



CIA BYLAWS

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**SECTION 1
INTERPRETATION**

1.01 In these Bylaws, unless the context otherwise requires,

Actuarial Board for Counseling and Discipline	(1) “Actuarial Board for Counseling and Discipline” means the Actuarial Board for Counseling and Discipline established as an independent entity managed through the American Academy of Actuaries on January 1, 1992;
Actuarial Standards Board	(2) [<i>Note: repealed Nov. 20/98</i>]
Affiliate “affilié”	(2.1) “Affiliate” means, as of January 1, 2003, a person enrolled as an affiliate of the Institute; [<i>Adopted Jan. 1/03</i>]
American Academy of Actuaries	(3) “American Academy of Actuaries” means the American Academy of Actuaries organized under the Illinois General Not for Profit Corporation Act on April 29, 1966;
American Society of Pension Actuaries	(3.1) “American Society of Pension Actuaries” means the American Society of Pension Actuaries founded on October 21, 1966, with registered office in Arlington, Virginia; [<i>Adopted Nov. 20/98</i>]
Associate “associé”	(3.1.1) “Associate” means, as of July 1, 2001, a person enrolled as an associate of the Institute. In the present Bylaws, reference to an Associate may, where the context so requires, also include a Student, as that type of enrollment existed on or before June 30, 2001, continued under the present Bylaws as an Associate; [<i>Adopted July 1/01</i>]
Board “Conseil d’administration”	(3.2) “Board” means, as of July 1, 2000, the governing body of the Institute, referred to as the Council in section 6 of the <i>Act to Incorporate Canadian Institute of Actuaries</i> , 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; [<i>Adopted July 1/00</i>]
Board Year “année-conseil”	(3.3) “Board Year” means the period between the close of two successive Annual General Meetings, and may include reference to the period between the close of two successive Annual General Meetings prior to July 1, 2000 when the Board was referred to as the Council where the context so requires; [<i>Adopted July 1/00</i>]
Bylaws “statuts administratifs”	(4) “Bylaws” means the bylaws of the Institute as in effect from time to time;
Casualty Actuarial Society	(5) “Casualty Actuarial Society” means the Casualty Actuarial Society founded in 1914, with registered office in Arlington, Virginia;
Colegio Nacional de Actuarios, C.A.	(6) [<i>Note: repealed Nov. 20/98</i>]

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Conference of Consulting Actuaries	(6.1) “Conference of Consulting Actuaries” means the Conference of Consulting Actuaries in Public Practice founded in 1949 and named Conference of Consulting Actuaries in 1991, with registered office in Buffalo Grove, Illinois; [Adopted Nov. 20/98]
Correspondent “correspondant”	(7) “Correspondent” means a person enrolled as a correspondent of the Institute;
Council “Conseil”	(8) [Note: repealed July 1/00]
Director “administrateur”	(9) “Director” means a member of the Board who is not an Officer; [Modified July 1/00]
Council Year “année-conseil”	(10) [Note: repealed July 1/00]
Former Council “ancien Conseil”	(10.1) “Former Council” means the governing body of the Institute, as it existed on or before June 30, 2000, continued under the present Bylaws as the Board; [Adopted July 1/00]
General Meeting “assemblée générale”	(11) “General Meeting” means a general meeting of Members;
Institute “Institut”	(12) “Institute” means the Canadian Institute of Actuaries incorporated by the Act to Incorporate Canadian Institute of Actuaries, S.C. 1964-65, c. 76; [Modified July 1/00]
Member “membre”	(13) “Member” means a member of the Institute;
Offence “infraction”	(14) “Offence” means any violation of the Bylaws, standards of practice or rules of professional conduct of the Institute;
Officer “dirigeant”	(15) “Officer” means a person holding the office of President, President-elect, Immediate Past President, or Secretary-Treasurer; [Modified July 1/00; Modified July 1/01]
Respondent “intimé”	(16) “Respondent” means a Member, 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; [Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]
Society of Actuaries	(17) “Society of Actuaries” means the Society of Actuaries founded in 1949, with registered office in Schaumburg, Illinois;
Student “étudiant”	(18) “Student” means a person enrolled as a student of the Institute as that type of enrollment existed on or before June 30, 2001, continued under the present Bylaws as Associate. [Modified July 1/01]

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Gender	1.02 (1) Words importing female persons include male persons and words importing male persons include female persons.
Number	(2) Words in the singular include the plural, and words in the plural include the singular.
Parts of speech and Grammatical forms	(3) Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.
Time limits and Holidays	1.03 (1) Where the time limited for doing an act under the Bylaws expires or falls on a Saturday, Sunday or statutory holiday, the act may be done on the next day that is not a Saturday, Sunday or statutory holiday.
Computation	(2) In computing the number of days between two events stipulated in the Bylaws, the day on which the first event happens is not counted, but all other days, including the day on which the second event happens are counted.

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Contracts, documents or instruments in writing

- Signature authority **2.08** (1) Contracts, documents or instruments in writing requiring the signature of the Institute may be signed by any two members of the Board, at least one of whom shall be an Officer. All contracts, documents or instruments in writing so signed shall be binding upon the Institute without any further authorization or formality. [*Modified Nov. 20/98; Modified July 1/00*]
- Signature by a designate (2) In addition, the Board is authorized to appoint from time to time by resolution any person, on behalf of the Institute, either to sign contracts, documents and instruments in writing generally or to sign specific contracts, documents or instruments in writing. [*Modified July 1/00*]
- Facsimile signature (3) The Board may authorize by resolution the use of a facsimile signature of any person authorized to sign on behalf of the Institute. [*Modified July 1/00*]
- Corporate seal (4) The corporate seal of the Institute may, when required, be affixed to contracts, documents or instruments in writing signed in accordance with this Bylaw.

Assignments, transfers, conveyances, etc.

- Signature authority **2.09** (1) In particular, without limiting the generality of the foregoing, any two members of the Board, at least one of whom shall be an Officer, are authorized to sell, assign, transfer, exchange, convert or convey any and all shares, stocks, bonds, debentures, rights, warrants or other securities owned by or registered in the name of the Institute and to sign and execute under the corporate seal of the Institute or otherwise all sales, assignments, transfers, exchanges, conversions, conveyances, powers of attorney and other instruments that may be necessary for the purpose of selling or conveying any such shares, stocks, bonds, debentures, rights, warrants or other securities. [*Modified Nov. 20/98; Modified July 1/00*]
- Signature by a designate (2) In addition, the Board is authorized to appoint from time to time by resolution any person, on behalf of the Institute, to perform, either generally or specifically, any of the transactions described in Bylaw 2.09(1). [*Adopted Nov. 20/98; Modified July 1/00*]

Bylaws

Remuneration

Reimbursement of expenses **2.10** The Board may establish from time to time by resolution guidelines and procedures for the reimbursement of travel and other expenses to any member of the Board, member of a Council, as established in Section 9, committee or task force of the Institute or other person undertaking services on the Institute's behalf. *[Modified March 25/98; Modified July 1/00]*

Reporting to the Board **2.11** All amounts paid pursuant to Bylaw 2.10 shall periodically be reported to the Board and recorded in its official proceedings. *[Modified July 1/00]*

Executive management

Executive Director **2.12** The Board shall appoint an Executive Director and may appoint any other executives, who may be, but need not be, Members. *[Modified July 1/00]*

Delegation **2.13** Except such matters as by law must be dealt with by the Board or by the Members in a General Meeting, the Board may delegate to such executives part of its power and authority to direct and manage the affairs and business of the Institute and to employ and discharge agents and employees of the Institute under the authority of the Board. *[Modified Nov. 20/98; Modified July 1/00]*

Duties **2.14** The executives shall conform to all lawful orders given to them by the Board and shall at all reasonable times give to the members of the Board or any of them, all information they may require regarding the affairs of the Institute. *[Modified July 1/00]*

Discharge **2.15** Any agent or employee appointed by an executive shall be subject to discharge by the Board. *[Modified July 1/00]*

Remuneration **2.16** The compensation, by way of salary or otherwise, of any executive, agent or employee referred to in Bylaws 2.12 to 2.15, shall be as determined by the Officers from time to time and shall be paid out of the funds of the Institute. *[Modified March 25/98; Modified Nov. 20/98; Modified July 1/00]*

**SECTION 3
REQUIREMENTS OF MEMBERSHIP**

General **3.01** In order to fulfill the qualification requirements for the purposes of becoming a Member pursuant to Section 4, a person shall meet the conventional requirements as set forth in Bylaw 3.02, or shall meet the Mutual Recognition Agreement requirements as set forth in Bylaw 3.03, or shall meet the Affiliate requirements as set forth in Bylaw 3.04.
[Modified Jan. 1/00; Modified July 1/00; Modified Jan. 1/03]

Conventional route **3.02** Any person who:

- (a) successfully completes, to the satisfaction of the Eligibility and Education Council, as established in Bylaw 9.20, such examinations, courses and professional development requirements given or approved by the Institute, as may be prescribed by the Board, from time to time, and
- (b) completes, to the satisfaction of the Eligibility and Education Council, a three-year period of practical actuarial work experience, including such Canadian practical actuarial work experience as may be prescribed by the Board from time to time,

shall meet the qualification requirements for the purposes of becoming a Member pursuant to Section 4.
[Modified Jan. 1/00; Modified July 1/00; Modified Jan. 1/03]

Mutual Recognition Agreement route **3.03** Any person who is a Fellow of an actuarial organization with which the Institute has entered into a Mutual Recognition Agreement, by virtue of completing the examinations and any other qualification requirements of that organization, and who:

- (a) successfully completes, to the satisfaction of the Eligibility and Education Council, as established in Bylaw 9.20, such examinations, courses and professional development requirements given or approved by the Institute, as may be prescribed by the Board, from time to time, and
- (b) completes, to the satisfaction of the Eligibility and Education Council, a three-year period of practical actuarial work experience, including such Canadian practical actuarial work experience as may be prescribed by the Board from time to time,

shall meet the qualification requirements for the purposes of becoming a Member pursuant to Section 4.
[Modified Sept. 10/97; Modified July 1/00; Modified Jan. 1/03]

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Affiliate route

3.04 Any person who is an Affiliate, as established in Section 5.1, and who:

- (a) successfully completes, to the satisfaction of the Eligibility and Education Council, as established in Bylaw 9.20, such examinations, courses and professional development requirements given or approved by the Institute, as may be prescribed by this Council for such person, and
- (b) completes, to the satisfaction of the Eligibility and Education Council, a three-year period of practical actuarial work experience, including such Canadian practical actuarial work experience as may be prescribed by the Board from time to time,

shall meet the qualification requirements for the purposes of becoming a Member pursuant to Section 4. *[Adopted Jan. 1/03]*

**SECTION 4
MEMBERS**

- Members in 1986 **4.01** Any Member in good standing on July 1, 1986 is deemed to have met the requirements of Section 3.
- Requirements **4.02** (1) After July 1, 1986, a person who
- (a) makes written application for membership in the Institute,
 - (b) pays an admission fee of the amount determined by the Eligibility and Education Council, as established in Bylaw 9.20, and
 - (c) meets the requirements of Section 3,
- shall become a Member upon approval by the Eligibility and Education Council of such application. *[Modified July 1/00]*
- Early application (2) The Eligibility and Education Council may conditionally approve an application for membership prior to the date on which the applicant expects to meet the requirements of Section 3. In such a case, the person will become a Member on the date on which the requirements of Bylaw 4.02(1) are met. *[Modified July 1/00]*
- Exception (3) Notwithstanding the foregoing requirements, the Eligibility and Education Council may, by a vote of at least 75% of all members thereof, modify such conditions for a person for whom, owing to special and unusual circumstances, it is deemed by the Eligibility and Education Council that such conditions would be inequitable and unreasonable unless so modified. *[Modified July 1/00]*
- Termination of benefits **4.03** The rights, privileges and benefits that a person may have as a Member shall, if not theretofore terminated pursuant to these Bylaws, become terminated upon termination of membership.
- Fellow **4.04** A Member shall be entitled to the privilege of being designated as a Fellow of the Institute. Fellows are authorized to append to their names the initials FCIA (indicating Fellow, Canadian Institute of Actuaries) or FICA (Fellow, Institut canadien des actuaires).

