter in order to adjudicate allegations of unskilled, unprofessional or unethical practice in the engineering profession by a member(s) of APEY. The Discipline Committee may delegate this task.
- c) In response to cases forwarded by the *Investigative Committee*, adjudicate allegations of unskilled, unprofessional or unethical practice of the profession of engineering by a member(s) of APEY in accordance with the Engineering Profession Act, Regulations, Bylaws and the APEY Discipline Committee Handbook.
- d) Publish the results of discipline cases in formats designed to deter future infractions and to educate the membership, in accordance with the Publication Policy drafted by Discipline Committee and approved by Council.
- e) Maintain accurate and thorough records of discipline cases to guide the committee members in assessing sanctions.
- f) Make recommendations to Council about the activities, structure, operation and training of the Discipline Committee.
- g) Take training to become and remain knowledgeable in order to carry out their duties on the Discipline Committee, and to develop professionally.



- h) Receive and read discipline cases from other jurisdictions to stay current with trends in enforcement.
- i) Update Handbooks and other tools for the Discipline Committee, including this Terms of Reference.
- j) Participate in the Engineering Profession Act Review by the Association.
- k) Educate the membership about the Code of Ethics and the discipline sections of the Engineering Profession Act, Regulations and Bylaws.

## IV Structure and Operations

- a) According to the Engineering Profession Act 1995, the Discipline Committee shall consist of no fewer than two members of the Association, as designated by Council. According to these Terms of Reference, the Discipline Committee shall consist of no fewer than four members of the Association, and preferably will consist of at least seven. The Committee may consist of non-members of the Association. The Committee shall always have a majority of Association members.
- b) The panel hearing a complaint shall not consist of fewer than three members of the Committee.
- c) Each year Council shall designate one member as Chair of the Discipline Committee.
- d) Appointments are normally for three years, with at least one member of the Committee replaced each year. Members may be re-appointed to a subsequent term.
- e) A quorum of the Discipline Committee shall consist of the Chair or acting Chair and one member of the Committee.
- f) The Chair, or in the absence of the Chair, a majority of the Discipline Committee may appoint an Acting Chair who is a member of the Association and who shall have all the powers of the Chair in the absence of the Chair.
- g) The Registrar shall provide a written or verbal report to Council at each Council meeting detailing the number of discipline cases and number of investigations in progress.
- h) The Chair or the Acting Chair of the Discipline Committee may make a request to the Association President to attend Council meetings, as required, to report on or seek guidance on general matters of the Committee, such as operations, structure, volunteers and training but shall not attend a Council meeting when there is an active complaint.
- i) Council may request a report from the Discipline Committee on any general matter of the Committee except a complaint, but shall not receive a report when there is an active complaint.

***Approved by Council: February 8, 2012***