



Appraisal Institute of Canada

Institut canadien des évaluateurs

APPRAISAL INSTITUTE OF CANADA

Professional Practice Review Policy

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Appraisal Institute of Canada
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1. TRANSITION

1.1. Current Policy Supersedes Past Versions

- 1.1.1. This Policy replaces and supersedes past versions of this Policy including past versions of the AIC Consolidated Regulations.

2. AMENDMENTS

2.1. Amendments May Occur

- 2.1.1. Amendments may occur in accordance with AIC By-Laws.

3. IMMUNITY FOR DECISION-MAKERS

3.1. Immunity

- 3.1.1. Subject to subsection 3.1.3, no action, no legal proceeding for damages, and no other claim for compensation can be commenced or maintained against a Decision-Maker or the AIC arising out of, or in connection with, any act or failure to act by any Decision-Maker or the AIC in connection with the official activities of the AIC.

- 3.1.1.1. This does not apply to a Decision-Maker in relation to anything done or omitted by that Decision-Maker in bad faith.

- 3.1.2. Acts, or failures to act, include acts or failures to act in connection with:

- 3.1.2.1. the performance or intended performance of any duty under AIC By-Laws or AIC Policies;

- 3.1.2.2. the exercise, or intended exercise, of any power under the AIC By-Laws or AIC Policies; and

- 3.1.2.3. taking disciplinary action against a Member as a Candidate or as a Designated Member.

- 3.1.3. Before bringing any action or claim on the Decision-Maker or the AIC, a Member must utilize all the provisions available to them under:

- 3.1.3.1. this Policy

- 3.1.3.1.1. including the appeal of a Decision; and

- 3.1.3.2. the AIC's By-Laws.

4. DEFINITIONS AND INTERPRETATION

4.1. Definitions

Definitions of terms used in this Policy will be as set out in Article 1 and Article 5 of the Appraisal Institute of Canada By-Law No. 1. In addition, the following definitions will apply:

AACI — means Accredited Appraiser Canadian Institute designation.

ADMISSIONS AND ACCREDITATION COMMITTEE or AAC — means the Working Committee established by the Board that is responsible for the designation process of Candidate Members as well as the continuing professional development of all AIC Members..

ADMINISTRATIVE APPEAL - means those appeals referred to in sub-subsection 16.1.1.2. of this Policy.

AFFILIATED ASSOCIATION — means “Affiliated Association” as defined in the AIC’s By-Laws.

APPRAISAL INSTITUTE OF CANADA — also referred to as “AIC”.

BOARD — means the National Board of Directors of the AIC.

BY-LAWS — means the articles and the sections under each article of Appraisal Institute of Canada By-Law No. 1 and amendments thereto.

COMMITTEE OR STANDING COMMITTEE — means a permanent committee constituted by the Board of Directors that is responsible for administering specific issues on an ongoing basis.

COMPLAINANT — means a person, or an entity, initiating a Complaint against a Member and can be Member’s client, any user of a Member’s Professional Services, another Member, or any member of the general public.

COMPLAINT — means the allegations made against a Member regarding conduct that breaches the AIC By-Laws, Code of Conduct, Policies or CUSPAP.

CONFLICT — in the context of a Professional Practice Review means a direct personal or professional conflict. Location in the same province or region as the Member(s) subject to a Professional Practice Review would not necessarily be considered a conflict requiring recusal from a file.

CONSUMER — means a Member’s client, a user of a Member’s Professional Services, or any member of the general public.

CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM or CPD PROGRAM — means the professional development program established by the Board or the Board's designate from time to time.

CRA — means the Canadian Residential Appraiser designation.

CUSPAP — means the Canadian Uniform Standards of Professional Appraisal Practice and includes any amendments thereto.

DAY — means a calendar day.

DECISION — means a determination, an order, or other decision made pursuant to the AIC By-Laws, or AIC Policies, whether final or interim.

