



Policy on the CIA Disciplinary Process

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Context and Purpose

This policy sets out the disciplinary framework for the handling of complaints and the consideration of disciplinary action against members¹ of the Canadian Institute of Actuaries (CIA).

In conjunction with the relevant *Bylaws*, the purpose of this policy is to protect the public and maintain public confidence in the actuarial profession in Canada by establishing a transparent and even-handed disciplinary framework. In doing so, the good standing and reputation of the profession, in the interests of the public and its members, are also protected.

Since a significant portion of the CIA disciplinary process is enshrined in the *Bylaws*, all relevant bylaws are reproduced in this policy (shown in shaded blue boxes), where appropriate, to ensure that the full disciplinary framework is clearly stated within this policy and accessible to members, to the Professional Conduct Board (PCB), and to stakeholders.

Scope

This policy applies to all disciplinary matters involving members, with the exception of the process surrounding the disclosure of criminal convictions. A separate *Policy on the Disclosure of Criminal Convictions* outlines that process.

Policy Statements

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¹Terms used in this policy that are dotted underlined are defined in the Definitions section of the *Bylaws* and/or in the Definitions and abbreviations section at the end of this policy.

1. Professional Conduct Board

a) Establishment, composition, and eligibility

7.2.1 Establishment of boards 1. The following boards, established by the Institute, shall be under the oversight of the Actuarial Profession Oversight Board:

- The Actuarial Standards Board;
- The Professional Conduct Board;** and
- The Professionalism and Credential Monitoring Board.

7.2.2 Composition and eligibility 1. Unless otherwise provided in these *Bylaws*, each board under the oversight of the Actuarial Profession Oversight Board shall:

- consist of not less than six members or more than 15 members, including a chair and a vice-chair;
- consist of at least a two-thirds majority of members of the Institute; and
- include no ~~directors~~ member of the Board and not more than one member of the Actuarial Profession Oversight Board.

2. The members of each board shall be appointed annually by the Actuarial Profession Oversight Board.

3. The Executive Director shall sit as an *ex officio* participant on each board established in accordance with these *Bylaws*.

7.2.4 Professional Conduct Board 2. The Professional Conduct Board shall consist of at least 10 members, including a chair and vice-chair.

b) Duties and responsibilities

7.2.4 Professional Conduct Board 1. The Professional Conduct Board shall have such powers and duties provided in, and not in conflict with, these *Bylaws* and the *Policy on the CIA Disciplinary Process*, adopted in accordance with Bylaw 5.2.2.1, to:

- uphold and enhance the standards of professional conduct of the members;
- maintain and promote the good standing and reputation of the Institute and the profession of actuary in the interests of the public and of the members; and
- handle the Institute's disciplinary matters.

5.2.1 Duties and Responsibilities of the Professional Conduct Board 1. The Professional Conduct Board shall have the responsibility to handle the Institute's disciplinary matters in accordance with these *Bylaws* and the *Policy on the CIA Disciplinary Process* and shall deal with

- every complaint alleging that a Fellow, Associate, or Affiliate has committed an offence;
- any information that it may receive concerning the conduct of a Fellow, Associate, or Affiliate; and
- any disciplinary matters concerning members of bilateral organizations as defined in Bylaw 5.9 regarding such members' practice or professional conduct in Canada.

3. The Professional Conduct Board shall adopt, publish, and amend, from time to time, as required, a *Policy on the CIA Disciplinary Process* in

accordance with these Bylaws, that sets out the circumstances under grounds on which disciplinary action may be taken and provides for a fair and just process for determining whether a Fellow, Associate, or Affiliate is liable to disciplinary sanction and the potential action to be taken in light of the outcome. Such a policy will include:

- i. procedures for the handling of disciplinary inquiries and complaints against members;
 - ii. details regarding communications between all parties involved in the disciplinary process, as well as with members and the public;
 - iii. timelines and required notice and response periods at all stages of the disciplinary process;
 - iv. confidentiality requirements for all individuals or entities involved with the investigation of a disciplinary matter;
 - v. procedures to address conflicts of interest at all stages of the disciplinary process;
 - vi. duties of the Professional Conduct Board that it delegates in accordance with Bylaw 5.2.1.6; and
 - vii. procedures related to the appointment and key operations of a disciplinary tribunal which would be supplemented by the Rules of Practice and Procedure of a Disciplinary Tribunal, in accordance with Bylaw 5.4.
4. Before the Policy on the CIA Disciplinary Process can be adopted or amended by the Professional Conduct Board, it shall be published in draft form for a period, ~~the length of which shall be determined at the sole discretion of the Professional Conduct Board, but which shall be~~ of at least 30 days, for review and commentary by members and other stakeholders.
 5. Notwithstanding any other bylaw, the Professional Conduct Board may proceed to adopt amendments to the Policy on the CIA Disciplinary Process that are, in its opinion, sufficiently minor so as not to require consultation with members and other stakeholders, without the endorsement and publication of any draft of said amendments.
 6. The Professional Conduct Board may delegate actions, other than those identified in Bylaw 5.2.2.1, to an individual member of the Professional Conduct Board or to a sub-group of its members in accordance with the Policy on the CIA Disciplinary Process duly adopted by the Professional Conduct Board in accordance with Bylaw 5.2.1.3.

c) Authority of the Professional Conduct Board

5.2.2 Authority of the Professional Conduct Board

1. In accordance with these Bylaws and the Policy on the CIA Discipline Process, the Professional Conduct Board has the authority to:
 - i. determine whether it has jurisdiction in a disciplinary matter;
 - ii. dismiss a complaint or information regarding a Fellow, Associate, or Affiliate, which may include sending them a letter of advice for educational or counselling purposes which shall ~~not~~ be kept on record for five years, and which shall be made available only to the Professional Conduct Board;
 - iii. initiate an investigation or lay a complaint against a respondent;
 - ~~iv. file a charge and proceed with private admonishment proceedings;~~
 - v-iv. file a charge against a respondent and refer it to a disciplinary tribunal;

- ~~vi-v.~~ request a disciplinary tribunal to order that a respondent be suspended for the duration of an inquiry; and
- ~~vii.~~ negotiate a written settlement agreement which would include an admission of guilt by the respondent, subject to review by a disciplinary tribunal in accordance with Bylaw 5.4.9 file a charge and, subject to an admission of guilt by the respondent, make a recommendation of one or more of the following sanctions to the respondent:
 - ~~a.~~ Completion of one or more courses of instruction prescribed by the Professional Conduct Board.
 - ~~b.~~ Payment of a fine not exceeding \$10,000.
 - ~~c.~~ Payment of all or part of the fees and expenses of legal counsel for the Professional Conduct Board incurred to commence and complete the matter.
- ~~d-vi.~~ Such corrective or remedial action as the Professional Conduct Board considers appropriate and on sanctions, the agreement presented to and agreed by

2. Disciplinary process

a) General

5.1 Disciplinary process

1. The Institute shall uphold and enhance standards of professional conduct of Fellows, Associates, and Affiliates and maintain and promote the good standing and reputation of the Institute and the profession of actuary in the interests of the public and of the members.
2. The rules of natural justice and procedural fairness apply to the Institute's disciplinary process.
3. Fellows, Associates, and Affiliates have a right to:
 - i. be informed of the allegations against them;
 - ii. timely, truth-searching, transparent, and efficient conduct of disciplinary proceedings by the Institute;
 - iii. a full and fair opportunity to respond to the allegations;
 - iv. be informed of all members of a CIA disciplinary tribunal appointed to handle hear the charge filed against the Fellow, Associate, or Affiliate member, and to request the removal of a member of said tribunal, should there be a conflict of interest between a member of the tribunal and one of the parties, or should a member of the tribunal appear biased for any other reason under the circumstances;
 - v. a fair, transparent, and unbiased hearing to which the Fellow, Associate, or Affiliate member may participate and present evidence and cross-examine witnesses;
 - ~~vi.~~ negotiate, with the Professional Conduct Board, a written settlement agreement which would include an admission of guilt by the member, subject to review by a disciplinary tribunal in accordance with Bylaw 5.4.9.
 - ~~i.~~ an appeal of the decision of a disciplinary tribunal;
 - ~~ii-vii.~~ a sufficiently clear and precise rationale from the CIA disciplinary tribunal to enable them to understand the basis of the decision; and

viii. ~~an appeal of the decision of a disciplinary tribunal, in accordance with Bylaw 5.5.2; and~~

iii-ix. ~~receive and comment on any substantive changes to the disciplinary process outlined in these Bylaws related to the disciplinary process, which require member confirmation, or in-to the Policy on the CIA Disciplinary Process, established in accordance with Bylaw 5.2.1.3.~~