**SECTION 5.1
AFFILIATES**

- Requirements **5.1.01** Any person who
- (a) makes written application to be enrolled as an Affiliate,
 - (b) pays an admission fee of the amount determined by the Eligibility and Education Council, as established in Bylaw 9.20,
 - (c) meets the qualification requirements established by the Eligibility and Education Council for such person, and
 - (d) is resident in Canada,
- shall be enrolled as an Affiliate upon approval by the Eligibility and Education Council of such application. *[Adopted Jan. 1/03]*
- Rights and privileges **5.1.02** (1) An Affiliate shall not be a Member or be entitled to the voting rights of Members. *[Adopted Jan. 1/03]*
- Idem (2) Affiliates may identify themselves or be identified as Affiliates of the Canadian Institute of Actuaries in any communication where there is reason to believe that the intended recipient of the communication will not be misled as to their qualifications. *[Adopted Jan. 1/03]*
- Idem (3) Notwithstanding Bylaw 5.1.02(2), Affiliates are not authorized to:
- (a) append to their names “Affiliate, Canadian Institute of Actuaries” or “affilié, Institut canadien des actuaires”; or
 - (b) identify themselves or be identified by the initials ACIA (indicating Affiliate, Canadian Institute of Actuaries) or AICA (indicating affilié, Institut canadien des actuaires). *[Adopted Jan. 1/03; Modified Nov. 1/03]*
- Idem (4) An Affiliate shall be entitled to
- (a) attend all General Meetings not specifically closed to Affiliates by vote of the Members or by resolution of the Board;
 - (b) take part in any discussion at any General Meeting that Affiliates are entitled to attend;
 - (c) receive all publications of the Institute not excepted by the Board for distribution to Affiliates; and
 - (d) exercise and enjoy any and all other rights and privileges that the Institute or the Board shall accord Affiliates. *[Adopted Jan. 1/03]*

**SECTION 6
CORRESPONDENTS**

- Requirements **6.01** Any person who
- (a) makes written application to be enrolled as a Correspondent,
 - (b) pays an admission fee of the amount determined by the Eligibility and Education Council, as established in Bylaw 9.20, and
 - (c) in the opinion of the Eligibility and Education Council, is recognized as a qualified actuary in the country of such person's residence,
- shall be enrolled as a Correspondent upon approval by the Eligibility and Education Council of such application. *[Modified July 1/00; Modified Jan. 1/03]*
- Rights and privileges **6.02** (1) A Correspondent shall not be a Member or be entitled to the voting rights of Members.
- Idem (2) A person who is a Correspondent shall not publicize, or knowingly permit publication of the fact that such person is a Correspondent.
- Idem (3) A Correspondent shall be entitled to
- (a) attend all General Meetings not specifically closed to Correspondents by vote of the Members or by resolution of the Board;
 - (b) take part in any discussion at any General Meeting that Correspondents are entitled to attend;
 - (c) receive all publications of the Institute not excepted by the Board for distribution to Correspondents; and
 - (d) exercise and enjoy any and all other rights and privileges that the Institute or the Board shall accord Correspondents. *[Modified July 1/00]*

**SECTION 7
ANNUAL FEES**

- Payment **7.01** Each Member, Associate, Affiliate and Correspondent shall be required to pay, on the first day of June while a Member, Associate, Affiliate or Correspondent, an annual fee in the amount determined by the Board.
[Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]
- Exceptions **7.02** The Eligibility and Education Council, as established in Bylaw 9.20, may, subject to the terms and conditions the Board prescribes from time to time, waive or defer all or a portion of the said fee for a Member, Associate, Affiliate or Correspondent who
- (a) has reached the age of 70 years;
 - (b) is retired;
 - (c) is totally disabled;
 - (d) is a full-time student in a post-secondary institution;
 - (e) is at home and caring for children full-time;
 - (f) is unemployed; or
 - (g) is in a situation such that the Board considers waiver or deferral appropriate.
- [Modified March 25/98; Modified May 12/99; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]*
- Idem **7.03** *[Note: repealed March 25/98]*

**SECTION 8
RESIGNATION, TERMINATION AND REINSTATEMENT OF
MEMBERS, ASSOCIATES, AFFILIATES AND
CORRESPONDENTS**

Resignation

- Procedure **8.01** (1) A Member, Associate, Affiliate or Correspondent who
- (a) is not in default in payment of fees, and
- (b) against whom no complaints or charges are pending,
- may resign by filing a written resignation with the Chairperson of the Eligibility and Education Council, as established in Bylaw 9.20. If such resignation is accepted by the Eligibility and Education Council, it shall become effective as of the date it was received by that Chairperson.
- [Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]*
- Discretion of the Board (2) Notwithstanding the foregoing, the Board may in its discretion permit the resignation of a Member, Associate or Affiliate against whom a complaint or charge is pending. *[Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]*
- Deemed resignation (3) Failure to respond in writing, within three months, to the Institute's request for confirmation of the continuation or cessation of the condition which has resulted in a waiver of fees, will be deemed to be a request for resignation.

Termination

- Non-payment of fees **8.02** If any annual fee remains unpaid for three months, the membership or enrollment in respect of which the fee was payable shall terminate, subject to review by the Eligibility and Education Council. *[Modified July 1/00]*
- Becoming a Member **8.03** Enrollment of a person as an Associate, Affiliate or Correspondent shall automatically terminate upon the person becoming a Member. *[Modified July 1/01; Modified Jan. 1/03]*
- Discipline **8.04** Membership in the Institute or enrollment as an Associate or Affiliate may be terminated for any cause which is provided in Section 20 with respect to disciplinary matters. *[Modified Sept. 10/97; Modified July 1/01; Modified Jan. 1/03]*

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Correspondent

8.05 Enrollment as a Correspondent may be terminated for any cause in respect of which express provision for termination is not made elsewhere in these Bylaws, if

- (a) a motion is presented at a meeting of the Eligibility and Education Council at a time when at least two-thirds of all members thereof are present; and
- (b) such motion is assented to by all members of the Eligibility and Education Council present. *[Modified July 1/00]*

Reinstatement

Procedure

8.06 The Eligibility and Education Council, on written application of any former Member, Associate, Affiliate or Correspondent whose membership has been terminated under the provisions of Bylaws 8.01, 8.02, 8.04 or 8.05, or under the provisions of former Bylaws that have been revised or replaced, may reinstate such Member, Associate, Affiliate or Correspondent subject to such conditions as it may prescribe.

[Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

**SECTION 9
COMMITTEES, TASK FORCES AND COUNCILS**

Appointment of committees and task forces

- Appointment by the Board **9.01** (1) The Board shall appoint a Committee on Professional Conduct pursuant to Bylaw 20.01, with such powers as may be necessary or convenient for the purposes for which this committee is appointed.
[Modified Nov. 20/98; Modified July 1/00]
- Idem (2) The Board shall annually appoint a Tribunal Panel which shall consist of at least 15 Members, who have agreed in general terms to make themselves available for appointment to a Disciplinary Tribunal or an Appeal Tribunal. None of the President, the President-elect, the Immediate Past President or a member of the Committee on Professional Conduct shall be members of the Tribunal Panel. The Board shall also annually appoint two members of the Tribunal Panel to act as Chairperson and Vice-Chairperson of the Tribunal Panel, who shall have such powers as may be necessary or convenient for the purposes for which they are appointed.
[Adopted Nov. 20/98; Modified July 1/00; Modified July 1/01]
- Idem (2.1) The Board shall appoint an Elections Committee for the election of the Officers and Directors pursuant to Bylaw 11.05, with such powers as may be necessary or convenient for the purposes for which this committee is appointed.
[Adopted Nov. 1/03]
- Idem (3) The Board may appoint such committees or task forces, with such powers as may be necessary or convenient for the purposes for which these committees or task forces are appointed.
[Adopted July 1/00]
- Idem (4) A committee or task force appointed by the Board shall consist of such persons as are considered by the Board to be qualified to serve on the committee or task force.
[Adopted July 1/00]
- Appointment by the President **9.02** (1) [*Note: repealed Nov. 1/03*]
- Idem (2) The Board, or the Members present at a General Meeting, may instruct the President to appoint such other committees or task forces, with such powers as may be necessary or convenient for the purposes for which these committees or task forces are appointed.
[Adopted July 1/00]
- Idem (3) A committee or task force appointed by the President shall consist of such persons as are considered by the President to be qualified to serve on the committee or task force.
[Adopted July 1/00]

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- Appointment **9.03** [Note: repealed July 1/00]
- Composition **9.04** [Note: repealed July 1/00]
- Appointment by the Chairperson of the Tribunal Panel **9.05** The Chairperson of the Tribunal Panel shall appoint a Committee of Adjudication in accordance with Bylaw 11.14, with such powers as may be necessary or convenient for the purposes for which this committee is appointed. This committee shall consist of such persons as are considered by the Chairperson of the Tribunal Panel to be qualified to serve on the committee. [Adopted July 1/00]

Establishment of Councils

- Establishment by the Board **9.06** The Board may establish one or more Councils, for such duties and purposes as may be prescribed by the Board or the Bylaws. [Adopted July 1/00]
- Composition **9.07** Each Council shall consist of not less than six members or more than 12 members, including a Chairperson and a Vice-Chairperson. The members of a Council shall be appointed annually by the Board. No Officer shall sit as a member of a Council. Each Council shall include not less than two or more than four Directors, and in no event shall the number of Directors be greater than 50% of the number of members of the Council appointed pursuant to this Bylaw. [Adopted July 1/00; Modified Oct. 29/01]
- Chairperson and Vice-Chairperson **9.08** Each Council shall have a Chairperson and a Vice-Chairperson, who shall be appointed annually by the Board. The Chairperson shall sit as an *ex officio* member of the Board. No person shall serve as Chairperson for more than three consecutive years. No person shall serve as Vice-Chairperson for more than three consecutive years. [Adopted July 1/00; Modified Nov. 1/03]
- Ex officio* members **9.09** Notwithstanding Bylaw 9.07, the Executive Director and the President shall sit as *ex officio* members of a Council, but shall not be entitled to vote, and shall not count towards the required minimum of six members or towards the quorum for a vote on a particular item of business. If the President is absent or unable to attend a meeting of a Council, the President may designate the President-elect or the Immediate Past President to sit as the *ex officio* member at such meeting. [Adopted July 1/00; Modified July 1/01; Modified Oct. 29/01; Modified Jan. 1/03]
- Quorum **9.10** The quorum of a Council for a vote on a particular item of business is 50% of the number of members thereof who have not declared themselves to be in a conflict of interest in respect of that item. [Adopted July 1/00]
- Meetings **9.11** Members of a Council may hold meetings in person or by such methods of communication as the Council may select from time to time by resolution. Every decision of a Council shall be taken by a majority of the members present at the meeting. In the event of a tie, the Chairperson of the meeting does not have a casting vote, and the motion is considered to be defeated. [Adopted July 1/00; Modified July 1/01]

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- Records **9.12** A Council shall designate one of its members to ensure that proper records of the Council are kept. *[Adopted July 1/00]*
- Committee or task force **9.13** A Council may appoint such committees or task forces as it may deem necessary or convenient for the performance of its duties. Subject to Bylaw 9.15, such committees or task forces may be provided with such powers as may be necessary or convenient for the purposes for which they are appointed. *[Adopted July 1/00]*
- Idem **9.14** A committee or task force appointed by a Council shall consist of such persons as are considered by the appointing Council to be qualified to serve on the committee or task force. *[Adopted July 1/00]*
- Idem **9.15** All actions taken by committees and task forces appointed by a Council shall be subject to review and approval by the appointing Council. *[Adopted July 1/00]*
- Annual report to the Board **9.16** The Chairperson of a Council must make an annual report to the Board on the activities of the Council. The Chairperson of a Council shall also report to the Board at any time upon the request of the President or the Board. *[Adopted July 1/00]*

Member Services Council

- Establishment **9.17** The Member Services Council is hereby established. *[Adopted July 1/00]*
- Duties and purpose **9.18** The Member Services Council shall have such duties as may be prescribed to it by the Board, in accordance with the following purpose:
- (a) to promote, by any means it deems expedient, the good public relations of the Institute and the actuarial profession;
 - (b) to advance communications between the Institute and Members, Associates and Affiliates, public regulatory and judicial bodies, governments, and other members of the public; and
 - (c) to plan and supervise publications, programs and services for the benefit of Members, Associates, Affiliates and the public, other than the publication of Standards of Practice and other than the planning and supervision of programs of continuing education.
- [Adopted July 1/00; Modified July 1/01; Modified Jan. 1/03]*
- Composition and performance of duties **9.19** The composition of the Member Services Council and its performance of duties shall be in accordance with the provisions governing Councils as set forth in Bylaws 9.07 through 9.16. *[Adopted July 1/00]*

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Eligibility and Education Council

