

MEMORANDUM

To: All Fellows, Affiliates, Associates, and Correspondents of the Canadian Institute of Actuaries

From: Sharon Giffen, President

Date: May 3, 2018

Subject: **Notice to Members – Proposed Bylaw Amendments Related to Continuing Professional Development (CPD) Requirements**

Document 218049

Introduction

Following almost three years of review and consultation with CIA members, the Board has considered the comments received and has adopted a final version of the proposed Bylaw amendments, as well as a revised qualification standard, and a related policy.

The enclosed material details the amendments which now require member confirmation, as well as the information you need to vote on the proposed amendments, prior to or at the June 2018 CIA Annual Meeting in Toronto.

Proposed Amendments

Appendix A contains the proposed amendments to sections 3, 3.1, 8, 20, and 21 of the Bylaws. Changes affect the Bylaws and the CPD requirements.

Bylaws

Two key changes were made to the CIA Bylaws:

1. The current Bylaws are silent on the concept of a qualification standard (QS). New sections 3.08–3.12 in the Bylaws outline the process the Board would follow to create or revise a QS. The Board would continue to have the power, as it does now, to amend or establish a QS, with which members must comply as a requirement for ongoing enrolment as a member of the CIA. However, a new QS or significant changes to an existing QS, would now be subject to member consultation, allowing an improved measure of control for members.
2. The potential suspension of membership in cases where a member fails to comply with the requirements of a QS, after appropriate reminders and consideration of remedy plans, was added to section 8 of the Bylaws.

CPD Requirements

The following table shows the key changes to the CPD requirements themselves (i.e., Qualification Standard – Requirements for CPD and policies):

Current CIA Requirement	Changes as of January 1, 2020
<p>100 hours of CPD over a rolling two-year period which must include the following:</p> <ul style="list-style-type: none"> • 24 hours of structured activities, 12 hours of which must be technical; and • Four hours of professionalism activities. 	<p>80 hours of guided and/or self-study CPD over a rolling two-year period which must include the following:</p> <ul style="list-style-type: none"> • 30 hours of guided activities. <p><i>(NB: The QS would now include broader definitions of both types of activities. In particular, some phone conversations and e-mail exchanges may count as guided activities.)</i></p>
<p>(Four hours of professionalism activities included above.)</p>	<p>Completion of a mandatory CIA professionalism module (in addition to the 80 hours above) would be required every two years. The estimated time to complete the self-directed e-learning module would be two to three hours. The first module will likely be released in mid-2018.</p>
<p>Members may claim (“self-select”) an exemption from CPD compliance/filing under several categories (i.e., retirement, not performing actuarial work, family or other leaves, Associate having written an exam/module in the last two years, member is following CPD requirements of another recognized actuarial association).</p>	<p>All members would need to be CPD compliant unless they qualify for an exemption under one of the following categories:</p> <ul style="list-style-type: none"> • Retirement (not actively at work for pay); • Family leave; or • Special circumstances (approved by the Eligibility and Education Council (EEC)). <p>An application for an exemption would now need to be submitted and approved.</p> <p>An individual who</p> <ul style="list-style-type: none"> • Has not yet obtained the FCIA designation and who has written an actuarial exam/module in the last two years; or • Is not a resident of Canada, is doing no Canadian work, and is complying with the requirements of another actuarial association in which he or she is a full member at the highest level (no exemptions permitted), <p>would be deemed to have completed the equivalent of the CIA CPD requirements.</p>
<p>The CIA performs annual monitoring and review (audit) of approximately one percent of filings.</p>	<p>The CIA (i.e., the Committee on Professionalism) continues to perform annual monitoring and review (audit). However, the percentage of members audited would be increased.</p>

<p>There is no consequence for non-compliance or non-filing, other than an indication (red dot) in the public CIA member directory.</p>	<p>An individual's membership may be suspended after reminders and an opportunity to remedy CPD compliance are provided.</p> <p>The public CIA member directory would continue to identify a member's CPD compliance status (currently shown by a green, blue, or red dot next to the member's name to indicate compliance, exemption, or non-compliance, respectively), but would instead include only active members and would show their CPD compliance status as compliant, exempt, or currently completing a remedy plan. Suspended members would not appear in the directory.</p>
<p>Current related policies:</p> <ul style="list-style-type: none"> • Policy on Monitoring Compliance with the CPD Qualification Standard; • Policy on Suspension, Termination and Reinstatement of Membership; and • Policy on the Use of CIA Membership Titles and Designations. 	<p>The revised QS – Requirements for CPD now contains the policy and procedural information previously identified in the Policy on Monitoring Compliance with the CPD Qualification Standard.</p> <p>The new Policy on the Administration of Member Privileges consolidates and replaces the Policy on Suspension, Termination and Reinstatement of Membership and the Policy on the Use of CIA Membership Titles and Designations. The new policy addresses the consequences and procedures to be followed in managing changes to a member's enrolment, waiver of dues, or CPD compliance status, and outlines the requirements for reinstatement of any affected privileges, including suspension of membership.</p>

Questions and Answers (Q&A)

The extensive [Q&A document](#) regarding the new CPD requirements now addresses final changes to the proposed amendments the Board adopted. The document includes responses to several key questions members raised during the consultation period.