4.4 ~~Disciplinary jurisdiction~~

5. A person whose status as a Fellow, Associate, or Affiliate has terminated shall remain subject to the disciplinary jurisdiction of the Professional Conduct Board for the acts or omissions committed while being a member.

b) Inquiries

- i. Any inquiry that refers to a member, or the work performed by a member, shall be dealt with as a complaint or information.
- ii. A general inquiry on the appropriateness of the Institute's Standards of Practice, Rules of Professional Conduct, or accepted actuarial practice directed to the PCB shall be referred to the appropriate committee of the Institute. However, if such a general inquiry is not within the mandate of a specific committee of the Institute, it shall be referred to the Executive Director to decide on the forum for consideration of the inquiry.

c) Laying of a complaint or providing information

- i. Every complaint or information shall be received by the ~~Secretary of the PCB~~ Executive Director who shall forward it to the chair of the PCB.-
- ii. The PCB shall determine if it has jurisdiction in the matter or if it should be handled by a bilateral organization (see Section 8 – International practice and jurisdiction). If the PCB decides that the matter should be handled by a bilateral organization, the ~~Secretary of the PCB~~ Executive Director shall forward the complaint or information to that organization. Should that organization refuse to handle the matter, or should it be unclear whether the matter constitutes practice in Canada or practice in the jurisdiction of the bilateral organization, the PCB shall retain jurisdiction to handle the complaint or information received in accordance with the Bylaws and this policy.
- iii. When a complaint is received or information is provided, the PCB shall promptly request that the complainant or informant sign an agreement to keep confidential any information provided by the PCB to such complainant or informant on a confidential basis. If the complainant or informant refuses or fails to sign such an agreement, the PCB shall not provide such complainant or informant with any further notification or confidential information concerning the disciplinary matter until either a charge is filed or the case is dismissed.
- iv. In order to decide whether an offence may have been committed by a member, the PCB shall communicate with the complainant or informant to obtain additional information regarding the complaint laid or information received. The PCB shall also share the complaint laid or information received, with the member to whom it is applicable, who may, within 30 days, provide a formal response thereto.
- v. Where, on the basis of all information obtained, the PCB is of the opinion that an offence has not been committed by the member, it shall dismiss the complaint or information and shall notify all parties, including the complainant or informant, of its decision, within a reasonable period of time, normally 30 days. In addition to the notice of the decision, the PCB may also send a letter of advice, which may include any educational or counselling materials as the PCB may consider appropriate in the circumstances. A record of the letter of advice shall ~~not~~ be kept in the member's record for five years, and all those involved in the creation and production of the letter of advice shall be personally bound to secrecy, and shall be made available only to the PCB.
- vi. Where, on the basis of all information obtained, the PCB is of the opinion that an offence may have been committed by the member, it shall refer the complaint laid, or information provided, to an investigation team. ~~If, however, the PCB finds, having regard to the relative gravity of the matter and the interest of the public and the Institute that a complaint is justified and that referring the matter to an investigation team is not required, it shall file a charge and proceed with private admonishment~~

~~proceedings in accordance with Bylaw 5.2.2.1.iv and Section 2. e) below.~~ The PCB shall notify the relevant parties within a reasonable period of time, normally 45 days of its decision.

d) Investigation team

- i. When the PCB refers a complaint or information to an investigation team, it shall appoint ~~the an~~ investigation team consisting of no more than three persons, to carry out an investigation. No member of the Board, the PCB, or the Actuarial Profession Oversight Board (APOB) shall act as a member of an investigation team.
- ii. An investigation team shall prepare a report containing the findings of its investigation which shall be transmitted to the PCB for review within 30 days after its completion. Once the PCB has reviewed the report, resolved any issues with the investigation team, and accepted the report, it shall subsequently transmit the report to the respondent who may submit a formal response to the report of the investigation team, to the PCB, within 30 days, or such greater period as the PCB may consider appropriate in the circumstances.
- iii. An investigation team shall conduct its investigation and prepare its report in accordance with the procedures and guidelines established by the PCB (see Appendix A).

e) Decisions of the Professional Conduct Board

- i. After reviewing the report of an investigation team and the response provided by the respondent, if any, the PCB shall, in accordance with Bylaw 5.2.2.1,
 - a. dismiss the complaint;
 - ~~b. file a charge and proceed with private admonishment proceedings;~~
 - ~~c. file a charge and make a recommendation of sanction to the respondent, subject to an admission of guilt by the respondent; or~~
 - ~~b. file a charge and refer it to a disciplinary tribunal; or~~
 - ~~c. request a disciplinary tribunal to order that a respondent be suspended for the duration of an inquiry; or~~
 - d. negotiate, with the respondent, a written settlement agreement which would include an admission of guilt by the respondent, subject to review and confirmation by a disciplinary tribunal in accordance with Bylaw 5.4.9.
- ii. If the PCB dismisses a complaint, it shall formally notify all parties, including the complainant or informant, within a reasonable period of time, normally 30 days, stating the reasons for the dismissal. The PCB may also send to the respondent a letter of advice, which may include any educational or counselling materials as the PCB may consider appropriate in the circumstances. A record of the letter of advice shall ~~not~~ be kept for five years and shall be made available only to the PCB, and all those involved in the creation and production of the letter of advice shall be personally bound to secrecy.
- ~~iii.~~ If the PCB finds that a complaint is justified, ~~and that proceedings pursuant to Bylaw 5.2.2.1.iv (private admonishment) or Bylaw 5.2.2.1.vii (admission of guilt and recommendation of sanction) are not appropriate, it may~~
 - ~~a. file a charge against the respondent, which would be referred to a disciplinary tribunal; or~~
 - ~~b. negotiate, in accordance with Bylaw 5.2.2.1.vi and the procedures outlined in Appendix B of this policy, a written settlement agreement with a respondent who wishes to plead guilty to the charge. Such an agreement would be subject to review and confirmation by a disciplinary tribunal in accordance with Bylaw 5.4.9.~~
- ~~iv.~~ ~~must then file a charge against the respondent. The PCB may also negotiate a settlement agreement, at the request of the respondent, after a charge is filed and referred to a disciplinary tribunal. Such an agreement would be subject to review and confirmation by said disciplinary tribunal in accordance with Bylaw 5.4.9.~~
- ~~iii.v.~~ If a written settlement agreement is reached by the parties and confirmed by the disciplinary tribunal, ~~and refer it to a disciplinary tribunal for a hearing. The PCB disciplinary tribunal shall then formally notify the PCB and the respondent within a reasonable period of time 10 days of this decision and the Executive Director shall publish, within 60-30 days after notifying the respondent, a notice of the charge-written settlement agreement which is available to the public. The notice shall contain:~~

- a. the name and the principal practice address of the respondent;
 - b. the specialty area in which the respondent practices, if any;
 - c. the charge and sanctions and sanctions agreed upon by the parties; and
 - a.—
 - b.—the name and the principal practice address of the respondent;
 - d. the specialty area in which the respondent practices, if any confirmation that the written settlement agreement has been reviewed and confirmed by a disciplinary tribunal.
- vi. If the charge is referred to a disciplinary tribunal, the PCB shall then formally notify the respondent within a reasonable period of time, normally 30 days, of this decision and the Executive Director shall publish, within 30 days after notifying the respondent, a notice of the charge which is available to the public. The notice shall contain:
- a. the name and the principal practice address of the respondent;
 - b. the specialty area in which the respondent practices, if any;
 - c. the charge; and
 - e.—; and
 - d. a statement advising that the respondent has been charged, but that the disciplinary tribunal hearing has not yet been held and its decision has not yet been rendered.

d.

f) Private admonishment

- i. ~~If the PCB finds, having regard to the relative gravity of the matter and the interests of the public and the Institute, that the complaint is justified and that proceedings pursuant to Bylaw 5.2.2.1.vii (admission of guilt and recommendation of sanction) or Bylaw 5.2.2.1.v (referral to a disciplinary tribunal) are not appropriate, it shall file a charge and refer it to no more than three representatives from the PCB, chosen by the chair of the PCB, for private admonishment proceedings and formally notify the relevant parties within a reasonable period of time of its decision.~~
- ii. ~~Within 60 days, or such greater period as the PCB may consider appropriate in the circumstances, the respondent shall personally attend an informal meeting with the representatives from the PCB to discuss the charge, where the respondent will have the opportunity to respond to the charge. If the respondent refuses or fails to attend such an informal meeting, without reasonable excuse, the PCB may refer the charge against the respondent to a disciplinary tribunal for a hearing and formally notify the relevant parties within a reasonable period of time of its decision. The Executive Director shall publish, within 60 days after notifying the respondent, a notice of the charge, which is available to the public, and in accordance with Section 2. e) iii of this policy.~~
- iii. ~~After considering the response provided by the respondent at the informal meeting, the representatives of the PCB shall decide whether to dismiss the charge or to issue a private admonishment and shall inform the respondent of the decision and formally confirm the decision to the relevant parties within 15 days thereof. The confirmation shall be signed by all representatives of the PCB and shall contain~~
 - a.—~~a summary of the facts;~~
 - b.—~~the charge filed against the respondent;~~
 - c.—~~reasons for the decision; and~~
 - d.—~~a copy of any formal response and documents provided by the respondent at the informal meeting.~~
- iv. ~~The Secretary of the PCB shall ensure that a copy of the formal confirmation of the private admonishment is placed in a special file for a period of five years from the date it is signed, after which time it shall be destroyed. A private admonishment shall not be disclosed and all those present at the informal meeting shall be personally bound to secrecy, subject to:~~
 - a.—~~the right of the to be informed pursuant to Section 2. b) iii of this policy;~~

