

8.0 POLICY CATEGORY: PROFESSIONAL CONDUCT & DISCIPLINE
8.2 POLICY FOCUS: CONSENSUAL RESOLUTION AND DISCIPLINARY INQUIRY

8.2.1 Complaints of unprofessional conduct that have proceeded through the complaint and investigation process to the AIBC's consensual resolution process or to a Disciplinary Inquiry may result in findings or admissions of unprofessional conduct by a [registrant].

Accordingly, the Executive Director will ensure that:

Consensual Resolution

NOTE: As a consequence of the August 2009 B.C. Court of Appeal decision in *Salway v. APEGBC*, the AIBC determined in September 2009 that it could no longer continue with its consensual resolution process until amendments to the *Architects Act* (the "Act") had been secured. Policies 8.2.2 and 8.2.3 are therefore temporarily suspended, and policy 8.2.4 addresses the matter.

8.2.2 [A [registrant] facing an allegation of unprofessional conduct is offered a reasonable opportunity to engage in consensual resolution to resolve a conduct matter before the [registrant] is served with a Notice of Inquiry.

8.2.3 The AIBC, through the Professional Conduct and Illegal Practice Board, will monitor and evaluate the fairness and administrative efficiency of its consensual resolution process on an ongoing basis and make such recommendations as are necessary from time to time to improve this important complaint resolution process.

Disciplinary Inquiry

8.2.4 (Until such time as the *Act* has been amended to explicitly allow the AIBC to resolve allegations of unprofessional conduct by way of consensual resolution or other alternative resolution) all allegations of unprofessional conduct approved by AIBC Council by way of notice of inquiry must proceed to be heard by a disciplinary committee at a disciplinary inquiry. In order to preserve some of the flexibility, cost-effectiveness and public interest elements of consensual resolution, the AIBC will make reasonable efforts, in keeping with its public interest mandate, to negotiate with members and associates subject to a disciplinary inquiry to make joint submissions to a disciplinary committee with respect to agreed facts, liability admissions and/or penalty submissions.

8.2.5 Reasonable steps are taken to ensure that its Disciplinary Inquiry process accords with the appropriate principles of administrative justice and procedural fairness, and shall take such professional advice as is necessary to do so on an ongoing basis.

8.2.6 Reasonable efforts are made, through co-ordination with its external counsel, the Disciplinary Committee and the [registrant] facing the allegation(s) to ensure that any Disciplinary Inquiry is held in a timely manner.

8.2.7 In accord with the principles of administrative justice, a Disciplinary Committee shall provide written reasons for its decision within a reasonable period after conclusion of a Disciplinary Inquiry.

8.2.8 The AIBC, through the Professional Conduct and Illegal Practice Board, will develop or refine appropriate *Rules*, procedures and guidelines on an ongoing basis that relate to the resolution of allegations of unprofessional conduct by consensual resolution or Disciplinary Inquiry.

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