DECISION-MAKER — means any person, or entity, that has the authority to make or participate in a Decision pursuant to AIC Policies and can include:

- the Board;
- members of the Board or a committee of the Board;
- the AIC;
- Officers of the AIC, officials, and employees;
- AIC Committees, Sub-Committees, Working Committees, and Working Groups;
- AIC Committee, Sub-Committee, Working Committee, and Working Group Chairs and members.

FILE CLOSING SUMMARY — means a summary that provides information and rationale for closing a Professional Practice Review matter without further action or with advice.

FILE REVIEW SUMMARY — means a summary that provides information and rationale for agreement or disagreement with a File Closing Summary.

HEARING — means an oral, written, electronic, teleconference, videoconference, or other process for a Hearing before a Hearing Panel of the Adjudicating or Appeal Working Group.

HEARING PANEL — means a panel comprised of up to three Adjudicating or Appeal Working Group members appointed by:

- the Chair of the Adjudicating Working Group and will be referred to as an Adjudicating Hearing Panel if relating to a Hearing by that Working Group; or

- the Chair of the Appeal Working Group and will be referred to as an Appeal Hearing Panel if relating to a Hearing by that Working Group.

IN CAMERA – means in private.

INQUIRY — means an informal query about an AIC Member’s professional practice made to the AIC that does not result in a formal, written Complaint submission against that Member.

INTERIM ORDER - means any order that is not a final order.

INTERVENER – means a person, or entity, that is not the subject of a Complaint who is granted permission in accordance with this Policy to participate in an Adjudicating or Appeal Working Group Hearing of a Complaint matter for their own or the public interest.

INVESTIGATOR — means an individual assigned by the AIC to conduct a Professional Practice Review in accordance with this Policy.

MEMBER - means any person granted membership by the AIC in accordance with the AIC By-Laws.

MEMBER IN GOOD STANDING – has the same meaning as defined in the AIC By-Laws.

MEMBERSHIP STATUS CATEGORIES:

- Active: a Voting Member as defined in the AIC By-Laws;
- Inactive: an individual who has been expelled or resigned from the AIC;
- Retired: a Member who has applied for, and been granted retired status in accordance with the applicable AIC requirements and criteria;
- Compassionate Leave: a Member who has requested, and been granted leave on compassionate grounds in accordance with the applicable AIC requirements and criteria; and
- Suspended: an individual whose membership in the AIC has been suspended.

NATIONAL PROFESSIONAL PRACTICE RECORD – means a database kept by the national office of the AIC containing information regarding Professional Practice Review files.

OFFICER OF THE AIC – means “Officer of the AIC” as defined in the AIC’s By-Laws.

POLICIES – means those policies promulgated by the AIC from time and time.

PRESIDENT — means the president of the AIC.

PROFESSIONAL PRACTICE ADVOCATE — means a Member appointed to represent the AIC in matters of professional practice under the Professional Practice Review Process.

PROFESSIONAL PRACTICE COMMITTEE or PPC— means the Standing Committee established by the Board that is responsible for administering disciplinary matters and setting professional practice standards for all AIC Members..

PROFESSIONAL PRACTICE REVIEW — means a review or investigation of a Member’s professional practice pursuant to this Policy.

PROFESSIONAL PRACTICE REVIEW PROCESS — means the process by which complaints or allegations related to a Member’s professional practice are addressed and resolved.

REASONABLE APPRAISER — has the same meaning as defined in in CUSPAP.

REASONABLE BELIEF — means a belief that is not completely without doubt but does not rely on speculation, suspicion, guesses or assumptions that have been made without foundation. A reasonable belief is, generally, based on information that is reasonably believed to be reliable and accurate.

REDACT or REDACTED - means the removal of any information that would identify any person including geographical location, the name of a Member, the name of a company, the name of a third party, or the address of a property.

SANCTION — means one of a range of sanctions that address breaches of the AIC’s By-Laws, Code of Conduct, AIC Policies or CUSPAP.

SETTLEMENT AGREEMENT – means a without prejudice agreement negotiated between a Member who is the subject of a Professional Practice Review and the Professional Practice Advocate that proposes a potential resolution to the professional practice matter that will be submitted to an Adjudicating or Appeal Working Group Hearing Panel for consideration and Decision.

