

Referral of a Complaint File by the Registrar to the Practice Review Committee

This policy is not intended to fetter the discretion of the Registrar. The Registrar has discretion in deciding whether to refer a complaint file to the Practice Review Committee and is not bound by this policy.

The Registrar may, in deciding whether to refer a complaint file to the Practice Review Committee, request clarification or further information or records from the complainant, the person complained about, a witness, or any combination of the foregoing. However, the Registrar is not required to seek out any information or records in deciding whether to refer a complaint file to the Practice Review Committee.

Subject Matter of the Complaint

The Registrar may refer a complaint file to the Practice Review Committee where, on the face of the complaint, there is objective and credible evidence to suggest concerns regarding one or more of the following:

- a. The capacity of the member to carry out the practice of professional engineering or professional geoscience;
- b. The professional responsibility and ethics of the member;
- c. The set up and maintenance of office systems and file organization by the member;
- d. The communication by the member in a timely and appropriate manner with clients and others and documentation of those communications in an appropriate manner;
- e. The adequacy of the member's technical knowledge in the area(s) practiced, and determining when the problems exceed the member's ability;
or
- f. The development and application of the member's technical skills to appropriately carry out instructions.

Risk Factors

If there are concerns regarding the subject matter of the complaint, as set out above, the Registrar may, when deciding whether to refer a complaint file to the Practice Review Committee, also have regard to the existence of the following risk factors. The presence of one or more of these risk factors, when considered in light of the complaint or other evidence supplied or gathered, may suggest that it would be appropriate to refer the complaint file to the Practice Review Committee in order to address practice issues before they manifest into serious problems that could harm human life or welfare, the environment or the member's career:

- a. practicing as a sole practitioner or in a small firm with limited or no access to peers;
- b. working part-time as an engineer or geoscientist, or has worked outside of the areas of engineering and/or geoscience for a considerable number of years;
- c. the number of years since completion of their university education and the lack of information on any continuing professional development;
- d. history of previous complaints;
- e. previous disciplinary history;
- f. findings and recommendations from any previous investigation(s) by the Investigation Committee; or
- g. such other criteria as the Registrar considers relevant.

If the member previously failed to follow recommendations made by the Investigation Committee, the Practice Review Committee or the Conduct Review Committee, this failure is an exacerbating risk factor and may favour directing the complaint to a designated member for consideration, rather than to the Practice Review Committee.

The Registrar may also take any other action he or she considers appropriate in the circumstances.

Approved by Council: September 11, 2015 (CO-15-82)