Background

The current CPD requirements came into effect in 2008. The Eligibility and Education Council (EEC) identified the need to update the CIA's CPD requirements with particular attention to the relatively large number of members who claim to be exempted from these requirements and the applicability of CPD requirements to the growing number of members working in non-traditional areas of employment. The Board supported the EEC in these efforts.

In 2015, a proposal that included using the designation FCIA (non-practising) was brought forward for membership consideration. After a strong negative member response, the Board decided not to proceed with that proposal.

In June 2016, the CIA Board created the Task Force on CPD Review to undertake a fresh review of the overall CPD requirements. The task force reported to the Board, which approved a member consultation in early 2017. In response to membership concerns and suggestions, the Board reviewed a revised approach in March 2017. The Board approved the recommendations in principle, and authorized the creation of a Task Force on the Implementation of the Proposed Changes to the CPD Requirements.

In September 2017, the implementation task force brought forward draft bylaws, a revised qualification standard, and related policies to give effect to the new CPD requirements that would be effective for CPD reporting at January 1, 2020, if approved by the members. The Board reviewed the materials and approved a member consultation on the proposed changes required to implement the new approach to CPD.

In October 2017, the Board sought member input and several comments helped the implementation task force in finalizing the proposal.

An additional consultation was conducted in January 2018 with a selection of members who had claimed an exemption from the CPD requirements in 2017 as they were “not performing professional services of an actuarial nature” to further assess the impact of the proposed changes on this subset of members which includes senior managers and non-traditional practitioners.

The CIA also contacted the Casualty Actuarial Society (CAS) and the Society of Actuaries (SOA) to confirm that the CIA’s proposed CPD requirements would continue to be considered acceptable for joint members to follow in lieu of the CAS/SOA requirements. Both organizations have confirmed that they will accept the CIA’s new CPD requirements.

A final set of proposed amendments to the Bylaws, a revised qualification standard, and a new Policy on the Administration of Member Privileges were presented to the Board and adopted on January 17, 2018. The revised qualification standard and the new policy would only come into effect on January 1, 2020.

Process

In accordance with CIA Bylaws, these proposed amendments (appendices A and B) were adopted by the Board and are now being submitted to members for confirmation. Pursuant to Bylaw 10.04, the Board also approved the use of proxy voting that will enable the voting process to be carried out electronically. The enclosed procedure provides details on how this will be conducted.

Members are encouraged to become involved in this discussion by participating in one or more of the following activities:

Discussion—May 3 to June 21, 2018

You will find instructions on how to participate in the amendments listserver in this package of material. Normally once per week, designated representatives will respond to questions posed on the listserver.

Webcast—May 23, 2018 (separate English and French)

Please register for the English or French webcast on the CIA website under **Professional Development>Webcasts>Upcoming Webcasts**. Members of the CIA leadership will provide an overview of the amendments and will be available to answer your questions.

Please note, there will be no live voting during the webcast; see the procedure for proxy voting below.

Proxy Voting—May 23, 2018 to 3:00 p.m. EDT on June 19, 2018

Members may vote on the proposed bylaw amendments via proxy voting between May 23 and 3:00 p.m. EDT on June 19. Please note that members who have voted by proxy may not vote on the bylaw amendments in person on June 21, 2018.

General Business Session, 2018 CIA Annual Meeting—June 21 in Toronto, ON

Members may vote in person on June 21, 2018 at the General Business Session of the Annual Meeting. Members who are eligible to vote may discuss and vote on the proposed bylaw amendments. The results of these votes are combined with the votes received by proxy.

Date of Coming into Force

The Board has adopted a motion specifying that the proposed changes to the Bylaws regarding these matters come into force and effect on July 1, 2018, provided they have been confirmed by the membership at the June 2018 Annual Meeting. As noted above, the revised qualification standard and the new Policy on the Administration of Member Privileges would come into force and effect only on January 1, 2020.

Motion to be Adopted

Members of the Institute will be asked, via e-mail (for members who wish to vote by proxy) and at the General Business Session at the Annual Meeting on June 21, 2018, to adopt the following motion:

Motion: That the Board decision on January 17, 2018 to adopt Amending Bylaw N° 2018-1 be confirmed.

Enclosures:

- Amending Bylaw No. 2018-1 (Changes to Continuing Professional Development (CPD) Requirements);
- Appendices A and B (English and French) to the above, indicating proposed amendments to the Bylaws;
- Qualification Standard – CPD Requirements (for information only); and
- Policy on the Administration of Member Privileges (for information only).

SG

Amending Bylaw No. 2018-1

To Amend the Bylaws of the Canadian Institute of Actuaries (Changes to Continuing Professional Development (CPD) Requirements)

Whereas for several years, concerns have been expressed about the CIA's CPD requirements with particular attention to the relatively large number of members who claim to be exempted from these requirements and the applicability of CPD requirements to the growing number of members working in non-traditional areas of employment;

Whereas in 2015, a proposal that included using a modified designation (i.e., "FCIA(non-practising)") for retirees and members no longer performing professional services was brought forward for membership consideration and subsequently withdrawn after a strong negative member response;

Whereas in June 2016, the CIA Board created the Task Force on CPD Review to undertake a fresh review of the overall CPD requirements;

Whereas in March 2017, the task force reported to the Board which approved moving forward with a member consultation on the proposed concepts and created a Task Force on the Implementation of the Proposed Changes to the CPD Requirements to undertake the preparation of the required documents;

