

Establishing Time Frames for Notices and Discipline Matters

*Improved Public Interest
Improved Regulatory Effectiveness and Efficiency*

It is in the interest of the public, Members and Permit Holders that complaint and discipline matters are addressed in a reasonable and consistent amount of time.

Background

Under the current *Engineering and Geoscience Professions Act*:

- the time to reach a mediated settlement between a complainant and investigated Member or Permit Holder is 30 days from the date of receipt of the complaint or longer if agreed to by both parties.
- the Registrar shall “forthwith” send a notice to an investigated person that a preliminary investigation is being conducted.
- the investigated person and Investigative Committee may propose a recommended discipline order (consent order) to a Discipline Committee case manager, but no time frame is specified in which to reach this agreement.
- if a matter is referred to the Discipline Committee for a formal hearing, the Registrar shall serve a notice of the hearing date, time, and place to the investigated person and the complainant, but no time frame is specified for this notice.
- if a matter is referred to the Discipline Committee for a formal hearing, the Discipline Committee shall hold the hearing “forthwith”.
- the Discipline Committee shall, within “a reasonable time” after the conclusion of the hearing, make a written decision on the matter.
- if a matter is appealed to the Appeal Board, a notice of the hearing date, time, and place shall be served on the relevant parties, but no time frame is specified for this notice.
- if a matter is appealed to the Appeal Board, the Appeal Board shall hear the appeal “forthwith”.
- the Appeal Board shall “forthwith,” after the conclusion of the hearing, make a decision on the matter.
- the Registrar shall, immediately upon receiving a decision, serve the decision.

Why is this
Important?

- It is in the public interest, as well as the interest of fairness to Members and Permit Holders, that complaint and discipline processes proceed expeditiously and that decisions are rendered in a timely manner.
- Establishing set time frames provide clear expectations for the parties and the public.

Proposed
Legislative Change

It is recommended that the legislation be amended to specify certain time frames:

Time Frame to Send Notice of Preliminary Investigation

The Registrar must, within 30 days of receiving a complaint, send a notice to an investigated person (Member or Permit Holder) that a preliminary investigation will be conducted and provide details of the complaint.

Time Frame to Respond

An investigated person must, within 30 days of receiving notice of a preliminary investigation or longer if agreed to by the Registrar and the investigated person, provide a written response to the Registrar.

Time Frame to Review Complaint

An investigative panel must, within 90 days after the conclusion of a preliminary investigation, render a decision on whether to dismiss the complaint, refer the complaint to a discipline hearing, or begin discussions with the investigated person for a consent order.

Time Frame to Reach Consent Order

The time frame to reach a consent order between an investigated person and an investigative panel is 90 days from the date negotiations began or longer if agreed to by both parties.

Time Frame to Schedule a Discipline Hearing

If a matter is referred to a discipline panel for a hearing, the Registrar must, within 90 days after receiving the referral, set a date for the hearing and give all parties notice of the date, time, and place of the hearing.

Time Frame to Respond to Notice of Discipline Hearing

If a date is set for a hearing by a discipline panel, the investigated person and investigative panel must, within 30 days of receiving notice of the hearing date, respond to the Registrar confirming their availability on that date or propose alternative dates.

If the parties and Registrar are not able to agree to a hearing date within an additional 30 days, the Registrar may set a date for the hearing and the hearing shall commence on that date.

Time Frame to Render a Decision Following a Discipline Hearing

A discipline panel must, within 120 days after the conclusion of a hearing, render a written decision.

Time Frame to Schedule an Appeal Hearing

If a discipline decision is appealed, the Registrar must, within 90 days after receiving the notice of appeal, set a date for the appeal hearing and give all parties notice of the date, time, and place of the hearing.

Time Frame to Respond to Notice of Appeal Hearing

If a date is set for a hearing by an appeal panel, the investigated person and investigative panel must, within 30 days of receiving notice of the hearing date, respond to the Registrar confirming their availability on that date or propose alternative dates.

If the parties and Registrar are not able to agree to a hearing date within an additional 30 days, the Registrar may set a date for the hearing and the hearing shall commence on that date.

Time Frame to Render a Decision Following an Appeal Hearing

An appeal panel must, within 120 days after the conclusion of a hearing, render a written decision.

Time Frame Extensions

If an investigative, discipline, or appeal panel has not rendered a written decision within the required time frame, it must at the end of that period inform the parties, in writing, that the decision has not been completed and continue to report to them on the progress of the decision every 30 days.

Time Frame for Registrar to Serve Decisions

The Registrar shall, within a reasonable time of receiving a written decision from an investigative, discipline, or appeal panel, serve the decision. (As is currently the case under the existing Act, the time frame in which a person may appeal a decision will remain 30 days from receipt of notice.)

It is also recommended that the legislation be amended to consolidate related information on time frames for discipline matters into one division.

Effects of the
proposed
change

- Time frames for various regulatory activities will be established for which presently there are none.
- The Registrar's office will coordinate the scheduling of hearings and the issuance of notices on behalf of statutory entities, allowing for a more coordinated approach to regulatory processes.
- All information related to time frames will be in one part of the legislation, making it easier to find for the public, Members, Permit Holders, and the statutory entities.