- Establishment **9.20** The Eligibility and Education Council is hereby established. *[Adopted July 1/00]*
- Duties and purpose **9.21** The Eligibility and Education Council shall have such duties as may be prescribed to it by the Board, in accordance with the following purpose:
- (a) to ensure the enforcement of eligibility and qualification requirements;
 - (b) to develop education programs to advance the knowledge of Members, Associates and Affiliates; and
 - (c) to provide interpretative opinions on the Rules of Professional Conduct, and present recommendations to the Board concerning the repeal, re-enactment, alteration or addition of Rules of Professional Conduct. *[Adopted July 1/00; Modified July 1/01; Modified Jan. 1/03]*
- Composition and performance of duties **9.22** The composition of the Eligibility and Education Council and its performance of duties shall be in accordance with the provisions governing Councils as set forth in Bylaws 9.07 through 9.16. *[Adopted July 1/00]*

Practice Standards Council

- Establishment **9.23** The Practice Standards Council is hereby established. *[Adopted July 1/00]*
- Duties and purpose **9.24** The Practice Standards Council shall have such duties as may be prescribed to it by the Board, in accordance with the following purpose:
- (a) to provide continuous review of Standards of Practice and determine whether they are in need of alteration, expansion or elimination;
 - (b) to direct and manage the development of Standards of Practice in all areas of actuarial practice;
 - (c) to adopt Standards of Practice in all areas of actuarial practice, within its sole discretion and pursuant to such procedures, not in conflict with these Bylaws, as it deems appropriate; and
 - (d) to ensure the adequate communication of Standards of Practice to Members, Associates and Affiliates, public regulatory and judicial bodies, governments, and other members of the public. *[Adopted July 1/00; Modified Nov. 22/01; Modified Jan. 1/03]*
- Composition and performance of duties **9.25** The composition of the Practice Standards Council and its performance of duties shall be in accordance with the provisions governing Councils as set forth in Bylaws 9.07 through 9.16, except that, with respect to any decision rendered pursuant to Bylaws 9.25.2, 9.25.3 or 9.25.4, such a decision shall be taken by not less than two-thirds of the members of the Practice Standards Council who have not declared themselves to be in a conflict of interest in respect of that item of business.*[Adopted July 1/00; Modified Nov. 22/01]*

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- Due process required to adopt Standards of Practice
- 9.25.1** In accordance with its duties described in Bylaw 9.24, the Practice Standards Council shall establish and follow procedures for the adoption of Standards of Practice, the terms of which shall not be in conflict with these Bylaws. *[Adopted Nov. 22/01]*
- Draft of proposed Standard of Practice
- 9.25.2** Before adopting a proposed Standard of Practice pursuant to its procedures, the Practice Standards Council shall endorse and publish a draft form of the proposed Standard of Practice, and shall provide a period of time, the length of which shall be determined at its sole discretion, for review and commentary by Members, Associates and Affiliates. *[Adopted Nov. 22/01; Modified Jan. 1/03]*
- Adoption of Standard of Practice
- 9.25.3** Following the period of time provided for review and commentary, the Practice Standards Council may make modifications to the proposed Standard of Practice and shall:
- (a) proceed to adopt the proposed Standard of Practice, including such modifications, if any;
 - (b) withdraw the proposed Standard of Practice; or
 - (c) publish the proposed modifications to the proposed Standard of Practice, and provide a period of time, the length of which shall be determined at its sole discretion, for further review and commentary by Members, Associates and Affiliates, before considering whether the proposed Standard of Practice as modified should be adopted. *[Adopted Nov. 22/01; Modified Jan. 1/03]*
- Minor amendments
- 9.25.4** Notwithstanding any other Bylaw, the Practice Standards Council may proceed to adopt amendments to a Standard of Practice that are, in its opinion, sufficiently minor so as not to require consultation with Members, Associates and Affiliates, without the endorsement and publication of any draft form of said amendments. *[Adopted Nov. 22/01; Modified Jan. 1/03]*
- Idem
- 9.25.5** Any amendment to a Standard of Practice adopted pursuant to Bylaw 9.25.4 remains subject to review by the Board pursuant to Bylaw 9.26. *[Adopted Nov. 22/01]*
- Review by the Board
- 9.26** If a petition signed by at least 50 Members requesting that a Standard of Practice be reviewed is delivered to the President within 90 days after the date of adoption of the Standard of Practice by the Practice Standards Council, the Board shall review the Standard of Practice pursuant to such procedures as it deems appropriate, and may confirm, alter or annul the Standard of Practice. The review by the Board shall be completed within 90 days after the receipt of such petition, and shall be final and without appeal. In all cases, the Standard of Practice, as promulgated by the Practice Standards Council, shall remain in force from the date of adoption until completion of the review by the Board. The Board shall notify the petitioners within a reasonable period of time of its decision. *[Adopted July 1/00]*

**SECTION 10
MEETINGS OF MEMBERS**

Annual General Meetings	<p>10.01 (1) An Annual General Meeting shall be held in May or June each year. Other General Meetings shall be held as determined by the Board. <i>[Modified Sept. 10/97; Modified July 1/00]</i></p>
Additional General Meetings	<p>(2) Additional General Meetings may be convened by order of the President or the President-elect, or at the written request of five percent or more of the Members. <i>[Modified July 1/00; Modified July 1/01]</i></p>
Date, time and place	<p>10.02 (1) The date, time and place of any General Meeting convened under Bylaw 10.01(1) shall be as determined by the Board. The date, time and place of any General Meeting under Bylaw 10.01(2) shall be as determined by the President, subject to the requirement that the General Meeting shall be held within 90 days after the order or the written request is made. <i>[Modified Sept. 10/97; Modified July 1/00]</i></p>
Notice	<p>(2) A notice stating the date, time and place of a General Meeting and the general nature of the business to be transacted shall be given to each person entitled to attend such meeting, or entitled to notice thereof, not less than 10 or more than 75 days before the date of the meeting. <i>[Modified Sept. 10/97; Modified Oct. 29/01]</i></p>
Omission	<p>(3) The accidental omission to give notice of any General Meeting to, or the non-receipt of any notice by, any person entitled to the notice shall not invalidate any resolution passed or any proceedings taken at such meeting. <i>[Modified Sept. 10/97]</i></p>
Voting	<p>10.03 (1) Except as provided in Bylaw 18.01(3), every question submitted to any General Meeting shall be decided in the first instance by a show of hands and, in the event of a tie, the Chairperson shall, both on a show of hands and at a recording of the number of votes in favour of and opposed to a motion, have a casting vote in addition to the vote the Chairperson has as a Member. <i>[Modified March 25/98; Modified Nov. 1/03]</i></p>
Declaration of Chairperson	<p>(2) At any General Meeting, unless a recording of the number of votes in favour of and opposed to a motion is demanded, as provided in Bylaw 10.03(4), a declaration by the Chairperson that a resolution has been carried or carried unanimously or by any particular majority, or lost or not carried by a particular majority shall be conclusive evidence of the fact. <i>[Modified Sept. 10/97]</i></p>

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Choosing of
Chairperson

(3) At any General Meeting, if the President is absent, or is unable or refuses to act as Chairperson, the President-elect or failing the President-elect, the Immediate Past President, or failing the Immediate Past President, the Secretary-Treasurer, shall take the Chair. If all Officers are absent, or are unable or refuse to act as Chairperson, the Members present at the meeting shall choose another member of the Board as Chairperson, and if no member of the Board is present or if all the members of the Board present decline to take the Chair, then the Members shall choose one of their number to be the Chairperson. *[Modified July 1/00; Modified July 1/01]*

Recording of the
number of votes

(4) At any General Meeting a recording of the number of votes in favour of and opposed to a motion may be demanded by a minimum of 25 Members present and it shall be taken during the meeting in such a manner as the Chairperson shall direct. *[Modified Sept. 10/97; Modified July 1/01]*

Proxies

10.04 Voting by proxy may be permitted only for the purpose of conducting a vote pursuant to Bylaw 18.01(3) and only in accordance with procedures established by the Board, the terms of which shall not otherwise be in conflict with these Bylaws. *[Modified Nov. 1/03]*

Quorum

10.05 (1) The number of Members present to constitute a quorum shall be 100 for any Annual General Meeting and 50 for any other General Meeting.

Quorum and notice
required

(2) Subject to Bylaw 10.02(3), no business shall be transacted at any General Meeting unless

- (a) the requisite quorum is present at the commencement of such business; and
- (b) the requisite notice with respect to the meeting has been given to the persons entitled thereto. *[Modified Sept. 10/97]*

**SECTION 11
THE BOARD**

Requirements and Terms of Office of Members of the Board

- Membership **11.01** The Board shall consist of:
- a) the Officers and 12 Directors, all elected or appointed as provided in this Section; and
 - b) the Chairpersons of the Councils who are not already elected or appointed as Officers or Directors, and who shall sit as *ex officio* members of the Board. *[Modified July 1/00; Modified Nov. 1/03]*
- Eligibility for election **11.02** (1) To be eligible for election or appointment as a member of the Board a person must be a Member who has not admitted guilt and accepted a recommendation of sanction pursuant to Bylaw 20.05 or been found guilty of an Offence by a Disciplinary Tribunal or an Appeal Tribunal in the last five years, and who has not been charged by the Committee on Professional Conduct pursuant to Bylaws 20.04(1)(c) or 20.04(1)(d) at the time of eligibility for election. *[Modified Nov. 20/98; Modified July 1/00]*
- Idem (2) No Director whose term of office has not expired is eligible for election to the same office. No President shall be eligible for election to the same office for a second term or to any other office. No Secretary-Treasurer whose second term of office has not expired is eligible for election to the same office. *[Adopted July 1/00]*
- Terms of Office **11.03** Unless the office is vacated earlier,
- (a) each of the President, the President-elect and the Immediate Past President shall hold office for a period of one Board Year;
 - (b) the Secretary-Treasurer shall hold office for a period of two Board Years; and
 - (c) each Director shall hold office for a period of three Board Years. *[Modified July 1/00 Modified July 1/01]*

Election of Members of the Board

- Eligibility for voting **11.04** All Members shall be eligible to vote for members of the Board. Voting by proxy is not permitted. *[Modified July 1/00]*
- Elections Committee **11.05** (1) Each Board Year, at least 18 weeks before the Annual General Meeting, the Board shall appoint an Elections Committee, which shall be responsible for conducting elections, and may adopt rules of procedure, not in conflict with these Bylaws, for the conduct of the elections and as necessary to carry out its duties. *[Modified July 23/97; Modified March 25/98; Modified July 1/00; Modified July 1/01; Modified Nov. 1/03]*

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- Idem (2) The Elections Committee shall consist of at least five Members, including a Chairperson and a Vice-Chairperson. The Board shall appoint the Penultimate Past President of the Institute to serve as the Chairperson of the Elections Committee and the Immediate Past President of the Institute to serve as the Vice-Chairperson, who shall have such powers as may be necessary or convenient for the purposes for which they are appointed. If the Penultimate Past President or the Immediate Past President are unable or refuse to serve in such capacity, the Board shall appoint a Past President of the Institute to serve as the Chairperson or the Vice-Chairperson, as the case may be. No Chairperson or Vice-Chairperson of the Tribunal Panel, member of the Board (except the Immediate Past President), or Member whose name appears on the second ballot, shall be a member of the Elections Committee. *[Adopted Nov. 1/03]*
- First ballot **11.06** (1) The Elections Committee shall cause a first ballot to be prepared for nomination of candidates for President-elect, Secretary-Treasurer and Directors, as required. *[Modified March 25/98; Modified July 1/00; Modified July 1/01]*
- Contents of first ballot (2) The first ballot shall allow for Members to indicate five choices for President-elect and, if required, five choices for Secretary-Treasurer. The ballot shall also allow for Members to indicate eight choices for Directors. *[Modified March 25/98; Modified July 1/00; Modified July 1/01; Modified Nov. 1/03]*
- Forwarding to Members **11.07** The Elections Committee shall cause the first ballot to be made available to each Member at least 12 weeks before the Annual General Meeting from which the election is to be effective with a requirement that, in order to be valid, it be duly completed and received by the Elections Committee before a date prescribed by the Elections Committee, which shall be at least eight weeks before the Annual General Meeting, and at least four weeks after the date on which the ballots are made available. *[Modified March 25/98; Modified July 1/00; Modified Nov. 1/03]*
- Counting of votes on the first ballot **11.08** (1) The Elections Committee shall count the votes for President-elect and Secretary-Treasurer on the first ballot, and shall seek permission of those candidates receiving the highest number of votes to place their names on the second ballot. *[Modified March 25/98; Modified July 1/00; Modified July 1/01; Modified Nov. 1/03]*