Whereas in September 2017, the implementation task force brought forward draft revised Bylaws, a revised Qualification Standard – CPD Requirements, and related policies requiring changes, to give effect to the new CPD requirements that would be effective for CPD reporting at January 1, 2020;

Whereas, in September 2017, the Board reviewed and approved for release to the membership for consultation, draft revisions to the Bylaws, the Qualification Standard – CPD Requirements, and related policies;

Whereas, in November 2017, the Board received a preliminary report from the task force identifying the issues raised during the consultation period and provided the task force with feedback;

Whereas the Board was presented, on or about January 11, 2018, with a final proposal and draft modifications (English and French) to the Bylaws related to changes to the CPD requirements;

Whereas the Board is of the view that it is in the interest of the members and of the Institute to adopt the amendments to the Bylaws, as indicated in the documents provided to the members of the Board on or about January 11, 2018;

Therefore, Be It Resolved:

That the English and French versions of the Bylaws of the Institute be modified, as indicated in the documents provided to the members of the Board on or about January 11, 2018 and annexed as appendix A (English) and appendix B (French) to Amending Bylaw No. 2018-1.

That the changes referred to above and hereby adopted by the Board shall have force and effect as of July 1, 2018, provided such changes are confirmed by the members at the CIA Annual Meeting on June 21, 2018.

Adopted by the members of the Board on January 17, 2018 and confirmed by the members of the Institute at the CIA Annual Meeting on June 21, 2018.

President

Secretary-Treasurer

Section 3
Enrolment and Qualification Standards

Enrolment

- Fellows in 1986 **3.00.1** Any Fellow in good standing on July 1, 1986 is deemed to have met the qualification requirements for Fellow.
[Adopted Sept. 1/16]
- Requirements **3.00.2** (1) A person who
- (a) makes written application to be enrolled as a Fellow, Associate, Affiliate or Correspondent;
 - (b) pays an admission fee of the amount determined by the designated Council, established by the Board pursuant to Bylaw 9.06; and
 - (c) meets the qualification requirements prescribed by the Board, pursuant to Bylaw 3.01.1, and which are in effect at the time of application;
- shall become enrolled upon approval of such application by the designated Council, pursuant to the Policy on Councils established by the Board.
[Adopted Sept. 1/16]
- General – Fellow **3.01** **[Note: repealed Sept. 1/16]**
[Modified Jan. 1/00; Modified July 1/00; Modified Jan. 1/03; Modified June 1/12]
- Qualification Requirements **3.01.1** The Board shall adopt a Policy on Qualification Requirements that prescribes the requirements for enrolment, pursuant to Bylaw 3.00.2, that shall include the following:
- (a) a description of the specific enrolment requirements for a Fellow, Associate, Affiliate and Correspondent, including the education, examination and other requirements prescribed by the Board, and which also includes an outline of the potential paths to enrolment such as mutual recognition with another actuarial association;
 - (b) for Fellow status, a minimum requirement for a defined period of practical actuarial work experience prescribed by the Board;

- (c) the opportunity for conditional approval of an application for enrolment prior to the date on which the applicant expects to meet the qualification requirements. In such a case, the person will become enrolled on the date on which the qualification requirements are met;
- (d) notwithstanding the qualification requirements, the ability for the designated Council to, 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 designated Council that such conditions would be inequitable and unreasonable unless so modified;
- (e) a requirement for a Fellow, Associate or Affiliate applicant to disclose, on his or her enrolment application, whether or not he or she has been the object of a Criminal Conviction.
- (f) a requirement for an Affiliate to be resident in Canada at the time of application; and
- (g) a requirement for a Correspondent to be recognized as a qualified actuary in the country of such person's residence.

[Adopted Sept. 1/16]

Disclosure of a Criminal Conviction **3.01.2** A Criminal Conviction disclosed by an applicant pursuant to Bylaw 3.01.1(e) shall be subject to review and assessment by a Council or a committee designated by the Board with such duties and purposes, pursuant to such procedures, not in conflict with these Bylaws, as the Board deems appropriate. The result of the assessment may or may not impact the approval of the application, according to the procedure set by the Board.

[Adopted Sept. 1/16]

Conventional route **3.02** **[Note: repealed June 1/12]**
[Modified Jan. 1/00; Modified July 1/00; Modified Jan. 1/03]

Mutual Recognition Agreement route **3.03** **[Note: repealed June 1/12]**
[Modified Sept. 10/97; Modified July 1/00; Modified Jan. 1/03]

Affiliate route	3.04	[Note: repealed June 1/12]	[Adopted Jan. 1/03]
General - Associate	3.05	[Note: repealed Sept. 1/16]	[Adopted June 1/12]
General - Affiliate	3.06	[Note: repealed Sept. 1/16]	[Adopted June 1/12]
General - Correspondent	3.07	[Note: repealed Sept. 1/16]	[Adopted June 1/12]

Qualification Standards

<u>General</u>	3.08	<u>The Board may adopt or amend from time to time, at the recommendation of a designated Council, established by the Board pursuant to Bylaw 9.06, qualification standards applicable to all or a portion of all Fellows, Associates, or Affiliates, pursuant to such procedures, not in conflict with these Bylaws, as the Board deems appropriate.</u>	[Adopted July 1/18]
<u>Draft of a proposed qualification standard</u>	3.09	<u>Before a proposed qualification standard can be adopted or amended by the Board, the designated Council shall publish a draft form of the proposed qualification standard for a period of time, the length of which shall be determined at the sole discretion of the designated Council, for review and commentary by Fellows, Associates, and Affiliates.</u>	[Adopted July 1/18]