SUB-COMMITTEE — means a sub-committee of a Committee constituted by the Board of Directors.

WORKING COMMITTEE – means a committee constituted by the Board of Directors that acts primarily in an advisory role, providing information and advice to the AIC Board of Directors when requested.

WORKING GROUP – means a group constituted by the Board of Directors that carries out specific operations under the direction of the Board of Directors or of AIC staff under the direction of the Board.

4.2. Interpretation

4.2.1. In this Policy, except as otherwise expressly stated or unless the context otherwise requires:

- 4.2.1.1. headings are for convenience only and are not intended as a guide to interpretation of this Policy or any portion of this Policy;
- 4.2.1.2. the word "including", when following any general statement or term, does not limit the general statement or term to the specific items or matters set forth or to similar items or matters and permits the general statement or term to refer to all other items or matters that could reasonably fall within its broadest possible scope;
- 4.2.1.3. all references to currency mean Canadian currency;
- 4.2.1.4. a reference to a statute includes all regulations made thereunder, all amendments to the statute or regulations in force from time to time, and any statute or regulation that supplements or supersedes such statute or regulations;
- 4.2.1.5. a reference to an entity includes any successor to that entity; and
- 4.2.1.6. words in the singular include the plural, words importing a corporate entity include individuals, and vice versa.

4.3. Hierarchy of AIC Governing Documents

4.3.1. The hierarchy of AIC governing documents is:

- 4.3.1.1. The Certificate and Articles of Continuance are paramount to the AIC By-Laws;
- 4.3.1.2. The AIC By-Laws are paramount to the Code of Conduct;
- 4.3.1.3. The Code of Conduct is paramount to CUSPAP; and
- 4.3.1.4. CUSPAP is paramount to AIC Policies.

4.4. Legislation will Supersede

4.4.1. Where AIC By-Laws, Code of Conduct, CUSPAP or AIC Policies conflict with legislation, legislation will supersede.

5. PRACTICE AND PROCEDURE RULE MAKING

5.1. Professional Practice Committee Rule Making

- 5.1.1. Subject to the AIC By-Laws, Code of Conduct, and Policies, the Professional Practice Committee will provide recommendations for consideration and approval by the Board regarding rules respecting practice and procedure to facilitate the just and timely resolution of the matters before the Professional Practice Committee and its Sub-Committees, Working Committees, and Working Groups.
- 5.1.2. The absence of a specific rule does not limit the ability of the Professional Practice Committee or its Sub-Committees, Working Committees, and Working Groups to manage and administer their own processes, subject to the direction of the Board.
- 5.1.3. Without limiting subsections 5.1.1 and 5.1.2 the Professional Practice Committee can make rules respecting:
 - 5.1.3.1. the holding of pre-hearing conferences, including confidential pre-hearing conferences, and requiring the parties and any interveners to attend a pre-hearing conference;
 - 5.1.3.2. Dispute Resolution Processes;
 - 5.1.3.3. receipt and disclosure of evidence, including pre-hearing receipt and disclosure of evidence and pre-hearing examination of a party on oath, affirmation or by affidavit;
 - 5.1.3.4. the exchange of records and documents by parties;
 - 5.1.3.5. the filing of written submissions by parties;
 - 5.1.3.6. the filing of admissions by parties;
 - 5.1.3.7. the form of notice to be given by a party or Hearing Panel to another party requiring a party to diligently pursue a Professional Practice Review or Administrative Appeal and specifying the time within which and the manner in which the party must respond to the notice;
 - 5.1.3.8. service and filing of notices, documents and orders, including substituted service;
 - 5.1.3.9. requiring a party to provide an address for service or delivery of notices, documents and orders;
 - 5.1.3.10. providing that a party's address of record is to be treated as an address for service;
 - 5.1.3.11. procedures for preliminary or interim matters;
 - 5.1.3.12. amendments to an application or responses to it;
 - 5.1.3.13. addition of parties to a Professional Practice Review or to an Administrative Appeal;
 - 5.1.3.14. adjournments;

