

## Complaints Committee (COC) Terms of Reference

**Issue Date: July 19, 2006**

**Approved by: COC**

**Responsible Authority: CEO/Registrar**

**Review Date: September 2010**

**Review by: COC**

**Function: Regulatory Compliance**

<p><b>Legislated and other Mandate approved by Council</b></p>	<p><b>Professional Engineers Act, R.S.O. 1990, c. P.28, s. 23, s. 24 &amp; s. 28(1)(a)</b></p> <p><b>Complaints Committee</b></p> <p><b>23.</b> (1) The Complaints Committee shall be composed of not fewer than three members of the Association appointed to the Committee by the Council, including at least one member of the Council who was appointed to the Council by the Lieutenant Governor in Council.</p> <p><b>Idem</b></p> <p>(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.</p> <p><b>Chair</b></p> <p>(3) The Council shall name one member of the Complaints Committee to be chair.</p> <p><b>Quorum</b></p> <p>(4) Three members of the Complaints Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum. R.S.O. 1990, c. P.28, s. 23.</p> <p><b>Duties of Complaints Committee</b></p> <p><b>24.</b> (1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of a member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence, but no action shall be taken by the Committee under subsection (2) unless,</p> <p>(a) a written complaint in a form that shall be provided by the Association has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and</p> <p>(b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint. R.S.O. 1990, c. P.28, s. 24 (1); 2001, c. 9, Sched. B, s. 11 (30).</p> <p><b>Idem</b></p> <p>(2) The Committee in accordance with the information it receives may,</p> <p>(a) direct that the matter be referred, in whole or in part, to the Discipline Committee;</p> <p>(b) direct that the matter not be referred under clause (a); or</p> <p>(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. R.S.O. 1990, c. P.28, s. 24 (2)</p>
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<p><b>Legislated and other Mandate approved by Council con't</b></p>	<p><b>Decision and reasons</b></p> <p>(3) The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2) (b), its reasons therefor. R.S.O. 1990, c. P.28, s. 24 (3).</p> <p><b>Notice</b></p> <p>(4) The Registrar shall send to the complainant and to the person complained against by prepaid first class mail a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of the right to apply to the Complaints Review Councillor under section 26. R.S.O. 1990, c. P.28, s. 24 (4).</p> <p><b>Hearing</b></p> <p>(5) The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section. R.S.O. 1990, c. P.28, s. 24 (5).</p> <p><b>Duties of Discipline Committee</b></p> <p><b>28.</b> (1) The Discipline Committee shall,</p> <p>(a) when so directed by the Council, the Executive Committee or the <b>Complaints Committee</b>, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence;</p> <p>(b) hear and determine matters referred to it under <b>section 24, 27 or 37</b></p> <p><b><i>[DATE APPROVED BY COUNCIL]</i></b></p>
<p><b>Key Duties and Responsibilities</b></p>	<p>To investigate and consider complaints made by the public or members of the association regarding the conduct or actions of PEO members, licence holders, or Certificate of Authorization holders.</p> <p>To determine the appropriate course of action with respect to those complaints, in accordance with Section 24(2) of the Act.</p> <p>To direct the Discipline Committee to hear and determine allegations of professional misconduct or incompetence against PEO members, licence holders or Certificate of Authorization holders that come to the Committee's attention, as deemed necessary.</p> <p>To advise Council on matters relating to incompetence, professional misconduct and the Code of Ethics.</p>
<p><b>Success Measurements of Key Duties and Responsibilities</b></p>	<p>The Committee holds at least six meetings per year and considers all matters on the agenda for each meeting.</p> <p>Complaints are investigated and processed within the approved timeframe guidelines at least 90% of the time.</p>
<p><b>Constituency &amp; Qualifications of Committee</b></p>	<p>As per s. 23(1) of the Act: The Complaints Committee shall be composed of not fewer than three members of the Association appointed to the Committee by the Council, including at least one member of the Council who was appointed to the</p>

<b>Members</b>	<p>Council by the Lieutenant Governor in Council.</p> <p>A member of the Discipline Committee cannot be a member of the Complaints Committee and the Chair is appointed by Council.</p> <p>The Committee should be composed of members reflecting a broad range of engineering disciplines based on complaints received.</p>
<b>Recruitment of New Committee Members</b>	<p>The committee is to assist the PEO Human Resources Department in the recruitment of new committee members to ensure broad engineering discipline representation based on complaints received, especially in the non-traditional disciplines.</p>
<b>Term Limits for Committee Chair and Vice Chair</b>	<p>The Chair and Vice Chair are elected annually for a one-year term, from January to December. The Chair and Vice Chair may be re-elected to their positions to serve a maximum of three (3) consecutive years. To ensure continuity, it is desirable that the Vice Chair moves to the Chair's position, once the Chair's term of service is expired. Once the Chair and/or Vice Chair have served for the maximum term for their respective positions, they are not eligible for reappointment to those positions. The Chair, once having served as Chair, may only serve as a general committee member.</p>
<b>Term Limits for Committee Members</b>	<p><b>Note:</b> <i>Given the statutory mandate of the Complaints Committee (COC) as well as the reliance on the expertise and experience of their members in order to carry out their legislated mandates, there is no term limit imposed on the general membership of this committee.</i></p>
<b>Succession Planning</b>	<p><b>Note:</b> All committees must have a succession plan, approved by Council, to ensure the orderly transition of the position of chair and vice chair as well as provide for the renewal of the committee's membership and on-boarding of new committee members.</p>
<b>Quorum</b>	<p>As defined under s. 23(4) of the Act: Three members of the Complaints Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum.</p>
<b>Reporting Requirements</b>	<p>The Chair shall submit a report, for inclusion in the Registrar's report to Council and/or Executive Committee as required.</p> <p>The Chair shall submit an annual report, not later than January 15<sup>th</sup> of each year to the Registrar of the activities of the Committee.</p>
<b>Meeting Frequency &amp; Time Commitment</b>	<p>The Committee expects to meet at least six times during the year (approximately every six weeks, but less frequently over the summer months). Meetings are held during the week and take place in the evening, and run for approximately 2.5 hours (on average). Members are expected to attend at least four meetings per year.</p> <p>Complaint case file materials are distributed for review approximately two weeks prior to each meeting. Committee members are expected to review the material in advance of the meeting and arrive at the meeting prepared to discuss each case</p>
<b>Committee Advisor</b>	<p>Manager, Complaints &amp; Discipline</p>
<b>Staff Support</b>	<p>Investigators</p>