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- Idem (2) The Elections Committee shall count the votes for Directors on the first ballot, and shall, in accordance with its rules of procedure:
- (a) first obtain permission from five candidates, receiving the highest number of votes, to place their names on the second ballot; and
 - (b) then seek permission from at least three of the remaining candidates to place their names on the second ballot. These candidates must be selected with due regard to the number of votes received on the first ballot, and also with a view to achieving proportional representation of the membership, as to geographic location and practice area, on the Board. The placing on the second ballot of these candidates shall be approved by 75% of all members of the Elections Committee. *[Adopted Nov. 1/03]*
- Contents of second ballot **11.09** The second ballot shall contain at least two names for President-elect, at least two names for Secretary-Treasurer, if required, and at least eight names for Directors. *[Modified July 1/00; Modified July 1/01; Modified Nov. 1/03]*
- Forwarding to Members **11.10** At least five weeks before the Annual General Meeting, the Elections Committee shall cause the second ballot to be prepared and made available to each Member. The Elections Committee shall require that the second ballot, duly marked or otherwise completed in accordance with its rules of procedure, in order to be valid, be received by it before a date prescribed by the Elections Committee, which date shall be less than three weeks before the Annual General Meeting. *[Modified March 25/98; Modified July 1/01; Modified Nov. 1/03]*
- Delays **11.11** If it appears that normal methods of communication may be interrupted, the President may, at the request of the Elections Committee, approve an extension of no more than two weeks to make the first ballots available, to receive the completed first ballots, to make the second ballots available and to receive the completed second ballots. *[Modified March 25/98; Modified July 1/01; Modified Oct. 29/01; Modified Nov. 1/03]*
- If election not completed **11.12** If, for any reason, the Elections Committee is unable to complete an election before the date of the Annual General Meeting, the President-elect shall nevertheless assume office as President as of the close of such meeting, the Immediate Past President shall vacate office and be succeeded by the retiring President, and all Directors and all other Officers shall remain in office until such time as the election is completed. *[Modified March 25/98; Modified July 1/00; Modified July 1/01]*

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Declaration of those
elected

11.13 After counting the ballots, the Elections Committee shall declare elected those candidates receiving the highest number of votes in accordance with its rules of procedure. If any Director whose term of office has not expired is elected an Officer, the Elections Committee shall declare elected, to fill the vacancy so created among the Directors, and to serve for the remainder of the unexpired term, the candidate having the next highest number of votes from among the candidates for Directors.

[*Modified March 25/98; Modified July 1/00; Modified July 1/01*]

Irregularities in
election

11.14 If a petition signed by at least five Members affirming that there have been irregularities in the election process is delivered, within seven days after the Annual General Meeting, to the Chairperson of the Tribunal Panel, the said Chairperson shall appoint a committee, to be designated a Committee of Adjudication, which shall consist of not less than five and not more than nine Members (none of whom shall be members of the Elections Committee), who shall be empowered to resolve any irregularities which may be found. The decision of the Committee of Adjudication shall be final and without appeal.

[*Modified Nov. 20/98; Modified July 1/00*]

Vacancies

Vacation of Office

11.15 (1) The office of a member of the Board shall *ipso facto*, if not theretofore vacated, be vacated if such member

- (a) ceases to be a Member;
- (b) resigns the office by notice in writing to the Institute; or
- (c) admits guilt and accepts a recommendation of sanction pursuant to Bylaw 20.05, is found guilty of an Offence by a Disciplinary Tribunal and no notice of appeal has been filed within the specified period for the filing of a notice of appeal, or is found guilty of an Offence by an Appeal Tribunal.

[*Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Oct. 29/01*]

Termination

(2) The office of a member of the Board may also be terminated by resolution at any General Meeting if notice of submission of such resolution has been given to the Members not less than 14 days before such meeting.

[*Modified July 1/00*]

Abstain from
participating

(3) A member of the Board who has been charged by the Committee on Professional Conduct pursuant to Bylaws 20.04(1)(c) or 20.04(1)(d) shall abstain from participating in Board activities until the charge is dismissed by a Disciplinary Tribunal and no notice of appeal has been filed within the specified period for the filing of a notice of appeal, or until the charge is dismissed by an Appeal Tribunal.

[*Adopted Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Oct. 29/01*]

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Filling of vacancies

11.16 (1) So long as there is a quorum of members of the Board remaining in office, when a vacancy occurs in the membership of the Board, other than by expiration of term of office, or by election of a Director as an Officer, such vacancy shall be filled as follows:

- (a) in the office of the President: by the President-elect for the balance of the current presidential term of office and one further term thereafter;
- (b) in the office of the President-elect: by election at the next general election, at which time both a President and a President-elect shall be elected in accordance with a procedure to be determined by the Elections Committee;
- (c) in the office of both the President and President-elect: by appointment by the Board of one of its members to the position of President, and by election of a Member to the position of President-elect, as described in Bylaw 11.16(1)(b);
- (d) in the office of the Immediate Past President: by appointment by the Board from among other past Presidents qualified for such office;
- (e) in the office of the Secretary-Treasurer: by appointment by the Board from among those Members qualified for such office; and
- (f) in the office of any Director: by appointment by the Board from among those Members qualified for such office.

[Modified March 25/98; Modified July 1/00; Modified July 1/01]

Serving balance of term

(2) In the case of (c), (d) and (f) above, the Member appointed or elected to fill the vacancy shall serve for the balance of the current term of the office vacated. In the case (e) above, the Member appointed to fill the vacancy shall serve until the next general election. Notwithstanding Bylaw 11.02(2), the Member appointed to fill the vacancy shall be eligible to be elected to the same office after the balance of the current term of the office vacated has been served.

[Modified July 1/00; Modified Nov. 1/03]

Filling of vacancies

(3) When a vacancy occurs in the membership of the Board by reason of expiration of term of office, such vacancy shall be filled as follows:

- (a) in the office of the President: by the President-elect;
- (b) in the office of the Immediate Past President: by the retiring President; and
- (c) in the office of any other member of the Board: by election by the Members, as provided in this Section.

[Modified July 1/00; Modified July 1/01]

**SECTION 12
MEETINGS OF THE BOARD**

- Date, time and place **12.01** (1) Meetings of the Board shall be held at such dates, times and places as the Board may determine, from time to time by resolution. A meeting of the Board may also be convened by the President or the President-elect, or by any four other members of the Board. Meetings may be held in person or by such methods of communication as the Board may select from time to time by resolution. *[Modified July 1/00; Modified July 1/01]*
- Notice (2) Notice of the date, time and place of any meeting of the Board shall be given to each member of the Board, at least seven days before the appointed time. A member of the Board who becomes such within the period of seven consecutive days immediately preceding the meeting shall be given notice of such meeting as soon as is practicable. Meetings of the Board may be held at any date, time and place without formal notice if all the members of the Board are present, or those absent have waived notice or have signified their consent to the meeting being held in their absence to the Secretary-Treasurer. *[Modified July 1/00]*
- Quorum **12.02** (1) Members of the Board shall act honestly and in good faith with a view to the best interest of the Institute. They shall declare to the Board any situation which places them in a position of conflict of interest in respect of any item of business and shall refuse to participate in that item. *[Adopted Nov. 20/98; Modified July 1/00]*
- Idem (2) The quorum of the Board for a vote on a particular item of business is the greater of six and 50% of the number of members of the Board who have not declared themselves to be in a conflict of interest in respect of that item.

[Note: Bylaw 12.02(2) was revised September 10, 1997 to reflect a quorum of eight. This revision was not confirmed at the November 20, 1997 General Business Session and has therefore lapsed.] *[Modified Nov. 20/98; Modified July 1/00]*
- Voting **12.03** (1) Unless provided otherwise, questions arising at any meeting of the Board shall be decided by a majority of votes. *[Modified July 1/00]*
- Tie (2) In the event of a tie, the Chairperson of the meeting shall have a casting vote in addition to the vote the Chairperson has as a member.
- Vacancy **12.04** The Board 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 Board have been met. *[Modified July 1/00]*
- Ex officio* members **12.05** Notwithstanding anything in the present Bylaws, the Chairpersons of the Councils who are not already elected or appointed as Officers or Directors, shall sit as *ex officio* members of the Board, but shall not be entitled to vote, and shall not count towards the quorum for a vote on a particular item of business. *[Adopted Nov. 1/03]*

**SECTION 13
DUTIES OF OFFICERS**

- President **13.01** The President shall
- (a) when present, preside at all meetings of the Board and all General Meetings; and
 - (b) have such other powers and duties as are incidental to the office of President or as may be assigned from time to time to the President by the Board or the Bylaws. *[Modified Nov. 20/98; Modified July 1/00]*
- President-elect **13.02** The President-elect shall
- (a) have all the powers and perform all the duties of the President when the President is absent, or is unable or refuses to act; and
 - (b) have such other powers and duties as may be assigned from time to time to the President-elect by the Board, the President or the Bylaws. *[Modified July 1/00; Modified July 1/01]*
- Immediate Past President **13.03** The Immediate Past President shall have such duties as may be assigned by the President, the Board or the Bylaws. In the case of the absence of both the President and the President-elect, or in the event of the inability or refusal of both to act, the Immediate Past President or the Secretary-Treasurer shall be designated by the Board to perform, for the time being, the duties of the President. *[Modified July 1/00; Modified July 1/01]*
- Secretary-Treasurer **13.04** The Secretary-Treasurer shall
- (a) ensure that a record of General Meetings and of meetings of the Board is kept;
 - (b) ensure that notices of such meetings are sent out;
 - (c) ensure that separate rolls of Members, Associates, Affiliates and Correspondents are maintained;
 - (d) with the approval of the President, conduct the correspondence of the Institute;
 - (e) subject to the instructions of the Board, be responsible for all records;

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- (f) become custodian of the funds of the Institute;
- (g) ensure that notices of annual or other fees are sent out;
- (h) ensure that a full accounting is kept of all receipts and expenditures;
- (i) present at the Annual General Meeting a financial statement, which has been audited by a firm of chartered accountants appointed for that purpose by the Members present at a General Meeting; and
- (j) have such other powers and duties as are incidental to the role of Secretary-Treasurer or as may be assigned from time to time by the Board, the President or the Bylaws.

[Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Treasurer

13.05 *[Note: repealed July 1/00]*

The Board may
delegate

13.06 In the case of absence or inability to act of any Officer, other than the President, or for any other reason that the Board may deem sufficient, the Board may, subject to Bylaw 13.03, delegate all or any of the duties and powers of such office to any other member of the Board for the time being.

[Modified July 1/00]

**SECTION 14
EXECUTIVE COMMITTEE**

[Note: Section 14 repealed July 1/00]

**SECTION 15
ORGANIZATIONS AFFILIATED WITH OR SPONSORED BY
OR OPERATING UNDER THE AUSPICES OF THE
INSTITUTE**

Procedure

15.01 An organization, the membership of which includes defined classes of Members, Associates, Affiliates or Correspondents, may make application to the Board to become affiliated with or sponsored by or to operate under the auspices of the Institute. The Board may approve such application, subject to such terms and conditions, and for such period, as it deems appropriate from time to time.

[Modified Sept. 10/97; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

**SECTION 16
RESPONSIBILITY AND INDEMNITY OF MEMBERS OF THE
BOARD AND OTHERS**

Responsibility **16.01** No member of the Board, as such, 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. *[Modified July 1/00]*

Indemnity **16.02** 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 which such member of the Board or other person sustains 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. *[Modified July 1/00]*

**SECTION 17
INFORMATION AVAILABLE TO MEMBERS**

Communication to the public

17.01 A Member, Associate, Affiliate or Correspondent shall be entitled to any information respecting any details or conduct of the business of the Institute, except for any information which, in the opinion of the Board, it would be inexpedient or inadvisable to communicate in the interests of the Institute or of a Member, Associate, Affiliate or Correspondent.

[Modified March 25/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Right to inspect

17.02 A person shall have the right to inspect any document or book or register or book of account or accounting records of the Institute, only if authorized by the Board or by a resolution of the Members at a General Meeting or if required by law.

[Modified March 25/98; Modified July 1/00]

SECTION 18
ADDITION TO OR AMENDMENT OR ALTERATION
OF BYLAWS, RULES OR REGULATIONS

- Procedure **18.01** (1) Bylaws, rules or regulations of the Institute may be repealed, re-enacted, altered, added to, or otherwise changed by the Board at a meeting thereof, provided that proper notice specifying such change shall have been given to the members of the Board and that a majority of all members of the Board are present at the meeting, and that a majority of all members of the Board concur in such change. *[Modified July 1/00]*
- Force and effect (2) Every such repeal, re-enactment, alteration, addition or change by the Board shall have force and effect only until the next ensuing General Meeting, and in default of confirmation thereat, shall at and from that time cease to have validity, force or effect. *[Modified July 1/00]*
- Confirmation by
Members (3) At a General Meeting, the Members may confirm the repeal, re-enactment, alteration, addition or other change of any said Bylaw, rule or regulation, provided that proper notice shall have been given to the Members specifying such change, and a majority of the Members, voting either in person, or by proxy in accordance with Bylaw 10.04, concur in the confirmation of such repeal, re-enactment, alteration, addition or other change. *[Modified Nov. 1/03]*
- Request by Members **18.02** (1) At the written request of five percent or more of the Members proposing the repeal, re-enactment, alteration, addition, or other change in the Bylaws, rules or regulations, the President shall direct the Secretary-Treasurer to give notice to the Members of such proposal. This notice shall be given to the Members at least 14 days before the next General Meeting. The proposal shall be dealt with at that meeting. *[Modified July 1/00]*
- Confirmation by
Members (2) At the said meeting, the Members may change the Bylaws, rules or regulations, provided that not less than two-thirds of the Members present and voting at the said meeting concur in such repeal, re-enactment, alteration, addition or other change.