Adoption of a qualification standard

3.10 Following the period of time provided for review and commentary, the designated Council may make modifications to the proposed qualification standard and shall

- (a) proceed with a recommendation to the Board that the proposed qualification standard, including such modifications, if any, be adopted;
- (b) withdraw the proposed qualification standard; or
- (c) publish the recommended modifications to the proposed qualification standard, and provide a period of time, the length of which shall be determined at its sole discretion, for further review and commentary by Fellows, Associates, and Affiliates, before considering whether the proposed qualification standard, as modified, should be recommended to the Board for adoption.

[Adopted July 1/18]

Minor amendments

3.11 Notwithstanding any other Bylaw, the Board may, at the recommendation of the designated Council, proceed to adopt amendments to a qualification standard that are, in its opinion, sufficiently minor so as not to require consultation with Fellows, Associates, and Affiliates, without the endorsement and publication of any draft form of said amendments.

[Adopted July 1/18]

Monitoring compliance with a qualification standard

3.12 All qualification standards adopted by the Board pursuant to Bylaw 3.08 shall prescribe a process for monitoring compliance with the qualification standard which includes

- (a) a requirement to provide the Fellow, Associate or Affiliate with written notification (warning) of his or her potential non-compliance, within a period of no less than 10 days prior to the date on which he or she could become non-compliant;
- (b) a requirement to provide the Fellow, Associate, or Affiliate with written notification of the determination and consequences of his or her non-compliance with the qualification standard and the process for reinstatement of member privileges, if applicable, pursuant to Bylaw 8.06; and
- (c) a process for appeal by the Fellow, Associate or Affiliate of the determination of his or her non-compliance with the qualification standard.

[Adopted July 1/18]

Section 3.1
Rights, Privileges, and Obligations

Rights and Privileges

- | | |
|--------------------------------|--|
| General | <p>3.1.1 A Fellow, Associate, Affiliate or Correspondent shall be entitled to</p> <ul style="list-style-type: none"> (a) attend all General Meetings, unless the meeting is restricted to Voting Members by vote of the Voting Members or by resolution of the Board; (b) take part in any discussion at any General Meeting that the Fellow, Associate, Affiliate or Correspondent is entitled to attend; (c) receive all publications of the Institute not excepted by the Board for distribution; and (d) exercise and enjoy any and all other rights and privileges that the Institute or the Board shall accord. [Adopted Sept. 1/16] |
| Designation – Fellow | <p>3.1.2 A Fellow 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). [Adopted Sept. 1/16]</p> |
| Designation – Associate | <p>3.1.3 An Associate shall be entitled to the privilege of being designated as an Associate of the Institute. Associates are authorized to append to their names the initials ACIA (indicating Associate, Canadian Institute of Actuaries) or AICA (associé, Institut canadien des actuaires). [Adopted Sept. 1/16]</p> |
| Identification as an Affiliate | <p>3.1.4 An Affiliate may only identify himself or herself, or be identified as an Affiliate 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 Sept. 1/16]</p> |

- Idem **3.1.5** Notwithstanding Bylaw 3.1.4, 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 Sept. 1/16]**
- Identification as a Correspondent **3.1.6** A person who is a Correspondent shall not publicize, or knowingly permit publication of the fact that such person is a Correspondent. **[Adopted Sept. 1/16]**
- Voting Rights **3.1.7** A Fellow shall be entitled to voting rights. **[Adopted Sept. 1/16]**
- Idem **3.1.8** An Associate shall be entitled to voting rights after five years of enrolment as an Associate. **[Adopted Sept. 1/16]**
- Idem **3.1.9** An Affiliate shall not be entitled to voting rights. **[Adopted September 1/16]**
- Idem **3.1.10** A Correspondent shall not be entitled to voting rights. **[Adopted Sept. 1/16]**

Obligations

- Termination of benefits **3.1.11** The rights, privileges, and benefits that a person may have as a Fellow, Associate, Affiliate or Correspondent shall, if not theretofore terminated pursuant to these Bylaws, become terminated upon termination of enrolment. **[Adopted Sept. 1/16]**
- Obligation to disclose **3.1.12 (1)** A Fellow, Associate or Affiliate who is not claiming a waiver of dues as fully retired pursuant to Bylaw 7.02(b), shall disclose to the Executive Director of the Institute, any Criminal Conviction which he or she has been the object of on or after September 1, 2016, within 30 days following the Criminal Conviction. **[Adopted Sept. 1/16]**