- ~~b. the right of the members of the PCB to be informed about the private admonishment proceedings to the extent necessary for the performance of their duties; and~~
- ~~c. the right of the members of a CIA disciplinary tribunal, in a subsequent hearing against the respondent, to be informed about and take into consideration such private admonishment, provided the alleged offence being considered by the CIA disciplinary tribunal is similar in nature to the matter that was the subject of such private admonishment.~~

g) Charge and recommendation of sanction (admission of guilt)

- ~~i. If the PCB finds, having regard to the relative gravity of the matter and the interests of the public and the Institute, that the complaint is justified and that proceedings pursuant to Bylaw 5.2.2.1.iv (private admonishment) or Bylaw 5.2.2.1.v (referral to a disciplinary tribunal) are not appropriate, it shall file a charge and make a recommendation that the respondent formally admit guilt for the acts or omissions that form the basis of the charge, and accept a reprimand. In addition, the recommendations of the PCB may require that the respondent agree to one or more sanctions, in accordance with Bylaw 5.2.2.1.vii.~~
- ~~ii. The PCB shall deliver the charge and its recommendation of sanction to the respondent who shall, within 30 days of such delivery, or such greater period as the PCB may consider appropriate in the circumstances, either formally admit guilt and accept the recommendation or decline to do so.

 - ~~a. If an admission of guilt is entered and the recommendation of sanction is formally accepted by the respondent, the respondent shall comply with the conditions thereof, and the complainant shall be informed within a reasonable period of time of the admission of guilt and the accepted recommendation of sanction.~~
 - ~~b. If the respondent fails either to admit guilt or to accept the recommendation of sanction within the period set by the PCB, the respondent is deemed to have declined to accept the recommendation of sanction.~~
 - ~~c. If the respondent fails to comply with the recommendation of sanction or its terms and conditions, or if the respondent declines to accept the recommendation of sanction, the PCB must shall then refer the charge against the respondent to a disciplinary tribunal for a hearing, and formally notify the respondent within a reasonable period of time of this decision. The Executive Director shall publish, within 60 days after notifying the respondent, a notice of the charge, which is available to the public, and in accordance with Section 2. e) iii of this policy.~~~~

3. Disciplinary tribunal

a) Tribunal Panel

7.3 Tribunal Panel

1. The Tribunal Panel shall be appointed annually by the Actuarial Profession Oversight Board and consist of at least 15 Fellows who have agreed in general terms to make themselves available for appointment to a disciplinary tribunal or an appeal tribunal.
2. None of the President, the President-Elect, the Immediate Past President, or a member of the Professional Conduct Board shall be members of the Tribunal Panel.
3. Two members of the Tribunal Panel shall be appointed by the Actuarial Profession Oversight Board to act as chair and vice-chair of the Tribunal Panel and shall have such powers as may be necessary or convenient for the purposes for which they are appointed.

b) Appointment of a disciplinary tribunal

5.4 Disciplinary tribunal

1. The chair of the Tribunal Panel shall appoint a disciplinary tribunal to hear a charge filed against a respondent.
2. A disciplinary tribunal shall consist of three members, two of whom shall be members of the Tribunal Panel. The third member, who shall be a retired judge, shall be the chair of the disciplinary tribunal.

- i. If the chair of the Tribunal Panel is in a position of conflict of interest or is otherwise unable to appoint a disciplinary tribunal, the vice-chair of the Tribunal Panel shall appoint the disciplinary tribunal in accordance with Bylaw 5.4.2.
- ii. In the event that two members of a disciplinary tribunal cannot be appointed from the Tribunal Panel, the chair or the vice-chair of the Tribunal Panel may appoint a Fellow to sit as a member of a disciplinary tribunal. None of the President, the President-Elect, the Immediate Past President, the members of the investigation team that investigated the complaint laid against the respondent, the chair or vice-chair of the Tribunal Panel, or a member of the PCB, shall be eligible to sit as a member of a disciplinary tribunal.

c) Legal counsel, mediator, and witnesses

5.6 Legal counsel, mediator, and witnesses

1. Any person involved in the disciplinary process may be assisted or represented by legal counsel.
2. The Professional Conduct Board and the respondent may retain the services of a mediator prior to the scheduled hearing, on mutually agreed terms and conditions.
3. A disciplinary tribunal or, in exceptional circumstances and in accordance with Bylaw 5.5.9, an appeal tribunal may inquire into the relevant facts and may call any person to testify as a witness on such facts, who may be examined or cross examined by the parties.

- i. Regarding Bylaw 5.6.2, the mediator shall be an impartial person whose role is to assist the parties to communicate in good faith with each other and, where appropriate, to assist and encourage the parties to agree on a statement of facts, a recommended penalty, and any other submissions and materials that may subsequently be presented to the disciplinary tribunal for its consideration.

d) Parties to a disciplinary tribunal hearing

5.4 disciplinary tribunal—Parties to the disciplinary tribunal hearing

3. The respondent shall be a party to the disciplinary tribunal hearing.
4. The Professional Conduct Board shall be a party to the disciplinary tribunal hearing and shall conduct the prosecution ~~before the disciplinary tribunal~~.
5. A disciplinary tribunal may conduct a hearing in the absence of the respondent if said respondent does not appear on the date and at the time and place set out in the notice.

- i. The parties to a ~~hearing before a~~ disciplinary tribunal shall be notified by the chair of the Tribunal Panel of the composition of the disciplinary tribunal within 10 days after its appointment. A party may request the removal of a member of the disciplinary tribunal, should there be a conflict of interest between said member of the disciplinary tribunal and one of the parties, or should a member of the disciplinary tribunal appear biased for any other reason under the circumstances. A member of a disciplinary tribunal who is aware of grounds for such member's removal ~~shall~~**must** so declare forthwith.
- ii. After consultation with the parties, the ~~c~~Chair of the Tribunal Panel shall give prior notice of at least 15 days of the date, time, and place of any hearing of a disciplinary tribunal to the parties and to their legal counsel, if known, unless a hearing date is set during a hearing, all parties being present. Approximately 15 days before the date of the commencement of the hearing before the disciplinary tribunal, the Executive Director shall publish a notice available to the public and the membership in such manner as the Executive Director may determine. Such notice available to the public and the membership shall include the date, time, and place of the hearing of the disciplinary tribunal and a summary of the charge and shall disclose the name of the member charged.
- iii. Except as provided in the Bylaws or in this policy, every hearing before a disciplinary tribunal shall be public. Nevertheless, of its own initiative or upon request, the disciplinary tribunal may, at its discretion, order that a hearing be held in camera or ban the publication or release of any information or document it indicates, to preserve professional secrecy or to protect a person's privacy or reputation, or in the interest of public order.
- iv. Where an ~~in~~-camera hearing is ordered, all those present at the hearing shall be personally bound to secrecy, subject to the right of the members of the PCB and members of the appeal tribunal, as

described below, to be informed about the proceedings to the extent necessary for the performance of their duties.

v. A disciplinary tribunal that is not asked to review a written settlement agreement shall hear the parties, their legal counsel, and their witnesses, and shall inquire into the relevant facts and may call any person to testify on such facts. The witnesses may be examined or cross-examined by the parties. A member testifying before a disciplinary tribunal shall be bound to answer all questions. This evidence is privileged and cannot be used against that individual before any court of justice.

