

## **Consolidated Policy Statement - APEGBC's Procedure for Publishing Consent Orders, Interim Orders and Disciplinary Determinations (collectively, "Disciplinary Decisions")**

1. A Notice of Inquiry should be published on the APEGBC website in advance of the hearing date. The publication should occur at least 14 days prior to the hearing.
2. Disciplinary hearings are open to the public. The Discipline Committee can close the hearing room to protect privacy interests when appropriate. The Discipline Committee also has the ability to manage the number of people able to attend a public hearing given the size of the particular hearing room.
3. APEGBC will publish the full text of all Disciplinary Decisions including the name of the APEGBC Professional and all details necessary to communicate professional standards to the profession, the public, and to protect self-regulation of APEGBC.
4. In drafting its reasons, the Discipline Committee should determine whether disclosure of personal information of the complainant/third-parties involved, other than the APEGBC Professional, is necessary or appropriate to satisfy the public interest in disclosure. In most cases, the names of the complainants, non-professional witnesses and third-parties, along with any identifying information including locations, should be anonymized or redacted so as to protect the privacy interests of those individuals. There is no need to redact the names of expert witnesses, as expert witnesses are professionals acting in the scope of their profession.
5. In exceptional cases, the name of the APEGBC Professional and/or circumstances of the matter may be anonymized or redacted prior to publication, at the discretion of the Discipline Committee, in the circumstances where:
  - a. the Discipline Committee considers it necessary to protect the monetary, reputational or other interests of the complainant, if any, or another person, other than the APEGBC Professional subject to discipline; or
  - b. if the APEGBC Professional makes an admission or is found by the Discipline Committee to suffer from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs his or her ability to practice professional engineering or geoscience.
6. Anonymous publication will occur where APEGBC has not proven any elements of the Notice of Inquiry to the requisite standard. However, the Discipline Committee has the option of publishing the name of the APEGBC Professional where the APEGBC Professional indicates that he or she wants his or her name published to make it known that the matter was not proven to the requisite standard.
7. APEGBC should publish the full text of its Disciplinary Decisions on its website and publish the full text or summaries in its electronic and paper communications. APEGBC should issue a press release where there is a suspension or cancellation of an APEGBC Professional. APEGBC should also distribute its Disciplinary Decisions to affected municipalities and any other relevant regulatory bodies. APEGBC has the discretion to publish Disciplinary Decisions in local newspapers and other means of electronic communications to the public. APEGBC should establish a relationship with CanLii, and begin publishing its Disciplinary Decisions on CanLii.
8. With respect to the retention of Disciplinary Decisions on the APEGBC website:

- a. Disciplinary Decisions setting out a practice restriction will stay posted on APEGBC's website for the career of the APEGBC Professional. The Disciplinary Decision will be moved to a searchable archive section of the webpage if the APEGBC Professional is no longer the subject to a practice restriction.
- b. Disciplinary Decisions setting out a suspension will stay posted on APEGBC's website for the course of the suspension. The Disciplinary Decision will be moved to a searchable archive section of the webpage once the suspension is lifted.
- c. Disciplinary Decisions setting out a cancelation (or resignation in the face of discipline) will stay posted on APEGBC's website for the life of the former APEGBC Professional and then moved to a searchable archive section of the webpage.

**Approved by Council: April 17, 2015 (CO-15-51)**

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