



MINUTES

LICENSING COMMITTEE – November 22, 2018

Members in attendance:

Barna Szabados, Chair
David Kiguel
Ravi Gupta
Christian Bellini (via teleconference @ 3:10; in-person @ 4 PM)
George Comrie (via teleconference)
Lola Hidalgo Salgado (via teleconference)
Roydon Fraser (via teleconference @ 5:15 PM)

Observer: Changiz Sadr

Regrets: Santosh Gupta, Vice-Chair
Mohinder Grover

Staff: Michael Price, Deputy Registrar
Pauline Lebel, Manager, Licensure
Claire Riley, Administrative Assistant

1. Call to Order and Chair's Remarks

The Chair, Barna Szabados, called the meeting to order at 3:10 PM.

- He advised members that he submitted a modified briefing note of the Internal Independent Review of Academic Assessments to the Legislation Committee (LEC) Chair, Gary Houghton. The LEC Chair recommended that the LIC seek an external legal opinion on the proposal to determine whether there are any possible infringements or limitations with the Act or Regulation 941. In response, he conveyed that the LIC does not have the opportunity to seek legal opinions and opined that if Council appoints an "independent ARC panel," then the LIC's proposal is within the Regulations.
- The Chair has made an official request to the LEC asking for an LEC representative on the LIC.
- The Chair acknowledged receipt of an email received from LIC member Lola Hidalgo Salgado, the Regional Councillors Committee (RCC) representative, in reference to an Engineering Intern (EIT) Program file closure after two years.

Deputy Registrar Michael Price was asked to address the matter and he made the following comments:

- In the PEO 2015-2017 Strategic Plan, which was approved by Council, one specific item included in the plan as a strategy, Item 1.3, was to establish a process to close inactive files in a timely manner.
- In 2016, after receiving internal legal opinions, to implement the process, PEO revised the letter sent to applicants after they passed the Professional Practice Examination (PPE) and the applicant has also met the academic requirements.
- Therefore, the outstanding item for applicants receiving the PPE Passed letter is experience. Applicants may either provide PEO with an updated experience record within 90 days, or they may confirm with their admissions representative by email as to when they expect to meet the experience requirement. The letter also indicates that if there is no response to the letter by the applicant within the 90 days, their current application will be closed, and additional fees will be incurred if the applicant chooses to reapply.
- In addition, once an applicant meets the academic requirements, they are then informed of their eligibility to write the PPE within a 2-year period, with three opportunities to do so. Before the 2-year expiration date, and to avoid file closure, applicants are sent a letter advising them to register for the upcoming PPE writing dates as the 2-year deadline is about to expire. A notice is also sent to the applicant when the file is closed. PEO follows a similar process for time frame procedures for the Academic Requirements Committee (ARC) exam programs.
- PEO was not issuing deadline notifications for experience prior to 2016 other than through stand-alone bulk notification projects. However, in meeting the objective of the 2015-2017 Strategic Plan with regard to closing inactive files, the above-noted process was developed. Previously, PEO sent applicants a Notice of a Proposal to Refuse to Issue a Licence which was a much more legalistic form of notice, which ran the risk of potentially having registration hearings in the case of many applicants who were not interested in proceeding with their file. About 30% of applicants would indicate that they wanted to continue the licensure process; and for 70% of these particular applicants, the files would be closed.
- Support was expressed for an applicant as being fully engaged in the process if a letter was sent following their writing of the PPE.
- The Deputy Registrar reiterated that PEO's IT system has limitations with regard to generating automatic notices. The fundamental policy is to determine how long PEO will allow a file to be open, and how many times an applicant is notified before their file is closed. In the past, PEO sought external legal advice and, more recently, internally, that stated files could be closed if they were deemed inactive. To change the procedure, Council would have to authorize

investment in another procedure, whether staff-based or IT-based with an upgrade to the system.