~~v-vi. A disciplinary tribunal that is asked to review a written settlement agreement negotiated in accordance with Bylaw 5.2.2.1.vi shall only review written submissions from the parties, but may, if needed, contact the parties to request clarification or additional information. No hearing shall be held.~~

~~vi-vii. If a member of a disciplinary tribunal is, for any reason, unable to fulfil their duties at any stage of the process, after the expiry of 10 days of the parties being informed by the cChair of the Tribunal Panel, the remaining members of the disciplinary tribunal shall proceed to hear the charge or review the written settlement agreement, and render its decision, unless within the 10 day period a party has made a request that a new member be appointed in accordance with Bylaws 5.4.1 and 5.4.2. If such a request is made, the newly constituted disciplinary tribunal shall proceed in the manner agreed to by the parties, or failing agreement, in the manner determined by the disciplinary tribunal.~~

e) Entering a plea of guilty

~~i. A member against whom a charge has been filed may enter a plea of guilty prior to the scheduled hearing. Such plea shall be formally made by the respondent or the respondent's legal counsel to the chair of the PCB or its legal counsel.~~

f)e) Powers of a disciplinary tribunal

5.4. Disciplinary tribunal

6. After hearing the parties, their evidence and all other relevant evidence, a disciplinary tribunal shall have the exclusive jurisdiction to decide, in the first instance, whether the respondent is guilty of an offence, except in respect of practice in the jurisdiction of a bilateral organization pursuant to Bylaw 5.9.
 7. A disciplinary tribunal shall impose one of the following penalties on a respondent found guilty of an offence in respect of one or more of the counts:
 - i. a reprimand
 - ii. a suspension from the Institute; or
 - iii. an expulsion from the Institute
 8. A disciplinary tribunal may also:
 - i. impose a fine on a respondent found guilty of an offence, in respect of one or more of the counts;
 - ii. require a respondent found guilty of an offence to serve a period of refresher training or take a refresher course or do both and may restrict or suspend the individual's right to be a member during the training period or course, or both;
 - iii. order any of the parties to pay all or part of the fees and expenses of legal counsel of the other party incurred to commence and complete the proceedings;
 - iv. fix the terms and conditions of the penalties it imposes;
 - v. revoke the right of appeal of a respondent who fails to participate in their own disciplinary tribunal. The disciplinary tribunal will consider all information available when making a decision to revoke the right of appeal and will do so only in cases where it is clear that the respondent is not willing to adequately participate and present their defense. Circumstances that are beyond the respondent's control (e.g., illness) will not warrant the revocation of the right of appeal and all such circumstances, if communicated to the disciplinary tribunal, will be considered; and
- ~~iv-vi. review, in accordance with Bylaw 5.4.9, a written settlement agreement negotiated in accordance with Bylaw 5.2.2.1.vi.~~

9. A disciplinary tribunal that is asked to review a written settlement agreement negotiated in accordance with Bylaw 5.2.2.1.vi shall review only written submissions from the parties, but may, if needed, contact the parties to request clarification or additional information. The disciplinary tribunal shall decide whether the agreement reached between the Professional Conduct Board and the respondent.

i. is fair and unbiased, based on the gravity of the offence;

ii. does not bring the administration of justice into disrepute; and

6-iii. is not contrary to the public interest.

If the disciplinary tribunal does not confirm the settlement agreement, it shall be null and void, and the Professional Conduct Board shall decide what further action to take in accordance with Bylaw 5.2.2.1.

g/f) Rules of Practice and Procedure of a Disciplinary Tribunal

5.4. Disciplinary tribunal

9-10. The practice and procedures of a disciplinary tribunal shall be governed by the *Rules of Practice and Procedure of a Disciplinary Tribunal* of the Institute, adopted by the Actuarial Profession Oversight Board, and shall not be in conflict with these Bylaws or the Policy on the CIA Disciplinary Process.

10-11. A disciplinary tribunal may adopt additional rules of procedure or practice, not in conflict with these Bylaws, the Policy on the CIA Disciplinary Process, or the Rules of Practice and Procedure of a Disciplinary Tribunal, for the conduct of a hearing-CIA disciplinary tribunal and as necessary to carry out its duties.

h)g) Decisions of a disciplinary tribunal related to a hearing

- i. After a disciplinary tribunal has heard the parties, their evidence, and all other relevant evidence, it shall then render its decision within 90 days from the date of the end of the hearing.
- ii. A disciplinary tribunal shall formally record its decision with reasons, and dissenting opinions, if any. The decision shall be signed by all members of the disciplinary tribunal. If the disciplinary tribunal decides that the publication or release of certain information or documents is banned, its formal decision shall include this fact, and the reasons for this decision.
- iii. A disciplinary tribunal shall send its decision to all parties, within 10 days after the said decision has been reached. The PCB shall formally notify the complainant within a reasonable period of time, normally 30 days, of the decision rendered by the disciplinary tribunal.
- iv. In the event that the respondent has been found guilty, the parties may then be heard by the disciplinary tribunal with respect to the penalty within 30 days after its decision as to whether or not the respondent is guilty of an offence has been rendered. The disciplinary tribunal shall render a decision with respect to the penalty within 15 days from the date of the end of this hearing.
- v. The disciplinary tribunal shall send its decision with respect to the penalty to all parties, within 10 days after the said decision has been rendered. The PCB shall formally notify the complainant within a reasonable period of time, normally 30 days, of the decision with respect to the penalty rendered by the disciplinary tribunal.

h) Decisions of a disciplinary tribunal related to written settlement agreements

- i. The PCB shall initiate the appointment of a disciplinary tribunal to review and confirm a written settlement agreement within 10 days of reaching the agreement with the respondent.
- ii. The chair of the Tribunal Panel shall appoint a disciplinary tribunal within 20 days of the request from the PCB.
- iii. A disciplinary tribunal shall normally render its decision within 30 days from the date of its receipt of the written submissions from all parties.
- iv. A disciplinary tribunal shall formally record its decision with reasons, and dissenting opinions, if any. The decision shall be signed by all members of the disciplinary tribunal. If the disciplinary tribunal

decides that the publication or release of certain information or documents is banned, its formal decision shall include this fact, and the reasons for this decision.

v. A disciplinary tribunal shall send its decision to all parties, within 10 days after the said decision has been reached. The PCB shall formally notify the complainant within 10 days of the decision rendered by the PCB and the disciplinary tribunal.

vi. If the disciplinary tribunal does not confirm the settlement agreement, it shall be null and void, and the Professional Conduct Board shall decide, within 30 days of the disciplinary tribunal's decision, whether to take further action in accordance with Bylaw 5.2.2.1.

i) Disciplinary tribunal – Penalties

- i. The penalty imposed by a disciplinary tribunal shall be implemented upon the expiry of the period for appeal, provided no notice of appeal is filed, in accordance with the terms and conditions indicated in the Bylaws, unless the disciplinary tribunal orders provisional implementation of the decision upon its receipt by the respondent.
- ii. When a decision of a disciplinary tribunal obliges a party to remit a sum of money for costs or a fine, or both, the respondent ~~must~~shall pay the amount in question to the Institute or the Institute shall~~must~~ pay the amount in question to the respondent within 10 days after the expiry of the period for appeal, provided no notice of appeal is filed, unless otherwise ordered by the disciplinary tribunal. Should the party fail to pay the amount within the specified period, said party shall be liable to interest charges, at the prime rate of the Institute's chartered bank or trust company plus two percentage points, as well as collection costs. If the party is a Fellow, Associate, or Affiliate of the Institute, said Fellow, Associate, or Affiliate shall be automatically suspended from the Institute until such time as all amounts have been paid in full.

4. Appeal

a) Filing of an appeal

5.5-Appeal

1. A party before a disciplinary tribunal may file a notice of appeal from a decision rendered by the disciplinary tribunal, in accordance with these Bylaws and the Policy on the CIA Disciplinary Process.
 2. An appeal can be made by the respondent to an appeal tribunal in respect of any decision of a disciplinary tribunal, unless the respondent's right of appeal is revoked by the disciplinary tribunal in its decision, in accordance with Bylaw 5.4.8.v.
 3. The Professional Conduct Board shall make an appeal to an appeal tribunal only on a question of law or jurisdiction.
 4. The filing of a notice of appeal shall suspend the implementation of the decision of the disciplinary tribunal unless the disciplinary tribunal orders the provisional implementation thereof. However, an order for temporary suspension from the Institute shall be automatically implemented, notwithstanding appeal, unless the appeal tribunal decides otherwise.
- i. A party before a disciplinary tribunal may file a notice of appeal from a decision rendered by the disciplinary tribunal finding the respondent not guilty of a charge within 30 days after the receipt of said decision.
 - ii. If the disciplinary tribunal renders a decision finding the respondent guilty of a charge, a party may file a notice of appeal from such decision or from the decision on penalty within 30 days after the receipt of the decision on penalty.
 - iii. The other party may file a notice of cross-appeal within 10 days after the receipt of the notice of appeal.
 - iv. The notice of appeal and the notice of cross-appeal shall state the decision appealed and summarily expose the reasons for which the appeal or cross-appeal is filed, and the conclusions sought.
 - v. A party shall file its notice with the Executive Director and shall send a copy to the other party within the specified period. The Professional Conduct Board shall notify the complainant within a reasonable period of time, normally 15 days, in writing of the notices filed, if any.

b) Appointment of an appeal tribunal

- 5.5-Appeal
5. In the event that a notice of appeal is filed, an appeal tribunal shall be appointed by the Actuarial Profession Oversight Board, in accordance with the Policy on the CIA Disciplinary Process.
 6. An appeal tribunal shall consist of three members, two of whom shall be members of the Tribunal Panel, and the third shall be a retired judge and shall be the chair of the appeal tribunal.