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Notice is proof of adoption

18.03 (1) Publication or notice, in any form, of a Bylaw, rule, regulation or recommendation, by the Institute to Members, Associates and Affiliates,

- (a) is *prima facie* proof of its contents, of its adoption by the Board and of its confirmation by the Members where required, and
- (b) shall be deemed to be notice of its contents to Members, Associates and Affiliates.

[Adopted July 23/97; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Official notice by tribunals

(2) A Disciplinary Tribunal and an Appeal Tribunal shall take official notice of the valid adoption and confirmation of the Bylaw, rule, regulation or recommendation, as well as of its contents and of its publication, without being specially pleaded. [Adopted July 23/97]

Certified copy

(3) In every case in which the original record could be admitted in evidence, a copy of a document, Bylaw, rule, regulation, recommendation or proceeding of the Institute purporting to be certified under the seal of the Institute and the hand of the Executive Director thereof, is admissible in evidence without proof of the seal of the Institute or of the signature or official character of the person appearing to have signed it. [Adopted July 23/97]

**SECTION 19
PUBLIC PRONOUNCEMENTS OF OPINION**

Subject matter **19.01** The Institute may make public pronouncements of opinion on matters within the competence of actuaries, provided that the subject or issue has an important actuarial element or component and that the public opinion which is expressed is primarily actuarial in its content.

Procedure **19.02** Such public pronouncements shall be made in such manner and upon such terms and conditions as the Board may determine from time to time.

[Modified July 1/00]

**SECTION 20
DISCIPLINE OF MEMBERS, ASSOCIATES AND
AFFILIATES**

Constitution and Powers of the Committee on Professional Conduct

Jurisdiction of the
Committee on
Professional Conduct

20.01 (1) The Committee on Professional Conduct is constituted to handle all disciplinary matters concerning the Institute's Members, Associates and Affiliates and to provide them with counselling and education concerning disciplinary matters. The Committee shall deal with

- (a) every complaint alleging that a Member, Associate or Affiliate has committed an Offence;
- (b) any information that it may receive concerning the conduct of a Member, Associate or Affiliate; and
- (c) every general inquiry.

[Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Idem

(1.1) The Committee on Professional Conduct shall also handle all disciplinary matters concerning members of bilateral organizations, as defined in Bylaw 20.14, regarding such members' practice or professional conduct in Canada in accordance with Bylaws 20.13 to 20.17 and Section 21. In Sections 20 and 21, the terms "Member", "Associate", "Affiliate" and "Respondent" shall include a member of a bilateral organization for the purposes set out in Bylaws 20.13 to 20.17 and Section 21.

[Adopted Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Composition and
quorum

(2) The Committee on Professional Conduct shall consist of at least 10 members, including a Chairperson and one or more Vice-Chairpersons, and shall be appointed annually by the Board. Five members shall constitute a quorum of the Committee, except that seven members shall constitute a quorum for the conduct of a vote to file a charge against a Member, Associate or Affiliate.

[Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Secretary

(3) The Chairperson of the Committee on Professional Conduct shall appoint one of the members of the Committee as the Secretary of the Committee. The Secretary shall ensure that the records of the Committee are kept.

[Modified Nov. 20/98]

Immediate Past
President as *ex-officio*
member

(4) No member of the Board shall sit as a member or *ex-officio* member of the Committee on Professional Conduct, except the Immediate Past President who shall sit as an *ex-officio* member of the Committee and shall be entitled to vote. The Immediate Past President shall count as one of the required minimum of 10 members but shall not act as Chairperson, Vice-Chairperson or Secretary of the Committee.

[Modified Nov. 20/98; Modified July 1/00]

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- Conflict of interest (5) Members of the Committee on Professional Conduct must refuse to participate in any matter in which they consider themselves to be in a position of conflict of interest. If the Chairperson or the Secretary of the Committee is in such a conflict, a Chairperson or Secretary shall be appointed by the other participating members or by the Chairperson of the Committee, as the case may be, regarding that matter. *[Modified Nov. 20/98]*
- Meetings (6) Members of the Committee on Professional Conduct may hold meetings in person or by such methods of communication as the Committee may select from time to time by resolution. Every decision of the Committee shall be taken by a majority of the members present at the meeting. In the event of a tie, the Chairperson does not have a casting vote, and the motion is considered to be defeated. *[Modified Nov. 20/98; Modified July 1/01]*
- Confidentiality of deliberations (7) Except as provided in the Bylaws, the deliberations of the Committee on Professional Conduct and any of the Investigation Teams, including the records and minutes, are confidential, unless the Committee otherwise decides in relation to a particular matter. Meetings of the Committee may only be attended by members of the Committee and by any other person invited to attend by the Chairperson of the Committee. *[Adopted Nov. 5/96; Modified Nov. 20/98]*
- Idem (8) All persons present at a meeting of the Committee on Professional Conduct 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. *[Adopted Nov. 5/96; Modified Nov. 20/98]*
- Idem (9) If confidential information is sought from a person bound by this Section, such person shall immediately inform the Chairperson of the Committee on Professional Conduct of such a request and refrain from responding to the request unless authorised expressly by the Chairperson of the Committee, or required to do so by law or by order of a Disciplinary Tribunal or an Appeal Tribunal. *[Adopted Nov. 5/96; Modified Nov. 20/98]*

General Inquiry

- Inquirer **20.01.1** (1) A general inquiry may be made by any person or organization. *[Adopted Nov. 20/98]*
- Content of general inquiry (2) The Committee on Professional Conduct shall receive general inquiries on the appropriateness of the Institute's Standards of Practice, Rules of Professional Conduct or accepted actuarial practice. A general inquiry shall not refer to the identity of, or the work performed by, any Member, Associate or Affiliate. Any request or information that makes such reference shall be dealt with as a complaint or information in accordance with Section 20. *[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]*

Bylaws

Referral (3) A general inquiry shall be referred by the Committee on Professional Conduct 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 Officers to decide on the forum for consideration of the inquiry. *[Adopted Nov. 20/98; Modified July 1/00]*

Response (4) The committee or other forum to which the general inquiry is referred shall provide its response regarding the inquiry to the inquirer in writing within a reasonable period of time. *[Adopted Nov. 20/98]*

Laying of a Complaint and Providing Information

Laying of a complaint or providing information **20.02** (1) A complaint may be laid or information may be provided by any person or organization, including a bilateral organization, regarding the practice of a Member, Associate or Affiliate or regarding the practice in Canada of a member of a bilateral organization, in accordance with Bylaws 20.13 to 20.17. Every complaint or information shall be received by the Secretary of the Committee on Professional Conduct.
[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Jurisdiction (2) The Committee on Professional Conduct shall determine whether it has jurisdiction, pursuant to Bylaw 20.01(1), to handle the complaint or information received. If the Committee decides that the matter should be handled by a bilateral organization, the Secretary of the Committee 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 Committee shall retain jurisdiction to handle the complaint or information received in accordance with the Bylaws.
[Modified Nov. 20/98]

Confidentiality agreement (3) Where a person or an organization lays a complaint against, or provides information concerning, a Member, Associate or Affiliate, the Committee on Professional Conduct shall promptly request that the complainant or informant agree in writing to keep confidential any information provided to such complainant or informant on a confidential basis concerning the application of the disciplinary process, if any, to the Member, Associate or Affiliate. If the complainant or informant refuses or fails to provide such written agreement, the Committee shall not provide such complainant or informant with any further notification or confidential information concerning the application of the disciplinary process, if any, to the Member, Associate or Affiliate.
[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

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Information from complainant or informant

(4) Before deciding whether an Offence may have been committed by a Member, Associate or Affiliate, the Committee on Professional Conduct may communicate with the complainant or informant to obtain additional information regarding the complaint laid or information received, to the extent required to determine whether an Offence may have been committed.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Response by Member, Associate or Affiliate

(5) Before deciding whether an Offence may have been committed by a Member, Associate or Affiliate, the Committee on Professional Conduct may deliver a copy of the complaint laid or information received, as well as any additional information obtained pursuant to Bylaw 20.02(4), to the Member, Associate or Affiliate. Within 30 days of such delivery, or such greater period as the Committee may consider appropriate in the circumstances, the Member, Associate or Affiliate may provide a written response thereto or any other written explanation which may be warranted in the circumstances.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Dismissal of complaint or information

(6) Where, on the basis of all information obtained, the Committee on Professional Conduct is of the opinion that an Offence has not been committed by the Member, Associate or Affiliate, it shall dismiss the complaint or information and shall notify the Member, Associate or Affiliate and, subject to Bylaw 20.02(3), the complainant or informant within a reasonable period of time in writing of this decision. It shall forward a copy of the complaint laid or information received to the Member, Associate or Affiliate.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Referring complaint to Investigation Team

(7) Where, on the basis of all information obtained, the Committee on Professional Conduct is of the opinion that an Offence may have been committed by the Member, Associate or Affiliate, it shall refer the complaint laid to an Investigation Team, or the Committee shall lay a complaint against the Respondent on the basis of the information received from the informant and refer such complaint to an Investigation Team. It shall notify the Respondent and, subject to Bylaw 20.02(3), the complainant or informant within a reasonable period of time in writing of this decision.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Continuing jurisdiction

(8) Any actuary who becomes disqualified from being a Member, Associate or Affiliate, or voluntarily ceases to be a Member, Associate or Affiliate, shall remain subject to the disciplinary jurisdiction of the Committee on Professional Conduct for the acts or omissions committed while being a Member, Associate or Affiliate.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Bylaws

The Investigation Team

Appointing of
Investigation Team

20.03 (1) When the Committee on Professional Conduct refers a complaint to an Investigation Team under Bylaw 20.02(7), it shall appoint the Investigation Team to carry out an investigation. Such Investigation Team shall consist of no more than three persons. No member of the Board shall act as a member of an Investigation Team. *[Modified Nov. 20/98; Modified July 1/00]*

Report and response
from Respondent

(2) An Investigation Team shall prepare a report containing the findings of its investigation. Said report shall be transmitted to the Committee on Professional Conduct within 30 days after its completion. Once the Committee has accepted the report, it shall subsequently transmit the report to the Respondent. Within 30 days of such delivery, or such greater period as the Committee may consider appropriate in the circumstances, the Respondent may submit to the Secretary of the Committee a written response to the report of the Investigation Team or any other written explanation which may be warranted in the circumstances. *[Modified Nov. 20/98]*

Inquiries

(3) 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 Member, 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. *[Modified July 1/01; Modified Jan. 1/03]*

Production of
documents

(4) In the course of its investigation, an Investigation Team may require 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 Member, Associate or Affiliate, including the Respondent. *[Modified July 1/01; Modified Jan. 1/03]*

Offence to hinder
work

- (5) It shall be an Offence for a Member, Associate or Affiliate to
- (a) hinder in any way the work of an Investigation Team or any one of its members in the performance of its duties as carried out according to the Bylaws;
 - (b) fail to respond within 30 days to an inquiry from an Investigation Team;
 - (c) mislead an Investigation Team or any one of its members by concealment or by false declarations;
 - (d) refuse to produce any information or document relating to an inquiry; or
 - (e) refuse to let a copy be made of any relevant document.
- [Modified July 1/01; Modified Jan. 1/03]*

Bylaws

Conduct of other
Members, Associates
or Affiliates

(6) In the course of its investigation, an Investigation Team may investigate the conduct of any other Member, 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 Member, Associate or Affiliate, it shall recommend promptly that the Committee on Professional Conduct lay a complaint against said Member, Associate or Affiliate. Unless otherwise determined by the Committee, any further investigation of the complaint shall be conducted by the same Investigation Team.
[*Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03*]

Decisions of the Committee on Professional Conduct

Decisions

20.04 (1) After reviewing the report of an Investigation Team and the response provided by the Respondent, if any, the Committee on Professional Conduct shall