Obligation to disclose – Transition Period	(2) A Fellow, Associate or Affiliate who is not claiming a waiver of dues as fully retired pursuant to Bylaw 7.02(b), shall disclose to the Executive Director of the Institute, no later than July 1, 2017, any Criminal Conviction which he or she has been the object of prior to September 1, 2016. [Adopted Sept. 1/16]
Obligation to disclose – Cessation of waiver of dues	(3) A Fellow, Associate or Affiliate who is claiming a waiver of dues as fully retired pursuant to Bylaw 7.02(b) and does not disclose a Criminal Conviction pursuant to Bylaw 3.1.12(1) or 3.1.12(2), and who subsequently ceases to claim such waiver of dues, shall <ul style="list-style-type: none"> <li data-bbox="500 594 1390 783">(a) disclose, to the Executive Director of the Institute, within the 30-day period following the notification to the Institute of his or her intent to cease claiming the waiver of dues, any Criminal Conviction which he or she has been the object of on or after September 1, 2016 ; or <li data-bbox="500 804 1390 1031">(b) disclose, to the Executive Director of the Institute, no later than July 1, 2017, or immediately upon notification to the Institute of his or her intent to cease claiming the waiver of dues, if such notification takes place on or after July 1, 2017, any Criminal Conviction which he or she has been the object of prior to September 1, 2016. [Adopted Sept. 1/16]
Assessment of a Criminal Conviction	3.1.13 (1) When a Criminal Conviction is disclosed pursuant to Bylaw 3.1.12, the Criminal Conviction shall be assessed by a committee designated by the Board with such duties and purposes, pursuant to such procedures, not in conflict with these Bylaws, as the Board deems appropriate. [Adopted Sept. 1/16]
Idem	(2) Where the outcome of the assessment conducted pursuant to Bylaw 3.1.13 (1) results in the determination that a Criminal Conviction could be a potential Offence, pursuant to Bylaw 1.01(14), the Secretary of the Committee on Professional Conduct shall be informed pursuant to Bylaw 20.02(1). [Adopted Sept. 1/16]
<u>Obligation to meet applicable qualification standards</u>	<u>3.1.14 A Fellow, Associate, or Affiliate shall meet all applicable qualification standards adopted or revised by the Board pursuant to Bylaw 3.08. [Adopted July 1/18]</u>

Section 8
Resignation, Suspension, Termination and Reinstatement

Resignation

- Procedure **8.01** (1) A Fellow, 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 designated Council, established by the Board pursuant to Bylaw 9.06. If such resignation is accepted by the designated 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; Modified June 1/12; Modified July 1/14]***
- Discretion of the Board (2) Notwithstanding the foregoing, the Board may in its discretion permit the resignation of a Fellow, Associate or Affiliate against whom a complaint or charge is pending.
- [Modified July 1/00; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]***
- 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.

Suspension and Termination

- Non-payment of fees **8.02** If any annual fee remains unpaid for three months, the enrolment in respect of which the fee was payable shall terminate, subject to review by the designated Council, established by the Board pursuant to Bylaw 9.06.
- [Modified July 1/00; Modified June 1/12; Modified July 1/14]***

- Non-compliance with a qualification standard **8.02.1** If a Fellow, Associate, or Affiliate does not fulfill the requirements of an applicable qualification standard pursuant to Bylaw 3.1.14, enrolment as a Fellow, Associate, or Affiliate may be suspended in accordance with the process prescribed by the Board to monitor compliance with that qualification standard pursuant to Bylaw 3.12, subject to review by the designated Council, established by the Board pursuant to Bylaw 9.06. **[Adopted July 1/18]**
- Becoming a Fellow **8.03** Enrolment of a person as an Associate, Affiliate or Correspondent shall automatically terminate upon the person becoming a Fellow.
[Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]
- Discipline **8.04** Enrolment in the Institute as a Fellow, Associate or Affiliate may be suspended or 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; Modified June 1/12; Modified July 1/18]
- Correspondent **8.05** Enrolment 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 designated Council, established by the Board pursuant to Bylaw 9.06, 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 designated Council present.
- [Modified July 1/00; Modified June 1/12; Modified July 1/14]**

Reinstatement

Procedure

8.06 The designated Council, established by the Board pursuant to Bylaw 9.06, on written application of any former Fellow, Associate, Affiliate or Correspondent whose enrolment has been suspended or terminated under the provisions of Bylaws 8.01, 8.02, 8.02.1, 8.04 or 8.05, or under the provisions of former Bylaws that have been revised or replaced, may reinstate such Fellow, Associate, Affiliate or Correspondent subject to such conditions as it may prescribe.

**[Modified July 1/00; Modified July 1/01; Modified Jan. 1/03;
Modified June 1/12; Modified July 1/14; Modified July 1/18]**

Section 20 Discipline

Constitution and Powers of the Committee on Professional Conduct

Jurisdiction of the Committee on Professional Conduct	<p>20.01 (1) The Committee on Professional Conduct is constituted to handle all disciplinary matters concerning the Institute's Fellows, Associates and Affiliates and to provide them with counselling and education concerning disciplinary matters. The Committee shall deal with</p> <ul style="list-style-type: none"> (a) every complaint alleging that a Fellow, Associate or Affiliate has committed an Offence; (b) any information that it may receive concerning the conduct of a Fellow, Associate or Affiliate; and (c) every general inquiry. <p style="text-align: right;"><i>[Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]</i></p>
Idem	<p>(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 "Fellow", "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.</p> <p style="text-align: right;"><i>[Adopted Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]</i></p>
Composition and quorum	<p>(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 Fellow, Associate or Affiliate.</p> <p style="text-align: right;"><i>[Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]</i></p>