- i. In the event that two members of an appeal tribunal cannot be appointed from the Tribunal Panel, APOB may appoint a Fellow who is a member of the Board or of APOB at the time of appointment or a Fellow who is a past officer to sit as a member of an appeal tribunal.
- ii. None of the President, the President-Elect, the Immediate Past President, the members of the investigation team that investigated the complaint laid against the respondent, the members of the disciplinary tribunal, the chair or vice-chair of the Tribunal Panel, or a member of the PCB shall be eligible to sit as a member of an appeal tribunal.

c) Parties of an appeal tribunal

- 5.5-Appeal
7. The parties before the disciplinary tribunal shall be the parties before the appeal tribunal.
 8. An appeal tribunal may conduct a hearing in the absence of a party if said party does not appear on the date and at the time and place set out in the notice.

- i. The parties to a hearing before an appeal tribunal shall be notified by the Executive Director of the composition of the appeal tribunal within 10 days after its appointment. A party may request the removal of a member of the appeal tribunal, should there be a conflict of interest between said member of the appeal tribunal and one of the parties, or should a member of the appeal tribunal appear biased for any other reason under the circumstances. A member of an appeal tribunal who is aware of grounds for such member's removal shall must so declare forthwith.

d) Hearing of an appeal

- i. An appeal tribunal shall hear the appeal within 60 days after the period for the filing of a notice of cross-appeal has expired, or leave has been granted, and shall render a final decision within 30 days after the end of the hearing.
- ii. After consultation with the parties, the Chair of the Tribunal Panel shall give prior notice of at least 15 days of the date, time, and place of any hearing of an appeal tribunal to the parties and to their legal counsel, if known, unless a hearing date is set during a hearing, all parties being present. Approximately 15 days before the date of the commencement of the hearing before the appeal tribunal, the Executive Director shall publish a notice available to the public and the membership in such manner as the Executive Director may determine. Such notice, available to the public and the membership, shall include the date, time, and place of the hearing before the appeal tribunal, and a summary of the charge, and shall disclose the name of the member charged.
- iii. Except as provided in the Bylaws or in this policy, every hearing before an appeal tribunal shall be public. Nevertheless, of its own initiative or upon request, the appeal tribunal may, at its discretion, order that a hearing be held in camera or ban the publication or release of any information or document it indicates to preserve professional secrecy or to protect a person's privacy or reputation, or in the interest of public order.
- iv. Where an in camera hearing is ordered, all those present at the hearing shall be personally bound to secrecy, subject to the right of the members of the PCB to be informed about the proceedings to the extent necessary for the performance of their duties.
- v. If a member of an appeal tribunal is, for any reason, unable to fulfil their duties at any stage of the process, after the expiry of 10 days of the parties being informed by the Executive Director, the remaining members of the appeal tribunal shall proceed to hear the appeal and render its decision, unless within the 10-day period a party has made a request that a new member be appointed in accordance with Bylaws 5.5.5 and 5.5.6. If such a request is made, the newly constituted appeal tribunal shall proceed in the manner agreed to by the parties, or failing agreement, in the manner determined by the appeal tribunal.

e) Powers of an appeal tribunal

5.5-Appeal

9. Unless an appeal tribunal, by reason of exceptional circumstances and where the ends of justice require, authorizes the presentation of additional written or verbal evidence, no new evidence shall be presented before an appeal tribunal.
10. An appeal tribunal shall be master of its own procedure and practice. It may adopt rules of procedure or practice, not in conflict with these Bylaws or the Policy on the CIA Disciplinary Process, for the conduct of a hearing and as necessary to carry out its duties.
11. An appeal tribunal may confirm, alter, or quash any decision subject to appeal, and render the decision which it considers should have been rendered in the first instance.
12. An appeal tribunal shall have the power to order any of the parties to pay all or part of the fees and expenses of legal counsel the other party incurred to commence and complete the proceedings before the disciplinary tribunal and the appeal tribunal.

f) Decisions of an appeal tribunal

- i. An appeal tribunal shall formally record its decision with reasons, and dissenting opinions, if any. The decision shall be signed by all members of the appeal tribunal. If the appeal tribunal decides that the publication or release of certain information or documents is banned, its formal decision shall include this fact, and the reasons for this decision.
- ii. An appeal tribunal shall send its decision to all parties, within 10 days after the said decision has been rendered. The PCB shall formally notify the complainant within a reasonable period of time, normally 30 days, of the decision rendered by the appeal tribunal.

g) Appeal tribunal – Penalties

- i. The penalty imposed by an appeal tribunal shall be implemented upon receipt of the decision rendered by an appeal tribunal by the respondent, in accordance with the terms and conditions indicated in the Bylaws and in this policy.
- ii. When a decision of an appeal tribunal obliges a party to remit a sum of money for costs or a fine, or both, the respondent shall must pay the amount in question to the Institute or the Institute may pay the amount in question to the respondent within 10 days after the receipt of the decision rendered by an appeal tribunal by the parties, unless otherwise ordered by the appeal tribunal. Should the party fail to pay the amount within the specified period, said party shall be liable to interest charges, at the prime rate of the Institute's chartered bank or trust company plus two percentage points, as well as collection costs. If the party is a member, said member shall be automatically suspended from the Institute until such time as all amounts have been paid in full.

5. Public CIA disciplinary tribunal hearings and decisions

5.7-Public CIA disciplinary tribunal hearings and decisions

1. Except as provided herein, every hearing before a CIA disciplinary tribunal shall be public. Nevertheless, on its own initiative or upon request, the CIA disciplinary tribunal may, at its discretion, order that a hearing be held in camera or ban the publication or release of any information or document.
2. All decisions of a CIA disciplinary tribunal shall be available to the public.

6. Publication of decisions and reports

- i. The Secretary of the PCB chair of the PCB shall send to APOB the admission of guilt and acceptance of a recommendation of sanction or the decision of a CIA disciplinary tribunal within 10 days after the admission and acceptance or of the decision of a CIA disciplinary tribunal has been made.
- ii. The Secretary of the PCB Executive Director shall ensure that a notice is prepared of the admission of guilt and acceptance of a recommendation of sanction, or of the decision of the CIA disciplinary tribunal, provided no notice of appeal has been filed, or of any decision of the appeal tribunal. The notice shall contain
 - a. the name of the mMember;
 - b. the principal practice address of the mMember;
 - c. the specialty area in which the mMember practices, if any;
 - d. the charge;

- e. the date and a summary of the ~~admission of guilt and acceptance of a recommendation of sanction or the decision of the CIA disciplinary tribunal~~; and
 - f. in the case of a suspension or expulsion, a heading “Notice of Suspension from the Canadian Institute of Actuaries” or “Notice of Expulsion from the Canadian Institute of Actuaries”, as the case may be.
- iii. Except as provided in Sections 3. ~~gh~~ ii, ~~3.h~~ iv, and 4. f) i of this policy, the ~~Secretary of the PCB Executive Director~~ shall ensure that the notice is published to each member. In the case of a suspension or expulsion, the ~~Secretary of the PCB Executive Director~~ shall publish the notice to all appropriate regulators and shall publish a summary of the notice in a newspaper having general circulation in the place where the member principally practices in Canada and in other appropriate publications. The publication of the notice shall take place
- ~~a. within 60 days after APOB has received the admission of guilt and acceptance of a recommendation of sanction;~~
 - ~~b. within 60 days after the expiry of the period for appeal, provided no notice of appeal has been filed; or~~
 - ~~c.~~ within 60 days after the ~~decision of the appeal tribunal~~ has been rendered.
- iv. A CIA disciplinary tribunal may direct that the above requirements for publication of the notice be varied. However, in the case of a suspension or expulsion, a CIA disciplinary tribunal may not vary the requirement that the name of the member and the sanction imposed be published to each member and the public within 60 days after the expiry of the period for appeal, provided no notice of appeal has been filed, or within 60 days after the decision of the appeal tribunal has been rendered.
- v. In the case of a decision where no suspension or expulsion has been ordered, APOB may reduce the above requirements for publication of the notice, but may not
- a. change any direction given by a disciplinary tribunal or an appeal tribunal under Section 3. ~~gh~~ ii, ~~3. h~~ iv, or 4. f) i; or
 - b. vary the requirement that the member’s name and the sanction imposed be published to each member.