- The current process implemented fulfills the initial Strategic Plan to close inactive files, however, staff is open to any proposed changes that Council may authorize with the appropriate resources, or with specific instruction by Council to leave the inactive files open.
- At least a third of the files — 7,000 at any given time — represent applicants who are not licensable as they are Canadian graduates with a Financial Credit Program (FCP) application, with less than four years since they graduated. The file closure procedure helps to move these files further along. PEO hopes that applicants stay engaged in the process; that they provide the necessary information and updates or that they inform PEO they are no longer interested in obtaining a licence.
- A licensing presentation is scheduled for Council’s February 2019 plenary session. The Deputy Registrar will make Council aware of the current file closure practice so that Council may provide further direction and/or resources for PEO staff to address these matters.

2. Approval of the Agenda

MOTION

It was **moved by** David Kiguel and **seconded by** Ravi Gupta to approve the agenda as distributed.

CARRIED

3. Approval of the October 18, 2018 Minutes

The Chair requested the following correction under Item 6 — Internal Independent Review of Academic Assessments:

Revise: If Council appoints that committee, then that committee becomes an independent ARC panel. **To read:** If Council appoints that panel, then that panel becomes an “independent ARC panel.”

MOTION

It was **moved by** David Kiguel and **seconded by** Christian Bellini that the October 18, 2018 minutes be approved as amended.

CARRIED

4. Business Arising from the October 18, 2018 Minutes

No items were reported.

5. Reports from Other Committees/Deputy Registrar Update/ERC

Deputy Registrar Michael Price reported the following:

- Twenty-five per cent (25%) of those who have received an FCP application have been licensed since the program began in 2007. About 5,000 of these 20,000 FCP applicants have been licensed. However, since 2014, there are 7,000 applicants who are not licensable since they do not yet have 4 years of engineering experience and, based on historic numbers, 60% of these applicants will complete the process.
- For the FCP CEAB applicants – allowing sufficient time – the completion rate is about 60%. For internationally-trained applicants, the completion rate is about 38%, roughly 3 out of 8 applicants, based on allowing them enough time to obtain experience.
- At its November 2018 meeting, Council decided on two matters related to licensing as part of its budget deliberations.
 - 1) PEO will start charging a \$700 fee for Experience Requirements Committee (ERC) interviews for files referred by the ARC.
 - 2) Council will revise the FCP whereby PEO will provide a credit for both the application fee and the first year EIT fee at the end of the program once the applicant becomes licensed. Graduating classes will be informed about the upcoming changes and reassured that the issuance of free applications will still be honoured until the changes take effect. Non-Canadian Engineering Accreditation Board (CEAB) graduates will also fall under this program.
- Motions will be required by Council to put specifics in place regarding these matters. There were no motions to amend the by-laws at the November 2018 Council meeting. Although Council approved the fees, none has any force because the current fee schedule is still in effect until the by-laws are changed.

ERC Chair David Kiguel reported the following:

- The ERC elected its LIC representative, Mohinder Grover, for a 2-year term on the LIC, starting January 2019.
- The Committee held its Chair and Vice-Chair 2019 elections. Both the Chair David Kiguel and Vice-Chair Changiz Sadr were re-elected for a 1-year term, starting January 2019. These re-elected ERC members will be approved by Council in February 2019.
- At the October 12, 2018 ERC meeting, the Committee approved the Internal Review of ERC Interviews: “The Experience Requirements staff have been

dealing with applicants' complaints of *ERC Decision Appeals* for several years. Routine *appeals* that are currently being dealt with by ERC staff will be reviewed by a newly formed *ERC Appeal Review Board (ARB)* in order for the ARB to make recommendations to staff regarding the resolution of *appeals*." The ERC Chair confirmed that the related document will be presented at the January 2019 LIC meeting, with prior distribution to LIC members for review.

- Also noted on the October 12, 2018 ERC meeting agenda was the recommended changes to reinstatements. As there was not sufficient time to discuss the proposed changes, the matter was deferred to the ERC December 2018 meeting.