- (a) dismiss the complaint;
- (b) file a charge and proceed with private admonishment proceedings, pursuant to Bylaw 20.04.1;
- (c) file a charge and make a recommendation of sanction to the Respondent, subject to an admission of guilt by the Respondent, pursuant to Bylaw 20.05; or
- (d) file a charge and refer it to a Disciplinary Tribunal, pursuant to Bylaw 20.06.
[*Modified Nov. 20/98; Modified July 1/00*]

Dismissal and letter of
advice

(2) If the Committee on Professional Conduct dismisses a complaint, it shall notify the Respondent and, subject to Bylaw 20.02(3), the complainant or informant within a reasonable period of time. The notice shall be in writing and shall state the reasons for the dismissal. In addition to such notice, the Committee may send to the Respondent a letter of advice, which may include any educational or counselling materials as the Committee may consider appropriate in the circumstances. The Committee shall disclose the letter of advice only to the Respondent and shall not keep a record thereof. All those involved in the creation and production of the letter of advice shall be personally bound to secrecy.
[*Modified Nov. 20/98*]

Filing of charge and
referring charge to
Disciplinary Tribunal

(3) If the Committee on Professional Conduct finds that a complaint is justified, and that proceedings pursuant to Bylaws 20.04.1 or 20.05 are not appropriate, it must then file a charge against the Respondent and refer it to a Disciplinary Tribunal for a hearing. The Committee shall notify the Respondent within a reasonable period of time in writing of this decision. Subject to Bylaw 20.02(3), the Committee shall notify the complainant in writing of this decision not more than 60 days before the date of the commencement of the hearing before the Disciplinary Tribunal.
[*Modified Nov. 20/98*]

Bylaws

Private Admonishment

- Filing of charge and referring for private admonishment proceedings **20.04.1** (1) If the Committee on Professional Conduct 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 Bylaws 20.05 and 20.06 are not appropriate, it shall file a charge and refer it to three representatives from the Committee, chosen by the Chairperson of the Committee, for private admonishment proceedings. *[Adopted Nov. 20/98]*
- Informing Respondent (2) The Committee on Professional Conduct shall deliver the charge and a written notice of private admonishment proceedings to the Respondent within a reasonable period of time. *[Adopted Nov. 20/98]*
- Attendance at informal meeting (3) Within 60 days of such delivery, or such greater period as the Committee on Professional Conduct may consider appropriate in the circumstances, the Respondent shall personally attend an informal meeting with the representatives from the Committee in order to discuss the charge. *[Adopted Nov. 20/98]*
- Absence of Respondent (4) If the Respondent refuses or fails to attend such an informal meeting, without reasonable excuse, the Committee on Professional Conduct may refer the charge against the Respondent to a Disciplinary Tribunal for a hearing, and shall notify the Respondent within a reasonable period of time in writing of this decision. Subject to Bylaw 20.02(3), the Committee shall notify the complainant in writing of this decision not more than 60 days before the date of the commencement of the hearing before the Disciplinary Tribunal. *[Adopted Nov. 20/98]*
- Right to respond (5) At the informal meeting, the Respondent shall have an opportunity to respond to the charge. *[Adopted Nov. 20/98]*
- Decision and confirmation (6) After considering the response provided by the Respondent at the informal meeting, the representatives of the Committee on Professional Conduct shall decide whether to dismiss the charge or to issue a private admonishment, and shall forthwith inform the Respondent of the decision to dismiss the charge or shall give the Respondent a private admonishment in person. Within 15 days thereof, they shall confirm to the Respondent in writing the decision to dismiss the charge or to issue a private admonishment. They shall notify, subject to Bylaw 20.02(3), the complainant within a reasonable period of time in writing of the decision to dismiss the charge or to issue a private admonishment. They shall notify, subject to Bylaw 20.02(3), the informant within a reasonable period of time in writing of the decision to dismiss the matter. *[Adopted Nov. 20/98]*

Bylaws

Written confirmation (7) The written confirmation of a private admonishment shall contain a summary of the facts, the charge filed against the Respondent, reasons for the decision and a copy of any written response and documents provided by the Respondent at the informal meeting. The written confirmation shall be signed by all three representatives of the Committee on Professional Conduct.

[Adopted Nov. 20/98]

Confidentiality (8) The Secretary of the Committee on Professional Conduct shall ensure that a copy of the written 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 complainant to be informed pursuant to Bylaw 20.04.1(6);
- (b) the right of the members of the Committee on Professional Conduct 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 Disciplinary Tribunal or Appeal 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 Tribunal is similar in nature to the matter that was the subject of such private admonishment.

[Adopted Nov. 20/98]

Charge and Recommendation of Sanction

Filing of charge and recommendation **20.05** (1) If the Committee on Professional Conduct 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 Bylaws 20.04.1 or 20.06 are not appropriate, it shall file a charge and make a recommendation that the Respondent, admit guilt in writing for the acts or omissions that form the basis of the charge, and accept a reprimand. In addition, the recommendations of the Committee may require that the Respondent agree to one or more of the following sanctions:

- (a) completion of one or more courses of instruction prescribed by the Committee on Professional Conduct;
- (b) payment of a fine not exceeding \$5,000;
- (c) payment of all or part of the fees and expenses of legal counsel for the Committee on Professional Conduct incurred to commence and complete the matter;
- (d) such corrective or remedial action as the Committee on Professional Conduct considers appropriate. [Modified Nov. 20/98; Modified July 1/01]

Admission or denial of guilt (2) The Committee on Professional Conduct shall deliver the charge and its recommendation of sanction to the Respondent. Within 30 days of such delivery, or such greater period as the Committee may consider appropriate in the circumstances, the Respondent shall, in writing, either admit guilt and accept the recommendation or decline to do so.

[Modified Nov. 20/98]

Bylaws

Informing complainant

(3) If an admission of guilt is entered and the recommendation of sanction is accepted, both in writing, by the Respondent, the Respondent shall comply with the conditions thereof, and the complainant shall be informed within a reasonable period of time in writing of the admission of guilt and the accepted recommendation of sanction. [Modified Nov. 20/98]

Deemed to have declined

(4) If the Respondent fails either to admit guilt or to accept the recommendation of sanction within the period set by the Committee on Professional Conduct, the Respondent is deemed to have declined to accept the recommendation of sanction. [Modified Nov. 20/98]

Declines to accept

(5) 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 Committee on Professional Conduct must then refer the charge against the Respondent to a Disciplinary Tribunal for a hearing, and shall notify the Respondent within a reasonable period of time in writing of this decision. Subject to Bylaw 20.02(3), the Committee shall notify the complainant in writing of this decision not more than 60 days before the date of the commencement of the hearing before the Disciplinary Tribunal. [Modified Nov. 20/98]

Disciplinary Tribunal: Hearing of a Charge

Appointing of Disciplinary Tribunal

20.06 (1) The Chairperson of the Tribunal Panel shall appoint a Disciplinary Tribunal to hear a charge filed against a Member, Associate or Affiliate. If the Chairperson of the Tribunal Panel is in a position of conflict of interest or is otherwise unable to appoint a Disciplinary Tribunal, the Vice-Chairperson of the Tribunal Panel shall appoint the Disciplinary Tribunal in accordance with this Bylaw. Except as provided in Bylaw 20.06(13), 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 Chairperson of the Disciplinary Tribunal. In the event that two members of a Disciplinary Tribunal cannot be appointed from the Tribunal Panel, the Chairperson or the Vice-Chairperson of the Tribunal Panel may appoint a Member 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 Chairperson of the Tribunal Panel or the Vice-Chairperson of the Tribunal Panel shall be eligible to sit as a member of a Disciplinary Tribunal.

[Modified July 23/97; Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Bylaws

- Conflict of interest (2) The parties to a hearing before a Disciplinary Tribunal shall be notified by the Chairperson 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 must so declare forthwith. *[Modified Nov. 20/98]*
- Plea of guilt (3) A Member, Associate or Affiliate against whom a charge has been filed may enter a plea of guilty prior to the scheduled hearing. Such plea shall be made in writing by the Respondent or the Respondent's legal counsel to the Chairperson of the Committee on Professional Conduct or the Committee's legal counsel. *[Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]*
- Mediation (3.1) The Committee on Professional Conduct and the Respondent may retain the services of a mediator prior to the scheduled hearing and on mutually agreed terms and conditions. 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. *[Adopted Nov. 20/98]*
- Parties (4) The Respondent shall be a party to the hearing. The Committee on Professional Conduct shall be a party to the hearing and shall conduct the prosecution before the Disciplinary Tribunal. *[Modified Nov. 20/98]*
- Right to legal counsel (5) A party appearing before a Disciplinary Tribunal has the right to be assisted or represented by legal counsel.
- Prior notice (6) The Executive Director 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, but shall not disclose the name of the Member, Associate or Affiliate charged. *[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]*
- Absence of Respondent (7) 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.

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- Hearing shall be public (8) Except as provided herein, 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.
- In camera* hearing (9) 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 Committee on Professional Conduct 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. [Modified Nov. 20/98]
- Parties, legal counsel and witnesses (10) A Disciplinary Tribunal shall hear the parties, their legal counsel and their witnesses, may 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, Associate or Affiliate 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. [Modified July 1/01; Modified Jan. 1/03]
- Procedure and practice (11) The practice and procedure before a Disciplinary Tribunal shall be governed by the Rules of Practice and Procedure of a Disciplinary Tribunal of the Institute. A Disciplinary Tribunal may adopt rules of procedure or practice, not in conflict with these Bylaws or the Rules of Practice and Procedure of a Disciplinary Tribunal, for the conduct of a hearing and as necessary to carry out its duties. [Modified Nov. 19/97; Modified July 1/00]
- Suspension during inquiry (12) The Committee on Professional Conduct may request a Disciplinary Tribunal to order that the Respondent be suspended for the duration of the inquiry. [Modified Nov. 20/98]
- Death or incapacity of member of Tribunal (13) If a member of a Disciplinary Tribunal dies before a decision is rendered or, for any reason, is unable to fulfill such member's duties at any stage of the process, after the expiry of 10 days of the parties being informed of the death or incapacity of the member of the Disciplinary Tribunal by the Executive Director, the remaining members of the Disciplinary Tribunal shall proceed to hear the charge 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 Bylaw 20.06(1). 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. [Adopted July 23/97]

Disciplinary Tribunal: Decisions

- Decision **20.07** (1) After a Disciplinary Tribunal has heard the parties, their evidence and all other relevant evidence, it must then render its decision within 90 days from the date of the end of the hearing.
- Powers (2) A Disciplinary Tribunal shall decide, to the exclusion of any other court or tribunal, in the first instance, whether or not the Respondent is guilty of an Offence, except in respect of practice in the jurisdiction of a bilateral organization pursuant to Bylaws 20.13 to 20.17. *[Modified Nov. 20/98]*
- Record of hearing (3) The Executive Director shall ensure that the record of the hearing and the decision of a Disciplinary Tribunal are placed in a special file. This record shall constitute *prima facie* proof of its contents. *[Modified Nov. 20/98]*
- Decision in writing (4) A Disciplinary Tribunal shall record its decision in writing 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 written decision shall include this fact, and the reasons for this decision.
- Decision sent to parties (5) A Disciplinary Tribunal shall send its decision to all parties, within 10 days after the said decision has been rendered. The Committee on Professional Conduct shall notify the complainant within a reasonable period of time in writing of the decision rendered by the Disciplinary Tribunal. *[Modified Nov. 20/98]*
- Hearing on penalty (6) 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. *[Modified March 25/98]*
- Costs (7) A Disciplinary Tribunal shall have the power to 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. *[Modified Nov. 20/98]*
- Decision on penalty (8) 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 Committee on Professional Conduct shall notify the complainant within a reasonable period of time in writing of the decision with respect to the penalty rendered by the Disciplinary Tribunal. *[Modified Nov. 20/98]*

Disciplinary Tribunal: Penalties

- Penalty options **20.08** (1) A Disciplinary Tribunal shall impose on a Member, Associate or Affiliate found guilty of an Offence, one of the following penalties, in respect of one or more of the counts:
- (a) a reprimand;
 - (b) a suspension from the Institute;
 - (c) an expulsion from the Institute.
- A Disciplinary Tribunal may also impose a fine on a Member, Associate or Affiliate found guilty of an Offence, in respect of one or more of the counts.
[*Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03*]
- Refresher training (2) A Disciplinary Tribunal may also require a Member, Associate or Affiliate 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, Associate or Affiliate during the training period or course, or both.
[*Modified July 1/01; Modified Jan. 1/03*]
- Terms and conditions (3) A Disciplinary Tribunal may fix the terms and conditions of the penalties it imposes.
- Implementation of penalties (4) 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.
[*Modified Nov. 20/98*]
- Payment of a sum of money (5) 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 pay the amount in question to the Institute or the Institute 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 Member, Associate or Affiliate, said Member, Associate or Affiliate shall be automatically suspended from the Institute until such time as all amounts have been paid in full.
[*Modified Nov. 20/98; Modified July 1/01; Modified Oct. 29/01; Modified Jan. 1/03*]

Appeal Tribunal: Notice of appeal, Constitution and Jurisdiction of Tribunal

Filing of notice of appeal

20.09 (1) Subject to Bylaw 20.09(5), 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. 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. The other party may file a notice of cross-appeal within 10 days after the receipt of the notice of appeal. 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. A party shall file its notice with the Secretary-Treasurer and shall send a copy to the other party within the specified period. The Committee on Professional Conduct shall notify the complainant within a reasonable period of time in writing of the notices filed, if any. *[Modified Nov. 20/98; Modified July 1/00; Modified Oct. 29/01]*

Constitution of Appeal Tribunal

(2) In the event that a notice of appeal is filed, an Appeal Tribunal shall be appointed by the Board. Except as provided in Bylaw 20.10(11), 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 Chairperson of the Appeal Tribunal. In the event that two members of an Appeal Tribunal cannot be appointed from the Tribunal Panel, the Board may appoint a Member who is a member of the Board at the time of appointment or a Member who is a past Officer or who was prior to 1977, a Secretary, Treasurer or Editor of the Institute to sit as a member of an Appeal 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 members of the Disciplinary Tribunal, the Chairperson of the Tribunal Panel or the Vice-Chairperson of the Tribunal Panel shall be eligible to sit as a member of an Appeal Tribunal. *[Modified July 23/97; Modified March 25/98; Modified Nov. 20/98; Modified July 1/00; Modified July 1/01]*

Conflict of interest

(3) The parties to a hearing before an Appeal Tribunal shall be notified by the Secretary-Treasurer 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 must so declare forthwith.

