

Terms of Reference

DISCIPLINE COMMITTEE (DIC)

Issue Date:
Approved by Council: November 20, 2015

Review Date:
Review by: Discipline Committee

Mandate	<p>The mandate of the DIC is:</p> <ul style="list-style-type: none"> a. When directed by the Council, the Executive Committee or the Complaints Committee, to hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary license, a provisional license or a limited license, b. To hear and determine matters referred to it under section 24 (by the Complaints Committee) section 27.1 (by the Chair of the Discipline Committee) or section 37 (by the Registrar regarding an application for license after revocation or suspension), and c. To perform such other duties assigned to it by the Council.
Legislated Mandate	<p>The legislated mandate set out above and includes powers as set out in section 28(1) of the <i>Professional Engineers Act</i> (as amended August 15, 2012).</p>
Objective	<p>The objectives of the Committee are:</p> <ul style="list-style-type: none"> a. To hear and determine matters fairly and expeditiously, and b. To develop the skills of the members of the committee.
Type	<p>Legislative Committee</p>
Constituents and Competencies	<p>The stakeholders of the Discipline Committee are the members and holders who are directed or referred to it, the Association, the Tribunals Office, the other members of the Association and holders of Certificates of Authorization, and the people of Ontario.</p> <p>Members of the Discipline Committee are required to have a comprehensive knowledge of:</p> <ul style="list-style-type: none"> a. Sections 27 to 30 of the <i>Professional Engineers Act</i>, and b. Section 72 of Regulation 941, <p>and have a detailed knowledge of:</p> <ul style="list-style-type: none"> a. The Rules of the Committee, and b. The applicable provisions of the <i>Statutory Powers and Procedures Act</i>. <p>Members of the Discipline Committee who preside over a panel and draft the Decision and Reasons must be skilled in performing these roles.</p>

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	<p>The training costs and experience requirements require that most members of the Committee continue to serve on the Committee for several years to enable the Association to recoup its investment.</p>
<p>Measurements Describing the Success of the Objective</p>	<p>a. The number of appeals of decisions, b. The amount of time taken to render a decision, and c. Every member of the committee is given an opportunity to participate in at least one training session per year.</p>
<p>Limit of Operational Responsibilities</p>	<p>The duties and powers of the Discipline Committee are set out in sections 28 to 30 of the <i>Professional Engineers Act</i> and the <i>Statutory Powers Procedure Act</i>. The Committee complies with PEO policies and guidelines except when, in the opinion of the DIC, doing so would compromise the independence of the Committee.</p>
<p>Recruitment</p>	<p>The members of the Discipline Committee are appointed by Council upon the recommendation of the Advisory Committee on Volunteers. This normally occurs at the Council meeting immediately following the Annual General Meeting of the Association.</p> <p>When members are appointed by the Lieutenant Governor-In-Council, the Attorney General, elected to Council, or when they self-identify their interest in serving on the Discipline Committee, the Advisory Committee on Volunteers considers whether they are suitable to serve on Discipline Committee. The Chair of the Discipline Committee may be asked for feedback on particular individuals by the Committee to the Advisory Committee on Volunteers.</p> <p>Members of the Association who self-identify that they are interested in serving on the Discipline Committee may do so through the People Development Department of the Association.</p>
<p>Reporting Requirements</p>	<p>The primary reporting mechanism for the Discipline Committee is its Decisions and Reasons. A copy of each document is retained permanently by the Tribunals Office.</p> <p>The Chair submits an annual report of the activities of the Committee to the CEO/Registrar by January 15 of the following year, and provides an updated Human Resources Plan every Fall.</p>
<p>Time Commitments</p>	<p>The Discipline Committee meets at least annually to conduct its business and to train Committee members. These meetings and training sessions take six hours, usually starting at 1:00 p.m. on a weekday.</p> <p>Hearings occur regularly; their duration varies from one day to many days. Hearings usually start at 9:30 a.m. on a weekday. Some hearings have long adjournments.</p>