6. Independent Review of Academic Assessments – Briefing Note

LIC Chair Szabados reported the following:

- The briefing note was circulated reflecting all of the changes resulting from feedback from LIC and ARC members.
- In particular, the flow chart was updated with the incorporation of revisions to Stages 1 (Review with New Information), 2 (Internal Review) and 3 (Internal Independent Review).
- The Chair reiterated that the ARC Review Panel referred to in Stage 3 of the process must be approved by Council.
- He clarified that staff would document the process, followed by the assessment of an independent expert to verify that the process was carried out accordingly. However, the ARC would ultimately make the decision as to whether a review should proceed or not.
- He does not foresee any issues in having a different panel for each review, however, it may not be practical in terms of a timely response to a review since Council would have to approve each panel. On the other hand, it would be beneficial to appoint a permanent ARC pool of independent experts. In addition, briefings on the process would be one-time only as opposed to briefings for every case. In the interim, the Chair will present the briefing note to the ARC for its final review, then pass a formal motion to present the briefing note to Council at its February 2019 meeting.
- It was suggested to use consistent language throughout the process when referring to separate elements therein.
- The Deputy Registrar informed the Committee that in a few weeks, PEO staff would be meeting with Christopher Rosati, the Acting Director of the Office of the Fairness Commissioner (OFC) to discuss items from the OFC's 2017 Recommendations of PEO. One of the items relates to assessors for appeals. He opines that the OFC may have difficulty understanding a review with new information versus one without new information.

- One of the items related to PEO's academic assessments process that was identified by the OFC in 2017: *Develop a policy to ensure internal review of applicants' files are not completed by the same assessor who completed the initial review.*
- The following is the OFC's response to PEO's submission in reference to the above-noted item: *The OFC has reviewed PEO's response and internal review policy and proposal submitted, and the OFC finds the proposed amendments as deficient and unclear in addressing the clear legal requirement of a policy to ensure internal review of applicant files are not completed by the same assessor.*
- PEO will attempt to obtain clarification as to whether the OFC is requesting or suggesting that even if the applicant submits new information, does the OFC expect PEO to find a different assessor to review the file.
- If new information is presented by the applicant requesting a review, then the file goes back to the original assessor because they now have additional information available. If the applicant is dissatisfied with the review of this new information and wants an appeal to Stage 2, the applicant may have another assessor assigned to their case if there is one available in the particular discipline or have the ARC Chair or Vice-Chair review the new information.
- The Deputy Registrar commented that the flowchart or language of the review process presented in the LIC briefing note may have to be modified based on the understanding of the process by the OFC. What is important to stress to the OFC is the difference between an applicant appealing with new information versus appealing without any new information whatsoever.
- The Chair remarked that the ARC should indicate to the applicants how it arrives at its conclusions that the applicant is deficient in a particular academic area. And if the applicant wishes to dispute the findings, then a review moves into the next stage of the process.

7. **2019 Human Resources Plan (A) and 2019 Work Plan (B)**

MOTION

It was **moved by** Christian Bellini and **seconded by** David Kiguel that the 2019 LIC Human Resources and Work Plans be approved as amended and submitted to Council for approval at its February 2019 meeting.

CARRIED

8. Engineering Competencies Presentation

In a comprehensive PowerPoint presentation, Pauline Lebel, Manager, Licensure, covered the following:

- **The Purpose of a Competency-Based Assessment:** Clarity; Transparency; Equity; Consistency; Defensibility.

Background: In 2010, Engineers Canada (EC) began development of a competency-based assessment process with input from engineers and associations across Canada. In 2012, Engineers and Geoscientists British Columbia (EGBC) launched an online competency-based assessment system for evaluating its engineering applicants. In 2016, EC partnered with EGBC to develop a new on-line system that allows applicants competencies to be assessed on-line.