[Modified Nov. 20/98; Modified July 1/00]

Bylaws

- Jurisdiction of Appeal Tribunal (4) An appeal can be made to an Appeal Tribunal in respect of
- (a) a decision of a Disciplinary Tribunal ordering a temporary suspension of a Member, Associate or Affiliate, allowing or dismissing a charge, imposing a penalty or awarding costs; or
- (b) any other decision of a Disciplinary Tribunal, with leave of the Appeal Tribunal. *[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]*
- Limitation on right of appeal (5) The Committee on Professional Conduct shall make an appeal to an Appeal Tribunal pursuant to Bylaw 20.09(4) only on a question of law or jurisdiction. *[Adopted Nov. 20/98]*

Appeal Tribunal: Hearing of an Appeal

- Parties **20.10** (1) The parties before the Disciplinary Tribunal shall be the parties before the Appeal Tribunal.
- Right to legal counsel (2) Every party to the appeal has the right to be assisted or represented by legal counsel.
- Suspension of implementation (3) 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. *[Modified Nov. 20/98]*
- Hearing and decision (4) 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. *[Modified Nov. 20/98; Modified Oct. 29/01]*
- Prior notice (5) The Executive Director 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, but shall not disclose the name of the Member, Associate or Affiliate charged. *[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]*
- Absence of a party (6) 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.

Bylaws

Hearing shall be public

(7) Except as provided herein, 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.

In camera hearing

(8) 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 Committee on Professional Conduct to be informed about the proceedings to the extent necessary for the performance of their duties.

[*Modified Nov. 20/98*]

No new evidence

(9) No new evidence shall be presented before an Appeal Tribunal. However, an Appeal Tribunal may, by reason of exceptional circumstances and where the ends of justice require, authorize the presentation of additional written or verbal evidence.

Procedure and practice

(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, for the conduct of a hearing and as necessary to carry out its duties.

Death or incapacity of member of Tribunal

(11) If a member of an Appeal Tribunal dies before a decision is rendered or, for any reason, is unable to fulfill such member's duties at any stage of the process, after the expiry of 10 days of the parties being informed of the death or incapacity of the member of the Appeal Tribunal 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 Bylaw 20.09(2). 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.

[*Adopted July 23/97*]

Bylaws

Appeal Tribunal: Decisions

- Powers **20.11** (1) An Appeal Tribunal may confirm, alter or quash any decision appealed from, and render the decision which it considers should have been rendered in the first instance.
- Record of hearing (2) The Executive Director shall ensure that the record of the hearing and the decision of an Appeal Tribunal are placed in a special file. This record shall constitute *prima facie* proof of its contents. [Modified Nov. 20/98]
- Decision in writing (3) An Appeal Tribunal shall record its decision in writing 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 written decision shall include this fact, and the reasons for this decision.
- Decision sent to parties (4) An Appeal Tribunal shall send its decision to all parties, within 10 days after the said decision has been rendered. The Committee on Professional Conduct shall notify the complainant within a reasonable period of time in writing of the decision rendered by the Appeal Tribunal. [Modified Nov. 20/98]
- Costs (5) 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 of the other party incurred to commence and complete the proceedings before the Disciplinary Tribunal and the Appeal Tribunal. [Modified Nov. 20/98]
- Implementation of penalties (6) 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. [Adopted Nov. 20/98]
- Payment of a sum of money (7) 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 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, Associate or Affiliate, said Member, Associate or Affiliate shall be automatically suspended from the Institute until such time as all amounts have been paid in full. [Adopted Nov. 20/98; Modified July 1/01; Modified Oct. 29/01; Modified Jan. 1/03]

Publication of Decisions and Reports

- Decision sent to the Board **20.12** (1) The Secretary of the Committee on Professional Conduct shall send to the Board the admission of guilt and acceptance of a recommendation of sanction or the decision of a Disciplinary Tribunal or of an Appeal Tribunal within 10 days after the admission and acceptance or the decision of a tribunal has been made. [Modified Nov. 20/98; Modified July 1/00]

Bylaws

Notice of decision

(2) The Secretary of the Committee on Professional Conduct 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 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 Member, Associate or Affiliate;
- (b) the principal practice address of the Member, Associate or Affiliate;
- (c) the specialty area in which the Member, Associate or Affiliate 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; 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.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Notice shall be published

(3) Except as provided in Bylaws 20.12(4), 20.12(5) and 20.12(6), the Secretary of the Committee on Professional Conduct shall ensure that the notice is published to each Member, Associate and Affiliate. In the case of a suspension or expulsion, the Secretary of the Committee on Professional Conduct 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, Associate or Affiliate principally practices in Canada. The publication of the notice shall take place

- (a) within 60 days after the Board 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.

[Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Exceptions

(4) A Disciplinary Tribunal or an Appeal Tribunal may direct that the above requirements for publication of the notice be varied. However, in the case of a suspension or expulsion, a Disciplinary Tribunal or an Appeal Tribunal may not vary the requirement that the name of the Member, Associate or Affiliate and the sanction imposed be published to each Member, Associate and Affiliate 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.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Bylaws

- Powers of the Board
- (5) In the case of a decision where no suspension or expulsion has been ordered, the Board may reduce the above requirements for publication of the notice, but the Board may not
- (a) change any direction given by a Disciplinary Tribunal or an Appeal Tribunal under Bylaw 20.12(4); or
 - (b) vary the requirement that the Member's, Associate's or Affiliate's name and the sanction imposed be published to each Member, Associate and Affiliate.
- [Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]*
- No notice to be published
- (6) In the case of a decision which finds a Member, Associate or Affiliate not guilty of a charge, no notice in relation to that charge shall be published if the Member, Associate or Affiliate so notifies the Secretary of the Committee on Professional Conduct within 30 days after the expiry of the period for appeal, provided no notice of appeal has been filed, or within 30 days after the decision of the Appeal Tribunal has been rendered.
- [Modified Nov. 20/98; Modified July 1/01; Modified Oct. 29/01; Modified Jan. 1/03]*
- Annual report to the Board
- (7) The Secretary of the Committee on Professional Conduct must make an annual report to the Board on the activities of the Committee on Professional Conduct, the Disciplinary Tribunals and the Appeal Tribunals. The report 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, Associates and Affiliates admonished;
 - (c) the number and nature of admissions of guilt and acceptances of a recommendation of sanction made;
 - (d) the number and nature of decisions rendered by the Committee on Professional Conduct, the Disciplinary Tribunals and the Appeal Tribunals; and
 - (e) to the extent such information is made available to the Committee on Professional Conduct, the number and nature of complaints laid concerning the practice of Members, Associates and Affiliates 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, Associates or Affiliates relative to their practice in Canada.
- [Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]*

Bylaws

Periodic report to
Members

- (8) The Secretary of the Committee on Professional Conduct must make a periodic report, at least twice per Board Year, to each Member, Associate and Affiliate on the activities of the Committee on Professional Conduct and of Disciplinary and Appeal Tribunals. The report shall include, at a minimum,
- (a) the number and nature of complaints laid, including complaints laid concerning the practice of Members, Associates and Affiliates 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, Associates or Affiliates charged;
 - (c) the number of private admonishments issued without disclosing the nature of the private admonishments or the names of the Members, Associates and Affiliates admonished;
 - (d) any notices of admissions of guilt and acceptances of a recommendation of sanction or decisions which have been finalized since the last report; and
 - (e) an explanation as to how a Member, Associate or Affiliate, who wishes to request more information about charges which have been filed or tribunal proceedings, may obtain that information.

[*Modified March 25/98; Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03*]

Transitional Provisions

Application to all
disciplinary
proceedings

20.12.1 (1) As of November 20, 1998, the present Bylaws shall apply to all disciplinary matters, including all further steps taken in respect of complaints laid and information received on or before November 19, 1998. [*Adopted Nov. 20/98*]

Member of
Committee on
Discipline

(2) Every person who on November 19, 1998 was a member of the Committee on Discipline pursuant to the Bylaws as they existed on or before November 19, 1998 shall continue to act as a member of the Committee on Professional Conduct pursuant to the present Bylaws. [*Adopted Nov. 20/98*]

Members of tribunals
and Investigation
Teams

(3) Every person who on November 19, 1998 was a member of an Investigation Team, a Disciplinary Tribunal or an Appeal Tribunal pursuant to the Bylaws as they existed on or before November 19, 1998 shall continue to act as if appointed under the present Bylaws. [*Adopted Nov. 20/98*]

Decision of
Committee on
Discipline

(4) Any decision or order made by the Committee on Discipline pursuant to the Bylaws as they existed on or before November 19, 1998 shall be accepted and deemed to have been made by the Committee on Professional Conduct pursuant to the present Bylaws. [*Adopted Nov. 20/98*]

Decisions of tribunals
and Investigation
Teams

(5) Any decision or order made by an Investigation Team, a Disciplinary Tribunal, or an Appeal Tribunal pursuant to the Bylaws as they existed on or before November 19, 1998 shall remain in force pursuant to the present Bylaws. [*Adopted Nov. 20/98*]

International Reciprocal Arrangements

[Note: Former Bylaw 20.13 was repealed November 20, 1998 and replaced by Bylaws 20.13 to 20.17]

Entering into bilateral agreements

20.13 The Institute may enter into bilateral agreements with actuarial organizations based in a foreign jurisdiction for the purpose of dealing with disciplinary matters arising either from Members, Associates or Affiliates practising in those foreign jurisdictions or members of those foreign actuarial organizations practising in Canada.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

“bilateral organization”

20.14 (1) For the purposes of this part regarding International Reciprocal Agreements and of Section 21, 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, including, for the United States of America, the Actuarial Board for Counseling and Discipline, the American Academy of Actuaries, the American Society of Pension Actuaries, the Casualty Actuarial Society, the Conference of Consulting Actuaries and the Society of Actuaries. A "non-bilateral organization" refers to an actuarial organization responsible for profession-wide counselling and discipline in a foreign jurisdiction with which the Institute has not entered into a bilateral agreement.

[Adopted Nov. 20/98]

“member of a bilateral organization”

(2) For the purposes of this part regarding International Reciprocal Agreements and of Section 21, a "member of a bilateral organization" refers to an individual who has been granted membership in that organization in accordance with the rules governing that organization. A "member of a non-bilateral organization" refers to an individual who has been granted membership in that organization in accordance with the rules governing that organization.

