

Joint Policy on Code of Conduct and Discipline

- 1.1 It is the duty:
 - a) of a Registered Member or Candidate Member to abide by the CIP Code of Professional Conduct;
 - b) of all other categories of Regulated Members and Subscriber Members to have regard for the Code of Professional Conduct;
 - c) of the Provincial Association to enforce the Code of Professional Conduct.
- 1.2 A Member shall cooperate with and provide assistance to any disciplinary proceeding of the Provincial Association and provide such information and documents for a proceeding as may be required by the Professional Practice Review Committee or the Provincial Association Board or Executive.
- 1.3
 - a) At the request of a Provincial Association and in accordance with provincial legislation, the Professional Practice Review Committee shall undertake the initial investigation of complaints;
 - b) At the request of a Provincial Association and in accordance with provincial legislation, the Professional Practice Review Committee shall carry out all full hearings of complaints respecting the conduct of members.
- 1.4 The number of members to sit on the Professional Practice Review Committee shall be set in the Committee Terms of Reference as approved by all Provincial Associations.
- 1.5 At its sole discretion, a Provincial Association may determine that a full hearing will be undertaken immediately by the Professional Practice Review Committee or immediately by the Provincial Association without referring the matter to the Professional Practice Review Committee.
- 1.6 The Professional Practice Review Committee with the approval of the referring Provincial Association, may appoint:
 - a) an employee;
 - b) a member of the Bar of an Atlantic Province,
to perform such role or function in a disciplinary proceeding as the Provincial Association or the Professional Practice Review Committee with the approval of the Provincial Association, may designate.
- 1.7 A natural person may deliver to the Secretary of a Provincial Association a complaint against a Member with respect to:
 - a) the Member's conduct in relation to the Code of Professional Conduct;
 - b) this Policy;
 - c) professional incompetence.
- 1.8 A complaint shall be made within twelve (12) months of the date of the alleged offense.
- 1.9 Upon receipt of a complaint the Executive Director of API or the Secretary of the Provincial Association shall forthwith provide notices:
 - a) to the complainant that the complaint has been received
 - b) to the Board or Executive of the Provincial Association and
 - c) at the direction of the Board or Executive of Provincial Association to the Professional Practice Review Committee that the complaint has been received and a copy of the complaint.

Joint Policy on Code of Conduct and Discipline

- 1.10 Upon receipt of the notice referred to in subsection 1.9 c), the Chair of the Professional Practice Review Committee shall provide a notice to the respondent that the complaint has been received and will be investigated, with a copy of the complaint.
- 1.11 Upon receipt of the notice referred to in subsection 1.9 c), the Professional Practice Review Committee shall:
- a) conduct a preliminary investigation of the complaint;
 - b) prepare a report to the Board or Executive of the Provincial Association on its findings;
 - c) make a recommendation to the Provincial Association that a full hearing of the complaint should or should not be held by the Provincial Association.
- 1.12 The Professional Practice Review Committee may recommend that a full hearing not be held for any or all of the following reasons:
- a) the complaint does not fall within the Provincial Association's jurisdiction;
 - b) the complaint is without merit;
 - c) the complainant has not provided documentation required in relation to the complaint;
 - d) the complaint is frivolous or vexatious;
 - e) the complaint raises a minor issue that does not warrant further review;
 - f) the matter giving rise to the Complaint has been resolved;
 - g) the complaint has been withdrawn by the complainant.
- 1.13 The Professional Practice Review Committee shall, in carrying out its preliminary investigation of a complaint, invite the complainant and the respondent to provide documents or written statements relevant to the complaint.
- 1.14 Following receipt of the report of the Professional Practice Review Committee the Provincial Association shall, at its sole discretion, determine whether or not to hold a full hearing of the complaint before the Board or executive of the Provincial Association or before the Professional Practice Review Committee and provide notices to the complainant and the respondent of its decision.
- 1.15 Where the Provincial Association decides the Professional Practice Review Committee should hold a full hearing, it shall do so *de novo* and direct the Committee to:
- a) provide a notice to the complainant and the respondent:
 - i) of the date, place and time at which the full hearing will be held and the details of the complaint to be considered at the hearing;
 - ii) requesting or requiring that (s)he provide any additional documents or written statements in addition to those submitted to the Review Committee during the preliminary investigation within forty-five (45) days, or such shorter time period as the parties may agree, to the Committee and the other party;
 - b) following the full hearing, make a recommendation for consideration with respect to the complaint and provide findings and recommendations to the Provincial Association. The Provincial Association shall take a decision and provide notices to the complainant and respondent of the decision.
- 1.16 The Provincial Association may, at any time prior to the commencement of a full hearing, submit to the respondent a proposed disciplinary action in relation to the complaint, and the respondent may admit to the complaint and accept the proposed disciplinary action. The disciplinary action proposed by the Provincial Association shall include any or all of the disciplinary actions set forth in this policy.