- Delegation to sub-group (2.1) The Chairperson of the Committee on Professional Conduct may appoint a sub-group which shall consist of no more than three members of the Committee and shall have such powers as may be necessary or convenient for the purposes for which the sub-group is appointed. Notwithstanding any other Bylaw, the Committee may delegate any of its duties and powers to such sub-group, including those set out in Bylaws 20.02(4), 20.02(5), 20.03(1) and 20.03(2), but shall not delegate its duties and powers to dismiss a complaint or information as set out in Bylaws 20.02(6) and 20.04(1)(a), to lay a complaint as set out in Bylaws 20.02(7) and 20.03(6), to refer a complaint to an Investigation Team as set out in Bylaw 20.02(7), to file a charge and proceed with private admonishment proceedings as set out in Bylaws 20.02(7.1), 20.04(1)(b) and 20.04.1(1), to file a charge and make a recommendation of sanction as set out in Bylaws 20.04(1)(c) and 20.05(1), to file a charge and refer it to a Disciplinary Tribunal as set out in Bylaws 20.04(1)(d) and 20.04(3), or to refer a previous charge to a Disciplinary Tribunal as set out in Bylaws 20.04.1(4) and 20.05(5). **[Adopted Oct. 20/06]**
- 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]**
- 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 Fellow, 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; Modified June 1/12]

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 Fellow, 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; Modified June 1/12]

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 Fellow, 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 Fellow, 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 Fellow, Associate or Affiliate.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]

Information from complainant or informant (4) Before deciding whether an Offence may have been committed by a Fellow, 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; Modified June 1/12]

- Response by Fellow, Associate or Affiliate
- (5) Before deciding whether an Offence may have been committed by a Fellow, 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 Fellow, Associate or Affiliate. Within 30 days of such delivery, or such greater period as the Committee may consider appropriate in the circumstances, the Fellow, Associate or Affiliate may provide a written response thereto or any other explanation which may be warranted in the circumstances.
- [Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified Oct. 20/06; Modified June 1/12]**
- Dismissal and letter of advice
- (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 Fellow, Associate or Affiliate, it shall dismiss the complaint or information and shall notify the Fellow, 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 Fellow, Associate or Affiliate. In addition to the notice of the decision, the Committee may send to the Fellow, Associate or Affiliate 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 Fellow, Associate or Affiliate 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; Modified July 1/01; Modified Jan. 1/03; Modified Oct. 20/06; Modified June 1/12]**
- 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 Fellow, 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; Modified June 1/12]**

Referring to private admonishment (7.1) Where, on the basis of all information obtained, including any information obtained from the Fellow, Associate or Affiliate, the Committee on Professional Conduct finds, having regard to the relative gravity of the matter and the interest of the public and the Institute that a complaint is justified and that referring the matter to an Investigation Team is not required, it shall, based on the complaint laid or following the laying of a complaint against the Respondent on the basis of the information received from the informant, file a charge and proceed with private admonishment proceedings in accordance with Bylaw 20.04.1.

[Adopted Oct. 20/06; Modified June 1/12]

Continuing jurisdiction (8) Any person who becomes disqualified from being a Fellow, Associate or Affiliate, or voluntarily ceases to be a Fellow, 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 Fellow, Associate or Affiliate.

[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]

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 explanation which may be warranted in the circumstances.

[Modified Nov. 20/98; Modified Oct. 20/06]

- 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 Fellow, Associate or Affiliate or other person who may have relevant information. Any person being interviewed by an Investigation Team, including the Respondent, may be assisted or represented by legal counsel.
[Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]
- 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 Fellow, Associate or Affiliate, including the Respondent.
[Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]
- Offence to hinder work (5) It shall be an Offence for a Fellow, 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; Modified June 1/12]**

Conduct of other Fellows, Associates or Affiliates

(6) In the course of its investigation, an Investigation Team may investigate the conduct of any other Fellow, Associate or Affiliate to the extent that such conduct is relevant to the matter being investigated. If, in such instance, the Investigation Team determines that an Offence may have been committed by that Fellow, Associate or Affiliate, it shall recommend promptly that the Committee on Professional Conduct lay a complaint against said Fellow, 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; Modified June 1/12]

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, and shall publish and provide a notice in accordance with Bylaw 20.04(3.1).
[Modified Nov. 20/98; Modified July 1/05]

Notice of the charge (3.1) If the Committee on Professional Conduct files a charge against the Respondent and refers it to a Disciplinary Tribunal for a hearing pursuant to Bylaw 20.04(3), 20.04.1(4) or 20.05(5), the Executive Director shall publish, within 60 days after notifying the Respondent of the Committee's decision, a notice available to the public and the membership in such a manner as the Executive Director may determine. Such notice shall contain

- (a) the charge;
- (b) the name and the principal practice address of the Respondent;
- (c) the specialty area in which the Respondent practices, if any; and
- (d) a statement advising that the Respondent has been charged, but that the Disciplinary Tribunal hearing has not yet been held and its decision has not yet been rendered.

Subject to Bylaw 20.02(3), the Committee shall provide a copy of this notice to the complainant within a reasonable period of time.

