



Procedures for the Appointment of a CIA Appeal Disciplinary Tribunal

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This document outlines the procedures that will be followed when the Actuarial Profession Oversight Board (APOB) is required to appoint a CIA appeal disciplinary tribunal in accordance with Bylaw 20.09(1) and 20.09(2) which are reproduced below:

- 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 Executive Director and shall send a copy to the other party within the specified period. The Professional Conduct Board shall notify the complainant within a reasonable period of time in writing of the notices filed, if any.*
- 20.09(2)** *In the event that a notice of appeal is filed, an Appeal Tribunal shall be appointed by the Actuarial Profession Oversight 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 chair of the Appeal Tribunal. In the event that two members of an Appeal Tribunal cannot be appointed from the Tribunal Panel, the Actuarial Profession Oversight Board may appoint a Fellow who is a member of the Board or of the Actuarial Profession Oversight Board at the time of appointment or a Fellow who is a past Officer or who was prior to 1977, a Secretary, Treasurer or Editor of the Institute, or who was, prior to July 1, 2019, Secretary-Treasurer 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 chair of the Tribunal Panel or the vice-chair of the Tribunal Panel shall be eligible to sit as a member of an Appeal Tribunal.*

Procedures

1. When a notice of appeal from a decision rendered by a disciplinary tribunal is filed in accordance with Bylaw 20.09(1), the Executive Director of the CIA (ED) shall notify the chair of APOB and of the Tribunal Panel.
2. The ED shall consult with the chair of the Tribunal Panel to identify a retired judge who would be qualified to serve as chair of the Appeal Tribunal.
3. The ED shall also consult with the chair of the Tribunal Panel to identify CIA Fellows (normally members of the Tribunal Panel) who are qualified and eligible to serve as members of the Appeal Tribunal.
4. The ED shall prepare a memo to APOB with the recommendations for appointment of the chair and members of the Appeal Tribunal. A brief background and rationale for each should be included along with a confirmation that the proposed members and Chair do not have any real or apparent conflict of interest. The ED shall also provide the APOB with a motion to appoint them.
5. The memo shall be sent to APOB with a request for APOB members to appoint the members of the Appeal Tribunal by email vote (normal email vote process applies), unless an APOB meeting is already scheduled within a reasonable timeframe, at which the vote could take place.
6. Once the members are approved, the ED shall notify the chair of the Tribunal Panel, as well as the members of the Appeal Tribunal that have been appointed.
7. Within 10 days of the appointment, the ED shall also notify the parties to the hearing before the Appeal Tribunal of the composition of the Appeal Tribunal.
8. If a party requests the removal of a member of the Appeal Tribunal in accordance with Bylaw 20.09(3), the ED will consult with the chair of the Tribunal Panel and make a further recommendation to APOB. The same approval process and subsequent notifications would follow.

While there is no required deadline set out in the Bylaws for the appointment of the Appeal Tribunal members, this should be done in a reasonable timeframe.

Approved September 16, 2020