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	<p>One member is appointed to prepare the first draft a panel’s Decision and Reasons.</p> <p>Each member is expected to volunteer for two (2) panels per year, and to attend one DIC meeting per year.</p> <p>The average time requirement for each member of the Committee is 12 days. Councillors, LGAs and lay members are generally required to contribute more days, and general members fewer days.</p> <p>The time commitment includes the time taken to time to draft the Decisions and Reasons.</p>
<p>Selection and Duties of Chair and Vice-Chair</p>	<p>The Discipline Committee elects its Chair and Vice-Chair from among its members every second year at its November meeting, with a majority vote, usually by secret ballot.</p> <p>The Chair of the Discipline Committee is usually the previous Vice-Chair of the committee. The Discipline Committee may agree to remove a member by a simply majority, or to remove the Chair with a super majority of 75% of the members at a DIC meeting.</p> <p>When a matter is referred to the Discipline Committee for hearing and determination, the Chair may, within 90 days of the referral: a) Select a panel of members to represent the DIC. The composition requirements for a Discipline Panel are the same as those for the Discipline Committee quorum.</p> <ul style="list-style-type: none"> a. b) Designate one member of the panel to act as Chair, b. c) Refer the matter to the panel for hearing and determination, and c. d) Set a date, time and place for the hearing. <p>The Chair traditionally assigns five members (one more than a quorum requires) to hear a matter.</p> <p>The Chair is responsible for setting the earliest hearing date possible.</p> <p>The Vice-Chair assists the Chair by performing assigned tasks other than those set out in section 27(6). On a day to be named by proclamation of the Lieutenant Governor, any power, duty or function of the Chair of the Discipline Committee may be exercised by the Vice-chair, if the Chair is absent or unable to act. In the event that the Chair becomes incapacitated or when the Chair knows that they will become incapable of exercising a power, performing a duty or fulfilling a function, then the Discipline Committee may name a new Chair for the balance of the term of the previous Chair or until the Chair becomes capable of resuming their duties, depending upon the circumstances.</p>

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<p>Special Projects</p>	<p>Pursuant to Section 28(1)(c) of the Act, the Committee shall “perform such other duties as are assigned to it by Council.” Other committees appointed by Council that consider issues occasionally solicit input from Discipline Committee. Such requests are considered on a case-by-case basis to avoid compromising the independence of the Discipline Committee.</p> <p>The Committee has established standing subcommittees to articulate and assist functionality through the members’ Handbook, Rules and Procedures, resource planning, training and development.</p>
<p>Membership</p>	<p>As set out in subsection 27(1) of the <i>Professional Engineers Act</i>, the Discipline Committee is composed of:</p> <ol style="list-style-type: none"> 1. At least one elected member of the Council. 2. At least one member of the Association who is, <ol style="list-style-type: none"> i. A member of the Council appointed by the Lieutenant Governor in Council, or ii. Not a member of the Council, and approved by the Attorney General. 3. At least one person who is, <ol style="list-style-type: none"> i. A member of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c), or ii. Neither a member of the Council nor a member of the Association, and approved by the Attorney General. 4. At least three members of the Association each of whom has at least 10 years experience in the practice of professional engineering. <p>A constraint to membership on DIC is that the member cannot be a member of PEO’s Complaints Committee or be in a position that involved them in the investigation of a complaint of a matter referred to the Committee.</p> <p>Quorum for a meeting of the Discipline Committee will require one of each of the persons appointed under paragraphs 1, 2, 3 and 4 of subsection (1). and also constitute a quorum for a Discipline Committee Panel.</p> <p>Membership changes can occur throughout the year, but typically occur only after the AGM.</p>
<p>Staff Support</p>	<p>Tribunals Office</p>
<p>Committee Advisor</p>	<p>Deputy Registrar, Tribunals and Regulatory Affairs (Johnny Zuccon, P.Eng.)</p>
<p>Chair</p>	<p>Next election is November 2017</p>