7. Member cooperation

5.3 Member cooperation

1. It shall be an offence for a Fellow, Associate, or Affiliate to:
 - i. hinder in any way the work of the Professional Conduct Board in the performance of its duties as carried out according to the *Bylaws* and the *Policy on the CIA Disciplinary Process*;
 - ii. fail to respond within 30 days to an inquiry from the Professional Conduct Board or such greater period as the Professional Conduct Board may consider appropriate in the circumstances;
 - iii. mislead the Professional Conduct Board by concealment or by false declarations;
 - iv. refuse to produce any information or document relating to an inquiry; or
 - v. refuse to let a copy be made of any relevant document.
- ~~2. If the respondent fails either to admit guilt or to accept the recommendation of sanction made in accordance with Bylaw 5.2.2.1.vii, within the period set by the Professional Conduct Board, the respondent is deemed to have declined to accept the recommendation of sanction.~~
- ~~3.2. If the respondent fails to comply with a recommendation of sanction or its terms and conditions settlement agreement made in accordance with Bylaw 5.2.2.1.vii, or if the respondent declines to accept the recommendation of sanction, the Professional Conduct Board shall then refer the charge against the respondent to a disciplinary tribunal for a hearing.~~

8. International practice and jurisdiction

a) Bilateral agreements

5.9 ~~International practice and jurisdiction~~ 1. The Institute may enter into bilateral agreements with actuarial organizations based in a foreign jurisdiction for the purpose of dealing with disciplinary matters arising regarding either Fellows, Associates, or Affiliates practising in those foreign jurisdictions or members of those foreign actuarial organizations practising in Canada.

b) Bilateral organizations

5.9 ~~International practice and jurisdiction~~ 2. For the purposes of these *Bylaws* and the *Policy on the CIA Disciplinary Process*:

- i. a “bilateral organization” refers to the actuarial organization responsible for profession-wide counselling and discipline in a foreign jurisdiction with which the Institute has entered into a bilateral agreement.
- ii. a “member of a bilateral organization” refers to an individual who has been granted membership in that bilateral organization in accordance with the rules governing that bilateral organization.
- iii. a “member of a non-bilateral organization” refers to an individual who has been granted membership in an organization that is not a bilateral organization, in accordance with the rules governing that organization.

c) Location of practice and jurisdiction

5.9 ~~International practice and jurisdiction~~ 3. A Fellow, Associate, or Affiliate practising in a foreign jurisdiction shall comply with the accepted actuarial principles and practices of the jurisdiction for which the work is performed, provided that the *Rules of Professional Conduct* and any applicable professional continuing qualification standards of the Institute be complied with at all times.

4. A Fellow, Associate, or Affiliate practising in the jurisdiction of a bilateral organization shall comply with the rules of professional conduct, standards of practice, and qualification standards, or their equivalents, of that bilateral organization.

5. The location of the practice of a Fellow, Associate, or Affiliate or of a member of a foreign actuarial organization, for the purpose of determining if the practice is in Canada, is determined by the ultimate purpose of the work, which is determined by establishing the jurisdiction of the legal or regulatory requirements pursuant to which the work is performed or by establishing the jurisdiction for which the work is intended for use. The residence or physical location of the Fellows, Associates, or Affiliates or of the member of the foreign actuarial organization is irrelevant to the determination of the location of such person’s practice.

6. In instances where both the Institute and the bilateral organization would have investigatory jurisdiction over an individual, the chair of the *Professional Conduct Board* and such chair’s counterpart in the bilateral organization shall agree between themselves as to which organization can provide the most appropriate forum for the investigation based on the totality of the facts of the case.

7. Questions concerning the practice or professional conduct of a Fellow, Associate, or Affiliate in the jurisdiction of a non-bilateral organization shall be governed by the Institute in accordance with these *Bylaws*. ~~A Fellow, Associate, or Affiliate practising in such a jurisdiction shall comply with the accepted actuarial principles and practices of that jurisdiction and shall comply with the *Rules of Professional Conduct* and any applicable professional continuing qualification standards of the Institute at all times.~~

8. Questions concerning the practice or professional conduct in Canada of an individual who is not a Fellow, Associate, or Affiliate but who is a member of a bilateral organization shall be governed by the Institute in accordance with these *Bylaws*, except that the appropriate decision-making body of the Institute shall not make a determination regarding the penalty to be

imposed. A determination of guilt or innocence rendered by a disciplinary tribunal may be appealed in accordance with Bylaw 5.5.

9. Questions concerning the practice or professional conduct in Canada of an individual who is a Fellow, Associate, or Affiliate and is also a member of a bilateral organization shall be governed by the Institute in accordance with these Bylaws.
10. Questions concerning the practice or professional conduct in the jurisdiction of a bilateral organization by a Fellow, Associate, or Affiliate who is not a member of the relevant bilateral organization shall be governed by the bilateral organization in accordance with its rules and procedures, except that the bilateral organization shall only make a determination with respect to guilt or innocence.
11. Questions concerning the practice or professional conduct in the jurisdiction of a bilateral organization by a Fellow, Associate, or Affiliate who is also a member of the relevant bilateral organization shall be governed by the bilateral organization in accordance with its rules and procedures. The bilateral organization shall make a determination of innocence or shall make a determination of guilt and impose an appropriate penalty against its member in accordance with its rules and procedures.

d) Guilty plea or determination of guilt by a CIA disciplinary tribunal

5.9-International practice and jurisdiction 12. If the respondent pleads guilty or a CIA disciplinary tribunal makes a determination that a member of a bilateral organization breached the Rules of Professional Conduct, Standards of Practice, or professional continuing qualification standards of the Institute when practising in Canada, regardless of whether that individual is also a Fellow, Associate, or Affiliate, the plea or the Institute's determination will be deemed final by the parties to a bilateral agreement when the Institute's appeal process has been exhausted.

- i. The Secretary of the PCB chair of the PCB shall communicate to the bilateral organization any final determination that a member of that organization breached the Rules of Professional Conduct, Standards of Practice, or professional continuing qualification standards of the Institute when practising in Canada, regardless of whether that individual is also a member. The Secretary of the PCB chair of the PCB shall also provide the relevant bilateral organization with a copy of the guilty plea or the CIA disciplinary tribunal decision(s), the CIA disciplinary tribunal transcripts, and, if requested, the documents filed in evidence with the CIA disciplinary tribunal, unless communication thereof is restricted by law or by order of the CIA disciplinary tribunal.

e) Determination of guilt by a bilateral organization

5.9-International practice and jurisdiction 13. A determination by a bilateral organization that a Fellow, Associate, or Affiliate breached the rules of professional conduct, standards of practice or qualification standards, or their equivalents, of that bilateral organization when practising in that jurisdiction, regardless of whether the Fellow, Associate, or Affiliate is also a member of that bilateral organization, will be deemed final by the Institute when the appeal process of that bilateral organization has been exhausted.

- i. The Secretary of the PCB Executive Director shall receive from a bilateral organization any final determination that a Fellow, Associate, or Affiliate breached the rules of professional conduct, standards of practice, or professional continuing qualification standards of the bilateral organization when practising in its jurisdiction, regardless of whether that individual is also a member of that bilateral organization. The Secretary of the PCB Executive Director shall request from that bilateral organization a copy of the decision-making body's decision(s), the hearing transcripts, and the documents filed in evidence with or considered by the decision-making body in rendering its decision(s), unless communication thereof is restricted by law or by order of the decision-making body.

f) Penalties

5.9-International
practice and
jurisdiction

14. If the respondent pleads guilty or a disciplinary tribunal makes a determination that a member of a bilateral organization breached the *Rules of Professional Conduct*, *Standards of Practice*, or professional continuing qualification standards of the Institute when practising in Canada, regardless of whether that individual is also a Fellow, Associate, or Affiliate, the Institute shall not recommend a specific penalty to be imposed by the bilateral organization against its member, but shall recommend that the bilateral organization consider imposing public sanctions against the member of that organization.
15. If a bilateral organization makes a determination that a Fellow, Associate, or Affiliate breached the rules of professional conduct, the standards of practice or the qualification standards, or their equivalents, of the bilateral organization when practising in its jurisdiction, the Institute shall not act upon a recommendation from the decision-making body of that bilateral organization to the effect that a specific penalty be imposed by the Institute against the Fellow, Associate, or Affiliate. The Institute shall receive a recommendation from that bilateral organization that the Institute considers imposing public sanctions against the Fellow, Associate, or Affiliate, and shall determine an appropriate sanction for it to impose against its Fellow, Associate, or Affiliate in accordance with these *Bylaws* and the *Policy on the CIA Disciplinary Process*. More specifically, the determination of guilt by a bilateral organization in respect of a Fellow, Associate, or Affiliate practising in that jurisdiction shall be received by the Professional Conduct Board and considered as a complaint. The *Bylaws* and the *Policy on the CIA Disciplinary Process* shall be followed to the extent that they are applicable, except that:
 - i. no further formal investigation shall be conducted by the Institute; and
 - ii. the Professional Conduct Board's powers provided in Bylaws 5.2.1.1 and 7.2.4.1 shall be limited to filing a charge and making only a recommendation of sanction to the respondent, as guilt has already been determined by the bilateral organization or filing a charge and referring it to a disciplinary tribunal only to decide upon an appropriate penalty, as guilt has already been determined by the bilateral organization. This decision on penalty may be appealed in accordance with these *Bylaws* and the *Policy on the CIA Disciplinary Process*.