[Adopted July 1/05]

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 no more than three representatives from the Committee, chosen by the Chairperson of the Committee, for private admonishment proceedings.
[Adopted Nov. 20/98; Modified Oct. 20/06]

- 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. The Committee shall notify the Respondent within a reasonable period of time in writing of this decision, and shall publish and provide a notice in accordance with Bylaw 20.04(3.1).
[Adopted Nov. 20/98; Modified July 1/05]
- 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]
- 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 representatives of the Committee on Professional Conduct.
[Adopted Nov. 20/98; Modified Oct. 20/06]

- 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 | <p>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:</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;"><i>[Modified Nov. 20/98; Modified July 1/01]</i></p> |
| Admission or denial of guilt | <p>(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. <i>[Modified Nov. 20/98]</i></p> |
| Informing complainant | <p>(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. <i>[Modified Nov. 20/98]</i></p> |
| Deemed to have declined | <p>(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. <i>[Modified Nov. 20/98]</i></p> |

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. The Committee shall notify the Respondent within a reasonable period of time in writing of this decision, and shall publish and provide a notice in accordance with Bylaw 20.04(3.1).

[Modified Nov. 20/98; Modified July 1/05]

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 Fellow, 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 Fellow to sit as a member of a Disciplinary Tribunal. None of the President, the President-elect, the Immediate Past President, the members of the Investigation Team that investigated the complaint laid against the Respondent, the 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; Modified June 1/12]

- 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 Fellow, 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; Modified June 1/12]**
- 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, and shall disclose the name of the Fellow, Associate or Affiliate charged.
[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified July 1/05; Modified June 1/12]
- 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.
- 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 Fellow, 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; Modified June 1/12]
- 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 Fellow, 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 Fellow, 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; Modified June 1/12]

Refresher training (2) A Disciplinary Tribunal may also require a Fellow, 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 Fellow, Associate or Affiliate during the training period or course, or both.

[Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]

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 Fellow, Associate or Affiliate, said Fellow, 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; Modified June 1/12]

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 Fellow who is a member of the 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 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; Modified June 1/12]

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]

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 Fellow, 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; Modified June 1/12]

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, and shall disclose the name of the Fellow, Associate or Affiliate charged. **[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified July 1/05; Modified June 1/12]**
- 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.
- 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**]

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.
- 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.

[**Modified Nov. 20/98**]

- 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 Fellow, Associate or Affiliate, said Fellow, 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; Modified June 1/12]**

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]**

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 Fellow, Associate or Affiliate;
- (b) the principal practice address of the Fellow, Associate or Affiliate;
- (c) the specialty area in which the Fellow, 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;
Modified June 1/12]**

Notice shall be published

(3) Except as provided in Bylaws 20.12(4) and 20.12(5), the Secretary of the Committee on Professional Conduct shall ensure that the notice is published to each Fellow, 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 Fellow, Associate or Affiliate principally practices in Canada and in other appropriate publications. 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; Modified July 1/05; Modified July 1/06; Modified June 1/12]

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 Fellow, Associate or Affiliate and the sanction imposed be published to each Fellow, 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; Modified June 1/12]

- 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 Fellow's, Associate's or Affiliate's name and the sanction imposed be published to each Fellow, Associate and Affiliate.
- [Modified July 1/00; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]**
- No notice to be published (6) **[Note: repealed July 1/05]**
[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 Fellows, 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 Fellows, 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 Fellows, 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; Modified June 1/12]**

- Periodic report (8) The Secretary of the Committee on Professional Conduct must make a periodic report, at least twice per Board Year, to each Fellow, 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 Fellows, 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 Fellows, Associates or Affiliates charged;
 - (c) the number of private admonishments issued without disclosing the nature of the private admonishments or the names of the Fellows, 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 Fellow, 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; Modified June 1/12]

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]**
- Application to all disciplinary proceedings (6) As of October 20, 2006, 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 October 19, 2006. **[Adopted Oct. 20/06]**
- Decisions (7) Any decision or order made by the Committee on Professional Conduct, an Investigation Team, a Disciplinary Tribunal, or an Appeal Tribunal pursuant to the Bylaws as they existed on or before October 19, 2006 shall remain in force pursuant to the present Bylaws. **[Adopted Oct. 20/06]**

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 Fellows, 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; Modified June 1/12]**

- “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 Fellow, Associate or Affiliate or of a member of a foreign actuarial organization for the purpose of determining if the practice is in Canada is determined by the ultimate purpose of the work, which is determined by establishing the jurisdiction of the legal or regulatory requirements pursuant to which the work is performed or by establishing the jurisdiction for which the work is intended for use. The residence or physical location of the Fellow, 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; Modified June 1/12]

- 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 CIA member
20.15 Questions concerning the practice or professional conduct of a Fellow, Associate or Affiliate in the jurisdiction of a non-bilateral organization shall be governed by the Institute in accordance with Sections 20 and 21 of the Bylaws. In accordance with Section 21, the Fellow, Associate or Affiliate practising in such a jurisdiction shall comply with the accepted actuarial principles and practices of that jurisdiction and shall comply with the Rules of Professional Conduct and any applicable qualification standards of the Institute at all times.
[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12; Modified July 1/18]
- 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 Fellow, 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; Modified June 1/12]

- Bilateral agreement; practice in Canada; CIA member and member of bilateral organization
- (2) Questions concerning the practice or professional conduct in Canada of an individual who is a Fellow, Associate or Affiliate and is also a member of a bilateral organization shall be governed by the Institute in accordance with Sections 20 and 21 of the Bylaws.
[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]
- 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 Fellow, 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; Modified June 1/12]
- 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 Fellow, 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; Modified June 1/12]