[Adopted Nov. 20/98]

Location of practice

(3) For the purposes of this part regarding International Reciprocal Agreements and of Section 21, the location of the practice of a Member, 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 Member, Associate or Affiliate or of the member of the foreign actuarial organization is irrelevant to the determination of the location of such person's practice.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Bylaws

- Idem (4) In instances where both the Institute and the bilateral organization would have investigatory jurisdiction over an individual, the Chairperson of the Committee on Professional Conduct and such Chairperson'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. Such factors as the physical location of the individual's practice, the individual's physical location and domicile, the physical location where most of the work was performed, the physical location of the work certified by the member, if any, and the preference of the member, if any, may be considered in determining the most convenient forum for the investigation. Once the forum has been established, the Institute or the bilateral organization will conduct the investigation and communicate its findings and recommendation in accordance with these Bylaws. *[Adopted Nov. 20/98]*
- No bilateral agreement; practice in foreign jurisdiction by a Member **20.15** Questions concerning the practice or professional conduct of a Member, Associate or Affiliate in the jurisdiction of a non-bilateral organization shall be governed by the Institute in accordance with Sections 20 and 21 of the Bylaws. In accordance with Section 21, the Member, 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 of the Institute at all times. *[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]*
- Bilateral agreement; practice in Canada; member of bilateral organization only **20.16** (1) Questions concerning the practice or professional conduct in Canada of an individual who is not a Member, Associate or Affiliate but who is a member of a bilateral organization shall be governed by the Institute in accordance with Sections 20 and 21 of the 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 Bylaws 20.09 to 20.11. The matter is subject to the publication requirements stipulated in Bylaw 20.12. *[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]*
- Bilateral agreement; practice in Canada; Member and member of bilateral organization (2) Questions concerning the practice or professional conduct in Canada of an individual who is a Member, Associate or Affiliate and is also a member of a bilateral organization shall be governed by the Institute in accordance with Sections 20 and 21 of the Bylaws. *[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]*
- Determination of guilt by Institute (3) A determination by the Institute that a member of a bilateral organization breached the Rules of Professional Conduct, Standards of Practice or eligibility requirements of the Institute when practising in Canada, regardless of whether that individual is also a Member, Associate or Affiliate, shall be made solely by the Institute. The Institute's determination will be deemed final by the parties to a bilateral agreement when the Institute's appeal process has been exhausted. *[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]*

Bylaws

Communication of determination

(4) The Secretary of the Committee on Professional Conduct 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 eligibility requirements of the Institute when practising in Canada, regardless of whether that individual is also a Member, Associate or Affiliate. The Secretary of the Committee shall also provide the relevant bilateral organization with a copy of the guilty plea or the Disciplinary Tribunal and Appeal Tribunal decision(s), the Disciplinary Tribunal and Appeal Tribunal transcripts and if requested, the documents filed in evidence with the Disciplinary Tribunal and Appeal Tribunal, unless communication thereof is restricted by law or by order of the Disciplinary Tribunal or Appeal Tribunal.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Recommendation of public sanction

(5) 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 eligibility requirements of the Institute when practising in Canada, regardless of whether that individual is also a Member, 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.

[Adopted Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Bilateral agreement; practice in foreign jurisdiction; Member only; jurisdiction

20.17 (1) Questions concerning the practice or professional conduct in the jurisdiction of a bilateral organization by a Member, 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.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Bilateral agreement; practice in foreign jurisdiction; Member and member of bilateral organization

(2) Questions concerning the practice or professional conduct in the jurisdiction of a bilateral organization by a Member, 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.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Determination of guilt by bilateral organization

(3) A determination by a bilateral organization that a Member, Associate or Affiliate breached the rules of professional conduct, standards of practice or eligibility requirements of that organization when practising in that jurisdiction, regardless of whether the Member, Associate or Affiliate is also a member of that bilateral organization, shall be made solely by that organization. The bilateral organization's determination will be deemed final by the Institute when the appeal process of that organization has been exhausted.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Bylaws

Communication of
determination

(4) The Secretary of the Committee on Professional Conduct shall receive from a bilateral organization any final determination that a Member, Associate or Affiliate breached the rules of professional conduct, standards of practice or eligibility requirements 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 Committee 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.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Recommendation of
public sanction

(5) If a bilateral organization makes a determination that a Member, Associate or Affiliate breached the rules of professional conduct, the standards of practice or the eligibility requirements of the bilateral organization when practising in its jurisdiction, the Institute shall not act upon a recommendation from the decision-making body of that organization to the effect that a specific penalty be imposed by the Institute against the Member, Associate or Affiliate. The Institute shall receive a recommendation from that organization that the Institute consider imposing public sanctions against the Member, Associate or Affiliate, and shall determine an appropriate sanction for it to impose against its Member, Associate or Affiliate in accordance with the Bylaws.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Process

(6) More specifically, the determination of guilt by a bilateral organization in respect of a Member, Associate or Affiliate practicing in that jurisdiction shall be received by the Secretary of the Committee on Professional Conduct and considered as a complaint indicating that an Offence has been committed, pursuant to Bylaw 20.02. All Bylaws contained in Section 20 shall be followed to the extent that they are applicable, except that:

- (a) an Investigation Team shall not investigate the complaint or prepare a report for the Committee's consideration;
- (b) the Committee's powers provided in Bylaw 20.04 shall be limited to filing a charge and issuing a private admonishment, as guilt has already been determined by the bilateral organization, 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; and
- (c) the Disciplinary Tribunal shall hold a hearing with respect to the penalty within 30 days after the appointment of the Disciplinary Tribunal, based on the documents provided by the bilateral organization.

In addition, this decision on penalty may be appealed in accordance with Bylaws 20.09 to 20.11 and it is subject to the publication requirements of Bylaw 20.12.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

SECTION 21 COMPLIANCE

Compliance with
Bylaws, Rules and
Standards

21.01 A Member, Associate or Affiliate shall comply with the Bylaws, Rules of Professional Conduct, Standards of Practice and Recommendations of the Institute as they may be from time to time, and with any order or resolution made under the Bylaws, except as provided in this Section for the practice in a foreign jurisdiction. A Member, Associate or Affiliate shall, when required, fulfill any requirements established by the Institute to monitor compliance with Rules of Professional Conduct and Standards of Practice of the Institute.

[Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03]

Compliance with
foreign and CIA rules

21.02 (1) A Member, 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 of the Institute be complied with at all times.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Compliance with rules
and standards of
bilateral
organizations

(2) A Member, Associate or Affiliate practising in the jurisdiction of a bilateral organization shall comply with the rules of professional conduct, standards of practice and eligibility requirements of that bilateral organization.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

Associate; Affiliate;
member of bilateral
organization

21.03 Where the word “member” appears in the Rules of Professional Conduct of the Institute, it is to be read to include “Associate” and “Affiliate”, and to include a member of a bilateral organization when that member is practising in Canada.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03]

SECTION 22 COMMITTEE ON REVIEW

[Note: Section 22 repealed November 20, 1998]

**SECTION 23
PROTECTIVE PROVISIONS**

No complaint or cause
of action

23.01 No Member, Associate or Affiliate shall have any lawful complaint or cause of action against the Institute, the President, or the Board, or a Council, or against the Committee on Professional Conduct, an Investigation Team, a Disciplinary Tribunal, an Appeal Tribunal, any other committee or any task force of the Institute or against any member of the said Board, Councils, tribunals, teams, committees and task forces, or against any officer, servant, agent or legal counsel of the Institute by reason of anything done or omitted to be done or any other matter or thing in respect of any complaint of professional conduct, investigation, inquiry, charge of professional misconduct, hearing, report, direction, decision, order, notice or publication made or done in good faith under Sections 20 and 21.

*[Modified March 25/98; Modified Nov. 20/98; Modified July 1/00; Modified July 1/01;
Modified Jan. 1/03]*

Confidentiality
provision

23.02 Any Member, Associate or Affiliate who, as a result of involvement in any way with the activities of the Board, the Councils, the Committee on Professional Conduct, an Investigation Team, a Disciplinary Tribunal, an Appeal Tribunal, any other committee or any task force, obtains confidential information previously unknown to the Member, Associate or Affiliate, shall not use or disclose any such information except in the discharge of the Member's, Associate's or Affiliate's duties and responsibilities arising from such involvement, or unless required by law to do so.

*[Modified March 25/98; Modified Nov. 20/98; Modified July 1/00; Modified July 1/01;
Modified Jan. 1/03]*

**SECTION 24
TRANSITIONAL PROVISIONS**

- Decisions **24.01** Any decision made or action taken, including any resolution, appointment, determination, approval or order, pursuant to the Bylaws as they existed on or before June 30, 2000, shall remain in force pursuant to the present Bylaws, and shall be accepted and deemed to have been made in accordance with the present Bylaws. *[Adopted July 1/00]*
- Member of Council /
Board **24.02** Notwithstanding Bylaw 11.01, every person who on June 30, 2000 was a member of the Former Council pursuant to the Bylaws as they existed on or before June 30, 2000, shall continue to act as a member of the Board pursuant to the present Bylaws. As a result, it is expected that the Board will be composed of 17 Directors and four Officers from July 1, 2000 to the close of the Annual General Meeting in 2001. Notwithstanding Bylaw 11.01 and in accordance with Bylaws 24.07 and 24.08, it is expected that the Board will be composed of 15 Directors and four Officers from the close of the Annual General Meeting in 2001 to the close of the Annual General Meeting in 2002. It is expected that the Board will be composed of 12 Directors and four Officers in accordance with Bylaw 11.01 as of the close of the Annual General Meeting in 2002. All such persons shall have the powers and perform all the duties of members of the Board pursuant to the present Bylaws. *[Adopted July 1/00]*
- President **24.03** The person who on June 30, 2000 was the President pursuant to the Bylaws as they existed on or before June 30, 2000, shall assume the office of President pursuant to the present Bylaws. Notwithstanding anything in the present Bylaws, this person's term of office as President shall expire at the close of the Annual General Meeting in 2001. *[Adopted July 1/00]*
- President-elect /
Vice-President **24.04** The person who on June 30, 2000 was the President-elect pursuant to the Bylaws as they existed on or before June 30, 2000, shall assume the office of Vice-President pursuant to the Bylaws in force as of July 1, 2000. Notwithstanding anything in the Bylaws in force as of July 1, 2000, this person shall assume the office of President at the close of the Annual General Meeting in 2001. *[Adopted July 1/00; Modified July 1/01]*
- Vice-President /
President-elect **24.04.1** The person who on June 30, 2001 was the Vice-President pursuant to the Bylaws as they existed on or before June 30, 2001, shall assume the office of President-elect pursuant to the present Bylaws. Notwithstanding anything in the present Bylaws, this person shall assume the office of President at the close of the Annual General Meeting in 2002. *[Adopted July 1/01]*

Bylaws

- Immediate Past President **24.05** The person who on June 30, 2000 was the Immediate Past President pursuant to the Bylaws as they existed on or before June 30, 2000, shall assume the office of Immediate Past President pursuant to the present Bylaws. Notwithstanding anything in the present Bylaws, this person's term of office as Immediate Past President shall expire at the close of the Annual General Meeting in 2001. *[Adopted July 1/00]*
- Secretary-Treasurer **24.06** The person who on June 30, 2000 was the Vice-President to whom the duties of Secretary and the duties of Treasurer were assigned pursuant to the Bylaws as they existed on or before June 30, 2000, shall assume the office of Secretary-Treasurer pursuant to the present Bylaws. Notwithstanding anything in the present Bylaws, this person's term of office as Secretary-Treasurer shall expire at the close of the Annual General Meeting in 2001. *[Adopted July 1/00]*
- Vice-President / Director **24.07** Notwithstanding Bylaw 11.01, any person who on June 30, 2000 was a Vice-President, other than the Vice-President to whom the duties of Secretary or the duties of Treasurer were assigned, pursuant to the Bylaws as they existed on or before June 30, 2000, shall assume the office of Director pursuant to the present Bylaws. In addition to their powers and duties as Directors, such persons may have additional powers and perform additional duties as may be assigned to such persons by the Board or the President. Notwithstanding anything in the present Bylaws, the term of office of each such person shall be two Board Years and shall be calculated from the date each such person assumed office as Vice-President. Notwithstanding anything in the present Bylaws, should the office of such a person be vacated by reason of expiration of term of office or for any other reason, such vacancy shall not be filled. *[Adopted July 1/00]*
- Councillor / Director **24.08** Any person who on June 30, 2000 was a Councillor pursuant to the Bylaws as they existed on or before June 30, 2000, shall assume the office of Director pursuant to the present Bylaws. Notwithstanding anything in the present Bylaws, the term of office of each such person shall be three Board Years and shall be calculated from the date each such person assumed office as Councillor. Notwithstanding anything in the present Bylaws, it is expected that four new Directors will assume office at the close of the Annual General Meeting in 2001, and that four new Directors will assume office at the close of the Annual General Meeting in 2002. *[Adopted July 1/00]*
- Student / Associate **24.09** Notwithstanding anything in the present Bylaws, any person who on June 30, 2001 was enrolled as a Student of the Institute pursuant to the Bylaws as they existed on or before June 30, 2001, shall continue to be enrolled as an Associate of the Institute as of July 1, 2001 pursuant to the present Bylaws. *[Adopted July 1/01]*