9. Protective provisions, confidentiality, and conflicts of interest

a) Protective provisions

11.6-Protective
provisions

1. No member of the Board or other person who undertakes any duly assigned action or role on behalf of the Institute, shall be deemed to be held or be held responsible for any act, default, obligation, or liability of the Institute, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to the Institute, unless the same shall be the result of such person's own wrongful or willful act, neglect, or default.
2. Every member of the Board or other person who undertakes any liability on behalf of the Institute shall be indemnified and saved harmless out of the funds of the Institute against all expenses whatsoever sustained in connection with any action or suit that may be brought in connection with any act whatsoever done by such person in the execution of the duties of the office held by such person or in respect of any such liability.
3. No member shall have any lawful complaint or cause of action against the Institute, or against any officer, agent, employee, volunteer, or legal counsel of the Institute by reason of anything done or omitted to be done in good faith under these *Bylaws*.

b) Confidentiality

11.6 ~~Confidentiality~~ 4. Any member who, as a result of involvement in any way with the activities of the Institute, obtains confidential information previously unknown to the member, shall not use or disclose any such information except in the discharge of the member's duties and responsibilities arising from such involvement, or unless required by law to do so.

c) Conflicts of interest

11.6 ~~Conflicts of interest~~ 5. A member shall abide by the Institute's *Conflict of Interest Guidelines*, established from time to time by the Board, in the course of any involvement with the activities of the Institute.

5.2.1 ~~Conflicts of interest~~ 2. Members of the Professional Conduct Board shall refuse to participate in any matter in which they consider themselves to be in a position of conflict of interest.

i. If the chair ~~or the Secretary~~ of the PCB is in a conflict of interest, a chair ~~or Secretary~~ shall be appointed by the other participating members ~~or by the chair~~ of the PCB, ~~as the case may be~~, regarding that matter.

10. Meetings of the Professional Conduct Board (includes voting)

10.1 ~~Meetings— Frequency and method~~ 1. Unless otherwise provided in these *Bylaws*, all entities within the Institute may hold meetings in person or by such methods of communication as the members of the entity may select from time to time.

10.2 ~~Meetings— Quorum~~ 1. Unless provided otherwise in these *Bylaws*, the quorum for a vote on a particular item of business is no less than 50% of the number of members of the relevant entity who have not declared themselves to be in a conflict of interest in respect of that item.

2. Members who are able to communicate simultaneously and directly with the other members of the group are considered to be present at a meeting for the purpose of quorum.

3. Any entity within the Institute may act notwithstanding any vacancy in its membership provided there is a quorum, and the other requisites to the constituting of a meeting of the entity have been met.

7. Five members of the Professional Conduct Board shall constitute a quorum of the Professional Conduct Board, except that seven members shall constitute a quorum for the conduct of a vote to file a charge against a member.

10.3 ~~Meetings— Voting~~ 1. Unless otherwise provided in these *Bylaws*, every decision of an entity within the Institute shall be taken by at least a majority vote of the members present at the meeting.

2. Unless otherwise provided in these *Bylaws*, in the event of a tie, the chair of the meeting does not have a casting vote, and the motion is considered defeated.

3. For a vote on a particular item of business, if the chair of the group considers that a full discussion (where all members of the group are able to communicate simultaneously and directly with each other) is not required (e.g., on administrative matters or when a full discussion has already taken place during a previous meeting), the vote may be held electronically in accordance with procedures established by the Board.

5. Each board under the oversight of the Actuarial Profession Oversight Board shall establish, in its policies or statement of operating procedures, the minimum number of votes required for decisions on any type of issue requiring other than a simple majority.

10.6 ~~Meeting guests~~

1. Meetings of all entities within the Institute may be attended only by the members of the entity and by any other person invited to attend by the chair.

- i. All persons present at a meeting of the PCB or of an investigation team shall be personally bound to uphold the confidentiality of the deliberations and of any information obtained in connection with such a meeting, whether verbal or in written form, and whether obtained before, during, or after such a meeting.
- ii. If confidential information is sought from a person bound by this policy, such person shall immediately inform the chair of the PCB of such a request and refrain from responding to the request unless authorized expressly by the chair of the PCB or required to do so by law or by order of a disciplinary tribunal or an appeal tribunal.

11. Records

5.8 ~~Records~~

1. The ~~chair of the Professional Conduct Board shall appoint one of its members as its Secretary who~~ Executive Director shall ensure that all records related to the Institute's discipline matters are kept.

2. Except as provided in the Bylaws, the deliberations, minutes, and records with respect to any disciplinary matter dealt with by the Professional Conduct Board shall be kept confidential unless the Professional Conduct Board otherwise decides in relation to a particular matter.

- i. The Executive Director shall ensure that a record of all CIA disciplinary tribunal hearings and the decisions of all CIA disciplinary tribunals, ~~as well as all letters of advice sent in accordance with Bylaw 5.2.2.1.ii,~~ are placed in a confidential file. This record shall constitute prima facie proof of its contents.

12. Reporting

a) Report to the Actuarial Profession Oversight Board

7.2.6 ~~Reporting~~

1. The chair of each board shall make an annual report on its activities to the Actuarial Profession Oversight Board, and at any time upon request.

- i. The report to APOB shall include, at a minimum,
 - a. the number and nature of complaints laid;
 - ~~b. the number of private admonishments issued without disclosing the nature of the private admonishments or the names of the members admonished;~~
 - ~~c. the number and nature of admissions of guilt and acceptances of a recommendation of sanction made;~~
 - ~~d.~~ b. the number and nature of decisions rendered by the PCB, the disciplinary tribunals, and the appeal tribunals; and
 - ~~e.~~ c. to the extent such information is made available to the PCB, the number and nature of complaints laid concerning the practice of members in the jurisdiction of bilateral organizations, as well as the number and nature of decisions rendered with respect to members of bilateral organizations who are not members relative to their practice in Canada.

b) Report to Members

7.2.6 ~~Reporting~~

2. The Professional Conduct Board shall make a periodic report, at least twice per Board year, to members on the activities of the Professional Conduct Board and of disciplinary and appeal tribunals.

- i. The report to mMembers shall include, at a minimum,
 - a. the number and nature of complaints laid, including complaints laid concerning the practice of mMembers in the jurisdiction of bilateral organizations;
 - b. the number and nature of charges filed which are referred to a disciplinary tribunal ~~or with respect to which a recommendation of sanction is offered, without disclosing the names of the Members charged;~~
 - ~~c. the number of private admonishments issued without disclosing the nature of the private admonishments or the names of the Members admonished;~~

~~d. any decisions which have been finalized since the last report; any notices of admissions of guilt and acceptances of a recommendation of sanction or decisions which have been finalized since the last report; and~~

c. -and

e.d. an explanation as to how a member, who wishes to request more information about charges which have been filed or tribunal proceedings, may obtain that information.