- 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 Fellow, Associate or Affiliate, the Institute shall not recommend a specific penalty to be imposed by the bilateral organization against its member, but shall recommend that the bilateral organization consider imposing public sanctions against the member of that organization.
[Adopted Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]
- Bilateral agreement; practice in foreign jurisdiction; CIA member only; jurisdiction **20.17** (1) Questions concerning the practice or professional conduct in the jurisdiction of a bilateral organization by a Fellow, Associate or Affiliate who is not a member of the relevant bilateral organization shall be governed by the bilateral organization in accordance with its rules and procedures, except that the bilateral organization shall only make a determination with respect to guilt or innocence.
[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]
- Bilateral agreement; practice in foreign jurisdiction; CIA member and member of bilateral organization (2) Questions concerning the practice or professional conduct in the jurisdiction of a bilateral organization by a Fellow, Associate or Affiliate who is also a member of the relevant bilateral organization shall be governed by the bilateral organization in accordance with its rules and procedures. The bilateral organization shall make a determination of innocence, or shall make a determination of guilt and impose an appropriate penalty against its member in accordance with its rules and procedures.
[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]

Determination of guilt by bilateral organization (3) A determination by a bilateral organization that a Fellow, 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 Fellow, 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; Modified June 1/12]

Communication of determination (4) The Secretary of the Committee on Professional Conduct shall receive from a bilateral organization any final determination that a Fellow, Associate or Affiliate breached the rules of professional conduct, standards of practice or 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; Modified June 1/12]

Recommendation of public sanction (5) If a bilateral organization makes a determination that a Fellow, Associate or Affiliate breached the rules of professional conduct, the standards of practice or the 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 Fellow, Associate or Affiliate. The Institute shall receive a recommendation from that organization that the Institute consider imposing public sanctions against the Fellow, Associate or Affiliate, and shall determine an appropriate sanction for it to impose against its Fellow, Associate or Affiliate in accordance with the Bylaws.

[Adopted Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]

Process

(6) More specifically, the determination of guilt by a bilateral organization in respect of a Fellow, 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;
Modified June 1/12]***

Section 21 Compliance

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| Compliance with Bylaws, Rules and Standards of Practice | <p>21.01 A Fellow, Associate or Affiliate shall comply with the Bylaws, Rules of Professional Conduct, Standards of Practice, <u>qualification standards</u>, 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 Fellow, Associate or Affiliate shall, when required, fulfill any requirements established by the Institute to monitor compliance with Rules of Professional Conduct, <u>Qualification Standards</u>, and Standards of Practice of the Institute.</p> <p style="text-align: right;"><i>[Modified Nov. 20/98; Modified July 1/00; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12; <u>Modified July 1/18</u>]</i></p> |
| Compliance with foreign and CIA rules | <p>21.02 (1) A Fellow, Associate or Affiliate practising in a foreign jurisdiction shall comply with the accepted actuarial principles and practices of the jurisdiction for which the work is performed, provided that the Rules of Professional Conduct <u>and any applicable qualification standards</u> of the Institute be complied with at all times.</p> <p style="text-align: right;"><i>[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12; <u>Modified July 1/18</u>]</i></p> |
| Compliance with rules and standards of bilateral organizations | <p>(2) A Fellow, Associate or Affiliate practising in the jurisdiction of a bilateral organization shall comply with the rules of professional conduct, standards of practice and eligibility requirements of that bilateral organization.</p> <p style="text-align: right;"><i>[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]</i></p> |
| Associate; Affiliate; member of bilateral organization | <p>21.03 Where the word “member” appears in the Rules of Professional Conduct of the Institute, it is to be read to mean “Fellow”, “Associate” and “Affiliate”, and to mean a member of a bilateral organization when that member is practising in Canada.</p> <p style="text-align: right;"><i>[Modified Nov. 20/98; Modified July 1/01; Modified Jan. 1/03; Modified June 1/12]</i></p> |

Section 22 Committee on Review

[Note: Section 22 repealed November 20, 1998]

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]
- 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]**

- Decisions **24.10** 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, 2006, 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 1/06]
- Decisions **24.11** Any decision made or action taken, including any resolution, appointment, determination, approval or order, pursuant to the Bylaws as they existed on or before December 31, 2006, 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 Jan. 1/07]
- Decisions **24.12** 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, 2007, 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 1/07]
- Decisions **24.13** Any decision made or action taken, including any resolution, appointment, determination, approval or order, pursuant to the Bylaws as they existed on or before May 31, 2012, 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 June 1/12]
- Associate **24.14** Notwithstanding anything in the present Bylaws, any person who on May 31, 2012 was enrolled as an Associate of the Institute pursuant to the Bylaws as they existed on or before May 31, 2012, shall not automatically continue to be enrolled as an Associate of the Institute as of June 1, 2012 pursuant to the present Bylaws.
[Adopted June 1/12]

Decisions **24.15** 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, 2014, 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 1/14]

Decisions **24.16** Any decision made or action taken, including any resolution, appointment, determination, approval or order, pursuant to the Bylaws as they existed on or before August 31, 2016, 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 Sept. 1/16]

Qualification standards **24.17** Any qualification standard established by the Board and which is in force on June 30, 2018, shall remain in force pursuant to the present Bylaws, and shall be accepted and deemed to have been established in accordance with the present Bylaws.

[Adopted July 1/18]

Decisions **24.18** 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, 2018, 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 1/18]