Joint Policy on Code of Conduct and Discipline

- 1.17 Where a respondent admits to the complaint and agrees to accept the disciplinary action proposed, the Provincial Association shall:
- a) impose the proposed disciplinary action;
 - b) provide a notice to the complainant describing the complaint admitted to and the discipline imposed;
 - c) instruct the Secretary of the Provincial Association to record the respondent's admission on his or her membership records and to provide a notice to API and CIP;
 - d) determine whether the respondent should be publicly identified and, if so, prepare and provide or publish a notice describing the complaint admitted to and the disciplinary action imposed to any or all of:
 - i) the general public through at least one notice in at least one newspaper circulating in the area in which the respondent resides or practices;
 - ii) any or all classes of members.
- 1.18 The Provincial Association may, on such terms as it deems appropriate, advise the Professional Practice Review Committee to adjourn, recess or postpone a full hearing pending the conclusion of civil or criminal proceedings arising from the same facts which give rise to the complaint.
- 1.19 At a full hearing:
- a) the Professional Practice Review Committee shall determine the procedure to be followed subject to the rules of natural justice;
 - b) the respondent shall appear personally and may be represented by counsel;
 - c) the complainant may appear personally and may be represented by counsel;
 - d) the Provincial Association may be represented by counsel;
 - e) the proceedings shall be in-camera.
- 1.20 At a full hearing the Professional Practice Review Committee may:
- a) admit as evidence any written statement of agreed facts;
 - b) receive evidence under oath or affirmation or in any manner it considers appropriate.
- 1.21 Where the complainant or respondent fails to provide documents or information required or where the respondent fails to attend a full hearing without just cause the Professional Practice Review Committee may:
- a) proceed to hear and determine the complaint in the absence of the documents or information or the respondent; or
 - b) where the respondent fails to provide the documents or information required, deem that the complaint has been proved; or
 - c) where the complainant fails to provide the documents or information required, dismiss the complaint.
- 1.22 Following completion of a full hearing, the Professional Practice Review Committee shall, by a majority decision in-camera, make a finding as to the facts and a recommended decision on each complaint or part thereof and inform the Provincial Association of its findings and recommendations. The Provincial Association Board or Executive shall review the finding of the Committee make a final decision and:
- a) where the complaint is not proved, it shall be dismissed, and the Provincial Association shall provide notices to the complainant and the respondent that the complaint has been dismissed; or

Joint Policy on Code of Conduct and Discipline

- b) where the complaint is proved, the Provincial Association, by resolution of the Board or Executive, shall determine the disciplinary action to be taken and provide notices to the complainant and the respondent that the complaint has been proved and the disciplinary action ordered and impose disciplinary action which may, at the sole discretion of the Provincial Association, include any or all of the following:
 - i) a written reprimand;
 - ii) a requirement for a verbal or written apology to the complainant, the Provincial Association or the general public;
 - iii) a requirement for further training, education or counselling;
 - iv) censure by notice to any or all classes of membership or the general public;
 - v) a fine which may include the costs associated with the investigation and hearing of the complaint and any notices associated with subsection iv;
 - vi) suspension of membership for a specified period of time;
 - vii) expulsion from the Provincial Association.
- 1.23 Where a member is suspended or expelled from the Provincial Association, he or she shall, within seven (7) days of such suspension or expulsion, return to the Provincial Association his or her membership certificates issued by the Provincial Association and CIP and his or her professional seal and shall not use any designation or initials obtained as part of his or her membership class privileges. Subject to the member complying with the terms of the disciplinary action imposed, the membership certificates and professional seal of a suspended member shall be returned by the Provincial Association to the member following the period of suspension. The right of use of any designation or initials obtained as part of his or her membership class privileges by the member shall be restored following passage of the suspension period.
- 1.24 Where disciplinary action has been ordered against a member pursuant to a full hearing, the Provincial Association shall determine whether the member should be publicly identified and, if so, provide or publish a notice outlining the misconduct and the disciplinary action imposed to any or all of:
 - a) the general public through at least one notice in at least one newspaper circulating in the area in which the respondent resides or practices;
 - b) any or all classes of Members.
- 1.25 Where, when required in connection with a disciplinary action other than expulsion, a Member fails to take an action required within the time permitted to do so, the Provincial Association may, after giving thirty (30) days notice to the Member of its intention to do so, summarily expel the Member. The Provincial Association may, on application by the Member, grant an extension of time for compliance.
- 1.26 A fine or cost ordered to be paid to the Provincial Association by a Member as all or part of a disciplinary action shall be recoverable by the Provincial Association from the Member as a contract debt by legal action brought in a court of competent jurisdiction. Such legal action may be commenced and continued notwithstanding that the Member has ceased to be a member of the Provincial Association for any reason.
- 1.27 An application for reinstatement of membership from a former Member who has been expelled shall be made to the Provincial Association and shall not be until at least five (5) years have elapsed from the date of expulsion.

Joint Policy on Code of Conduct and Discipline

- 1.28 The evaluation of an application for reinstatement pursuant to subsection 1.27 shall be carried out as if it were an application for membership from a person not previously having been elected to membership in CIP and, in addition, shall have regard for:
- a) the conduct of the former Member since expulsion and the steps taken by him or her since expulsion to safeguard against the same or similar conduct in the future;
 - b) such other facts and circumstances as the Provincial Association considers relevant.
- 1.29 The Provincial Association may, with cause, refuse the application for reinstatement or allow it with or without conditions, including conditions requiring the applicant to take courses of instruction, engage in a period of supervised practice, or successfully complete such examinations as it considers appropriate.
- 1.30 Information received by a person serving in disciplinary proceeding of a Provincial Association shall not be privileged and the person shall not be prohibited by his or her duties, obligations and responsibilities to the Provincial Association including any obligation to maintain the confidentiality of the Institute's affairs, from reporting suspected criminal activities or alleged breaches of the law to the appropriate legal authorities.
- 1.31 This policy shall not have application to any Atlantic Province where:
- a) a statute exists in that Province which has the effect of establishing a professional planners' association in the Province as a body politic and corporate;
 - b) the statute permits or requires that by-laws be made by the association and the association has made by-laws which include provision for the making, hearing and disposition of complaints respecting the conduct of members in relation to the Code of Professional Conduct, this policy and incompetence.

Approved December 2018