Exemptions

N/A

Escalation Procedures/Management of Non-compliance with this Policy

N/A

Definitions and Abbreviations

1. **Actuarial Profession Oversight Board or APOB:** As established by the Institute on January 1, 2020.
2. **Actuarial Standards Board:** As established by the Institute on July 1, 2006.
3. **Appeal tribunal:** An appeal tribunal appointed from time to time by the Actuarial Profession Oversight Board pursuant to Bylaw 5.5.5.
4. **Board:** As of July 1, 2000, the governing body of the Institute, referred to as the Council in Section 6 of the *Act to Incorporate Canadian Institute of Actuaries*, S.C. 1964–65, c. 76. In the present Bylaws, reference to the Board may also include the Former Council where the context so requires.
5. **Board year:** The period between July 1 and June 30 ~~the following~~ year, and for any period prior to July 1, 2018, may include reference to the period between the close of two successive annual general meetings.
6. **Bylaws:** The bylaws of the Institute as in effect from time to time.
7. **CIA disciplinary tribunal:** Either a disciplinary tribunal or an appeal tribunal.
8. **Complainant:** A ~~person~~ individual who alleges that a Fellow, Associate, or Affiliate has committed an offence.
9. **Criminal conviction:** Any criminal offence, penal offence punishable by incarceration, or offences of a similar nature for which an individual is convicted, found guilty of, or pleads guilty to, and for which the individual has not been granted a record suspension, or a disciplinary determination of guilt other than a CIA disciplinary tribunal decision.
10. **Decision:** A decision made by a CIA disciplinary tribunal regarding the guilt or innocence of a respondent, or related penalty.
11. **Director:** A member of the Board who is not an officer.
12. **Disciplinary tribunal:** A disciplinary tribunal appointed from time to time by the Chair of the Tribunal Panel pursuant to Bylaw 5.4.1.
13. **Ex officio participant:** An individual who, by virtue of their position on one entity within the Institute, may participate in meetings of another entity which are not designated in camera, but shall not be entitled to propose or second motions, shall not be entitled to vote, and shall not count towards the required minimum number of members or towards the quorum for a vote on a particular item of business.
14. **Executive Director:** The highest-ranking staff executive, hired by the Board, to manage Institute operations and carry out other duties assigned by the Board or these ~~se~~ Bylaws.
15. **General meeting:** A meeting of the members of the Institute which may be held in person or via electronic means, as determined by the Board.

16. **Informant:** A ~~person~~ ~~individual~~ who provides the CIA with information regarding a Fellow, Associate, or Affiliate that may be related to an offence.
17. **Institute:** The Canadian Institute of Actuaries incorporated by the *Act to Incorporate Canadian Institute of Actuaries, S.C. 1964–65, c. 76*.
18. **Investigation team:** An investigation team appointed from time to time by the Professional Conduct Board.
19. **Member:** A Fellow, Associate, Affiliate, or Correspondent of the Canadian Institute of Actuaries.
20. **Offence:** Any violation of the Bylaws, Standards of Practice, or Rules of Professional Conduct of the Institute.
21. **Officer:** A person holding the office of President, President-Elect, or Immediate Past President of the Institute.
22. **Professional Conduct Board** or **PCB:** As established by the Institute on January 1, 2020.
23. **Professional continuing qualification standard:** A requirement for continued membership in the Institute, applicable to all or a portion of all members, established pursuant to Bylaw 4.3.2, and known as qualification standards prior to January 1, 2020.
24. **Professionalism and Credential Monitoring Board:** As established by the Institute on January 1, 2020.
25. **Respondent:** A Fellow, Associate, or Affiliate with respect to whom information has been given, or against whom a complaint has been laid or a charge has been filed.
26. **Rules of Practice and Procedure of a Disciplinary Tribunal:** As adopted or amended from time to time by the Actuarial Profession Oversight Board pursuant to Bylaw 5.4.109.
27. **Rules of Professional Conduct:** As adopted in accordance with these ~~se~~ Bylaws, pursuant to Bylaw 13.
28. **Standards of Practice:** Standards of practice in all areas of actuarial practice as in effect from time to time, adopted or amended
 - i. prior to July 1, 2006, by the Practice Standards Council or by the Former Council of the Institute in accordance with the Bylaws, or
 - ii. on or after July 1, 2006, by the Actuarial Standards Board pursuant to procedures established by the Actuarial Standards Board.
29. **Tribunal Panel:** As appointed from time to time by the Actuarial Profession Oversight Board pursuant to Bylaw 7.3.1.

Associated Documents

CIA Conflict of Interest Guidelines (currently in development)

Policy on the Disclosure of Criminal Convictions

Policy on the Administration of Member Rights and Privileges

Rules of Practice and Procedure of a Disciplinary Tribunal

Statement of Operating Procedures of the Professional Conduct Board

References

N/A

Monitoring, Evaluation, and Review

- | | |
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| 5.2.1 Duties and responsibilities | 4. Before the <i>Policy on the CIA Disciplinary Process</i> can be adopted or amended by the <u>Professional Conduct Board</u> , it shall be published in draft |
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of the
Professional
Conduct Board

form for a period, the length of which shall be determined at the sole discretion of the Professional Conduct Board, but which shall be of at least 30 days, for review and commentary by members and other stakeholders.

5. Notwithstanding any other bylaw, the Professional Conduct Board may proceed to adopt amendments to the *Policy on the CIA Disciplinary Process* that are, in its opinion, sufficiently minor so as not to require consultation with members and other stakeholders, without the endorsement and publication of any draft of said amendments.

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Approval date	Month XX, 2022
Effective date	Month XX, 2022
Approval authority	Professional Conduct Board
Review owner	Professional Conduct Board
Prior review and revision dates	N/A
Review cycle	3 years
Next review date	2025

Procedures N/A

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Appendix A – Key procedures and guidelines for an investigation team

~~[Note: The elements shown below were in the Bylaws and will be included in this policy. Additional IT procedures that are established, but that were not necessarily identified in the Bylaws, will be added to this appendix in Phase 2 of the Bylaw Review Project, in order to include a more robust IT structure in this policy.]~~

- A pool of potential investigation team members that represent a variety of practice areas, language skills, etc. is maintained by the PCB.
- All potential members of an investigation team will be provided with training and orientation regarding the CIA's procedures and guidelines, as well as best practices on how to conduct an investigation on behalf of the PCB. Such training shall include:
 - The principles of a proper investigation
 - Guidance on conducting interviews and distinguishing between information and evidence
 - Investigative techniques
 - Links to relevant key CIA reference documents (e.g., Bylaws, Rules of Professional Conduct)
 - Report writing
 - Letter and report templates
 - Disclosure obligations
 - Target timelines for the investigation
 - Preparing for and testifying at a hearing
 - Ethics and standards
- A set fee, as determined by the CIA Board from time to time, shall be paid to all investigation team members.
- The PCB selects investigation team members for a case based on the requirements of the case in terms of practice area, language of the respondent, conflicts of interest, etc.
- Once an investigation team is appointed by the PCB, the Head Office staff shall coordinate the signing of the contract with the investigation team members. The contract normally includes the anticipated timeline for completion of the investigation.
- In preparing its report, an investigation team may carry out such inquiries as it deems proper under the circumstances. ~~It may interview the respondent, the complainant and any other Fellow, Associate or Affiliate or other person who may have relevant information.~~ Any person being interviewed by an investigation team, including the respondent, may be assisted or represented by legal counsel.
- In the course of its investigation, an investigation team may ~~require request~~ the production of any books, documents, records, or other papers relevant to the investigation and which may be in the possession or control of any Fellow, Associate, or Affiliate, including the respondent.
- In the course of its investigation, an investigation team may investigate the conduct of any other Fellow, Associate, or Affiliate to the extent that such conduct is relevant to the matter being investigated. If, in such instance, the investigation team determines that an offence may have been committed by that Fellow, Associate, or Affiliate, it shall recommend promptly that the Professional Conduct Board lay a complaint against said Fellow, Associate, or Affiliate. Unless otherwise determined by the Professional Conduct Board, any further investigation of the complaint shall be conducted by the same investigation team.
- The investigation team shall keep a record of all interviews performed and documents reviewed in case of a disciplinary tribunal where they may be asked to be a witness. These records shall be provided to Head Office upon completion of the investigation.
- The investigation team is required to provide a progress update to the PCB, normally every 60 days, and present its report at a PCB meeting within a reasonable period of time.

Appendix B – Process related to written settlement agreements

Note: Upon further review, the late additions to section 3h of this policy include the necessary detail in the steps in the settlement agreement process. Any further detail added here would require the repetition of much of what is already in Section 3h. It is therefore recommended that this appendix be removed. Since the settlement agreement process is new, if additional procedures are identified when the process is first implemented, details can be added to the appropriate section of, or as an appendix to, this policy.

Appendix B – Key procedures regarding the issuance and recording of a letter of advice

- The PCB may decide to dismiss a case, with a letter of advice, in accordance with Bylaw 5.2.2.1.ii.
- A letter of advice would be drafted by a subgroup of the PCB with assistance from Head Office, for the PCB's and legal counsel's review, which would include appropriate educational or counselling material.
- The letter of advice would normally be sent to the respondent within 30 days of the PCB decision to dismiss the case, along with the letter of dismissal.
- Head Office staff shall keep the letter of advice in the respondent's record for five years, in accordance with Bylaw 5.2.2.1.ii, and shall only make the letter available to the PCB during that time, for reference, should the respondent be involved in a subsequent discipline case.
- The letter of advice is not sent to the complainant/informant.

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