- **EGBC Model:** the current model consists of 34 competencies divided amongst 7 competency categories: Technical; Communication; Project and Financial Management; Team Effectiveness; Professional Accountability; Social, Economic and Sustainability; and Personal Continuing Professional Development.
- **EC Model:** Seven competencies with indicators for each: Apply engineering knowledge, methods and techniques; Use engineering tools, equipment and technology; Protect the public interest; Manage engineering activities; Communicate engineering information; Work collaboratively in a Canadian environment; Maintain and enhance engineering skills and knowledge.
- **ERC Model:** The ERC approved five overall competencies with indicators for each: Application of Theory; Practical Experience; Management of Engineering; Communication skills; Social Implications of Engineering. The ERC is working on developing the implementation process. The competency model will be used during ERC interviews and will be the basis for developing a semi-structured process. Information on the competencies and indicators will be provided to applicants to help them prepare for the interview. A pilot on the process is scheduled for 2019.

At the end of the presentation, members engaged in discussion as to how the competencies and indicators apply to PEO's assessments of applicants, from the ERC interviews stage to the experience stage; shared their comments relevant to the scope of the competency models. Pauline Lebel then addressed the Committee's questions. The Chair requested an electronic copy of the presentation to be distributed to LIC members. The presentation material also included a document expanding on the five competencies approved by the ERC; the EGBC list of 34 competencies and generic indicators; and the final 2012 EC report of the *Competency-Based Assessment of Engineering Work Experience Project*.

9. Office of the Fairness Commissioner (OFC) Update

The Deputy Registrar reported that:

In a letter dated November 13, 2018, PEO received a response from the OFC regarding 4 specific items resulting from the OFC's 2017 assessment of PEO. Presently, the OFC is asserting that PEO has not met the compliance requirements outlined for the following items:

1. ***Develop a policy to ensure internal review of applicant files are not completed by the same assessor who completed the initial review.*** PEO will seek clarity on what and why the OFC says that PEO does not meet this requirement.
2. ***Engage a psychometrician to review the PPE to confirm validity.*** PEO issued a Request for Proposals and signed a contract to have an assessment completed by mid-January 2019. By engaging a psychometrician, PEO will have fulfilled this particular OFC requirement. PEO will evaluate the assessment and determine whether there are any potential PPE changes to initiate.
3. ***Implement guidelines for decision-makers that include clear direction on what to do if they find themselves in a situation of potential bias. Remedial action to be taken is to record what constitutes bias, types of bias and the need to avoid bias in appropriate policy documents and training manuals; and explain procedures to be followed where potential bias is identified.*** PEO will request clarification and explanation of what specific types of bias the OFC is referring to in order to have the Committees incorporate them in whichever documents deemed necessary.
4. ***Develop and articulate timelines for responding to applicants' enquiries and requests.*** PEO developed these timelines; however, the OFC is still requesting remedial action and wants to know what the monitoring and enforcement procedure are in implementing the timelines. This leads to the question of how much more staff and IT resources will be made available to capture this information since most of it is contained within files. Currently, PEO does not have a customer contact system in place such as a call centre to monitor and record phone, mail and email correspondence.

As of this date, the OFC is asserting that PEO has not met the compliance requirements and must do so by March 2019. PEO Licensing staff met in November 2018 to address the matter and Management staff will meet in December 2018, followed by a meeting with the OFC staff. PEO will seek clarity and respond to what the OFC may not understand about PEO practices. This may simply require some modification to the language of the documents PEO has already submitted.

10. Recommended Changes to Reinstatements – Update

The update was deferred until the next meeting.

11. Review Action Items

Review of the Action Items Log was deferred until the next meeting.

12. 2019 LIC Meeting Schedule

Establishing the LIC 2019 meeting schedule was deferred until the next meeting, however, members committed to a January 17, 2019 meeting.

13. Other Business

As part of the Council's budget efforts for 2019, there were a number of cutbacks. As such, as of December 31, 2018, there will no longer be any alcoholic beverages served at PEO facilities for any of the Association's meetings.

Member Ravi Gupta's term on the LIC ends December 2018. The Chair sincerely thanked him for his service, dedication and valuable input over the years and stressed that his contributions to the Committee were greatly appreciated.

14. Adjournment

Meeting adjourned at 6:20 PM
Next Meeting: January 17, 2019