

Clarifying the Role and Authority of Investigative Panels

*Improved Public Interest
Improved Regulatory Effectiveness and Efficiency*

To better protect the public, APEGA must have the ability to quickly and properly investigate allegations of unskilled practice or unprofessional conduct by its Members and Permit Holders.

Background

- Currently, investigations into complaints are conducted by APEGA's investigation panels, which are made up of volunteer Members from the Investigative Committee.
- The panels conduct the preliminary investigations and prepare reports for the Investigative Committee. The Investigative Committee decides whether to dismiss the complaint, propose a recommended order, or refer the complaint to a disciplinary hearing.

Why this is important

- It is in the public interest that trained investigators quickly and thoroughly investigate complaints against Members and Permit Holders.
- Although the volunteer Members of the investigative panels have expertise in their fields of engineering or geoscience, few, if any, are experienced in conducting disciplinary investigations. As a result, their investigations may not be as thorough or complete as investigations conducted by highly trained investigators.
- For this reason, the panels are supported by qualified investigators to conduct investigations, but the volunteer panels are still accountable for conducting the investigations and preparing the investigation reports.
- The speed at which investigations are completed and the decisions are made needs to be improved. Panel Members are typically practising Professional Members with competing demands on their time, resulting in delays in conducting investigations and preparing reports. There are further delays associated with the timing of meetings of the Investigative Committee.

Proposed
legislative
changes

To amend the *Engineering and Geoscience Professions Act (EGP Act)*, to allow:

- Investigators, rather than investigative panels, will investigate complaints and report the findings to the investigative panels. Investigators will use technical subject matter experts as part of the investigation as required. These technical subject matter experts may be drawn from the pool of investigative committee members or elsewhere and will be different individuals than the members of the investigative panel.
- Investigative panels will become the decision makers and have the same powers and decision-making authority as the Investigative Committee currently has. The panels will review the investigation reports and decide whether to dismiss a complaint, propose a recommended order, or refer the complaint to a disciplinary hearing. Investigation panels will not conduct the investigation.
- The Investigative Committee will become the pool or roster from which Members of the investigative panels will be drawn.

Effect of the
proposed
changes

- Using highly trained investigators to conduct the investigations with the assistance of technical subject matter experts as required will result in thorough, timely and consistent investigations. This will improve public protection and improve APEGA's regulatory efficiency and effectiveness.
- An investigative panel of Professional Members and a public member will decide what to do with the complaint.
- By separating the investigation function from the decision-making function, the roles of those involved will better align with their skills.
- Using panels, rather than the Investigative Committee, to make decisions will better use APEGA's volunteers' time and will result in quicker decisions.
- These changes will make the structure and operation of the Investigative Committee consistent with how the Discipline Committee and Appeal Board use panels.
- It will bring APEGA in line with other modern, self-regulatory, professional associations in Alberta.