



## Association of Professional Geoscientists of Ontario Discipline Committee Terms of Reference

### Mandate

The Discipline Committee is responsible to implement and manage the discipline process in accordance with the Professional Geoscientists Act (the Act) and the Complaints and Discipline Regulation made under the Act (O.Reg. 258/02, the Regulation). The Committee will hold a discipline hearing for all orders of the Complaints Committee alleging professional misconduct, negligence or incompetence against a member or certificate holder.

The Discipline Committee shall develop rules (the “Rules”) governing its procedure in accordance with the provisions of the Statutory Powers Procedure Act. The Rules shall be approved by the majority of members of the Discipline Committee and shall be submitted to Council for approval. Forthwith upon approval by Council, the Rules shall have full force and effect until amended by the Discipline Committee again with the approval of Council.

This Terms of Reference document does not amend or supercede the Terms of Reference outlined in By-Law No. 10.

### Functions and Responsibilities

- Ensure all hearings are conducted in accordance with the Act, the Regulation, the Statutory Powers Procedure Act, and the Rules
- Provide “Discipline Panel(s)” constituted by one (1) public non member and two (2) member committee members selected by the Discipline Committee Chair. The Panels will dispense judgment consistent with the “**SPPA**” the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended
- Hold, in accordance with the Rules of Procedure of the Discipline Committee, a “Pre-Hearing Conference”, convened by a single member of the Discipline Committee appointed by the Chair of the Discipline Committee. The Pre-Hearing is a means or stage in the Discipline proceedings at which there may be a candid, without prejudice discussion of the strength of APGO’s case, the member or holder’s potential liability for being found guilty of professional misconduct and/or incompetence, procedural issues, and the potential narrowing of issues to be determined by the Discipline Panel assigned to conduct the hearing
- Discipline Panels will review the evidence submitted by the Complaints Committee on any given matter and call and hear additional evidence germane to the proceedings for which the panel has been convened
- Provide training on an annual basis to the Discipline Committee members necessary for the conduct of their responsibilities as potential Discipline Panel Members

## **Outcomes and Deliverables**

- The Discipline Panels shall provide to the Registrar written decisions within a reasonable time after the conclusion of a hearing. The decisions must be accompanied by the record of the hearing
- Provide periodic reporting to APGO Council on findings and progress of the Committee
- Provision of an Annual Report to Council by February 28 following the December 31 year end

## **Operational Considerations**

- Meetings of the Discipline Committee will be held quarterly or more frequently as required
- Minutes of meetings should be prepared and delivered to the Executive Director and Registrar of the APGO and to Committee members within 30 days of said meeting being held
- Resource requirements, both from a manpower and funding perspective, should be produced, at minimum, annually in conjunction with the annual budgeting process
- The business of the Discipline Committee shall be conducted in accordance with By-Law No. 1
- Conflict of interest considerations for the Committee and for Discipline Panels are outlined in By-Law No. 10, Sections 8 and 9
- Confidentiality considerations for the Committee and for Discipline Panels are outlined in the Regulation, Section 11

## **Status and Authority**

- The Discipline Committee is a Mandated Committee of the APGO that holds legislated responsibility under the Professional Geoscientists Act
- The Committee reports to Council through its Chair
- The Discipline Committee shall operate within the terms of the Act, and the Regulation and By-Laws
- The Chair of the Discipline Committee has the authority to create Discipline Panels, and Working Groups, which may comprise other volunteers, independent legal advice or staff of APGO as the parties may choose and decide together
- The Committee may make an order that a hearing be closed to the public if the criteria in the Regulation, Section 8. (2) are met
- The Committee may make an order for a publication ban
- The Committee may request that the Complaints Committee appoint an investigator to conduct an investigation on a matter relevant to the hearing
- The Committee's term is open ended

## **Composition/Organization**

- The Discipline Committee, in accordance with the APGO By-Law No. 10 is to be comprised of (but not limited to):
  - o two (2) elected councilors;
  - o two (2) councilors who are either non-member appointees appointed in accordance with By-Law No. 7 or appointed by the Lieutenant Governor in Council; and
  - o five (5) members from the membership at large.

- The Chair of the Discipline Committee (the “Chair”) shall be appointed by a majority of the members of the Discipline Committee
- The term of the members of the committee will generally begin in June of the year appointed, coincident with the Annual General Meeting of the APGO
- A majority of the committee members constitute a quorum
- Observers and invited experts may attend meetings of the Committee
- In the event of a vacancy on the Discipline Committee, Council, in consultation with the Chair of the Discipline Committee, may appoint an immediate replacement to the Committee

### **Review**

- The Terms of Reference of the Discipline Committee will be reviewed at least once every three years

### **References**

- Professional Geoscientists Act, 2000
- Statutory Powers Procedure Act, 1990, Section 22
- O.Reg. 258/02 – Disciplinary Matters – Complaints and Disciplinary Proceedings Relating to the Practice of Professional Geoscience
- APGO By-Laws No. 1 and 10
- Rules of Procedure of the Discipline Committee of the APGO