- 5.1.3.15. the extension or abridgement of time limits provided for in this Policy;
- 5.1.3.16. the transcribing or recording of proceedings and the process and fees for reproduction of a recording if requested by a party;
- 5.1.3.17. establishing the forms it considers advisable;
- 5.1.3.18. joining of applications;
- 5.1.3.19. exclusion of witnesses from proceedings;
- 5.1.3.20. the effect of a party's non-compliance with a Hearing Panel's rules; and
- 5.1.3.21. access to, and restriction of, access to documents by any person.

6. DISCLOSURE

6.1. Disclosure Protection

- 6.1.1. Except as provided by this Policy, the AIC, its employees, and members of the Professional Practice Committee and its Sub-Committees, Working Committees, and Working Groups, will hold as confidential the contents of a Professional Practice Review file.
- 6.1.2. The identity of the Complainant will be released to the Member under Professional Practice Review.
- 6.1.3. Where a Complainant withdraws their Complaint, but the AIC continues the Professional Practice Review, the Complainant will be identified as the Appraisal Institute of Canada.
- 6.1.4. Where an Investigator initiates a Professional Practice Review as an Issue Arising from an Inquiry, the Complainant will be identified as the Appraisal Institute of Canada.
- 6.1.5. A Complainant will be provided with:
 - 6.1.5.1. the final Decision and reasons of the Adjudicating Working Group, or if the matter is appealed, of the Appeal Working Group, in relation to the Professional Practice Review matter; or
 - 6.1.5.2. if the matter is closed, the summary of the File Review Panel, in relation to the Professional Practice Review matter.
- 6.1.6. Where a Complainant withdraws their Complaint and the AIC continues the Professional Practice Review, the Complainant will not be provided with:
 - 6.1.6.1. the final Decision and reasons of the Adjudicating Working Group, or if the matter is appealed, of the Appeal Working Group, or
 - 6.1.6.2. if the file is closed the summary of the File Review Panel, in relation to the Professional Practice Review matter.

- 6.1.7. The resignation, retirement, or death of a Member will not prevent the provision of a copy of a final Decision to a Complainant.
- 6.1.8. The AIC can release any Decision and other information from the National Professional Practice Record to:
 - 6.1.8.1. any AIC Committee, Sub-Committee, Working Committee, or Working Group member, the Board, or an employee of the AIC (collectively “AIC Official”);
 - 6.1.8.2. any government ministry, agency, board, or commission that has jurisdiction to compel the production of any Decision and other information in a National Professional Practice Record (collectively “Government Agency”);
 - 6.1.8.3. any self-regulatory agency or association that has jurisdiction to compel the production of any Decision and other information in a National Professional Practice Record (collectively “Self-Regulating Body”);
 - 6.1.8.4. any Canadian law enforcement agency; or
 - 6.1.8.5. any other person or entity authorized to receive such information as can be contained in a National Professional Practice Record (collectively “Authorized Party”).
- 6.1.9. provided that:
 - 6.1.9.1. the affected Member provides written authorization; or
 - 6.1.9.2. the AIC receives a written order for the release of any of the contents of a National Professional Practice Record from:
 - 6.1.9.2.1. a Court or tribunal of competent jurisdiction,
 - 6.1.9.2.2. a Government Agency,
 - 6.1.9.2.3. a Self-Regulating Body, or
 - 6.1.9.2.4. a Canadian law enforcement agency; or
 - 6.1.9.3. the AIC receives a written request for the release of any of the contents of a National Professional Practice Record from an Authorized Party; or
 - 6.1.9.4. the release of a Decision or other information in a National Professional Practice Record is required by an AIC Official to perform their duties and meet their responsibilities required by AIC By-Laws or AIC Policy; or
 - 6.1.9.5. the AIC has been designated as an Investigative Body in accordance with the federal Personal Information Protection and Electronic Documents Act (PIPEDA) and any jurisdictional privacy requirements.

- 6.1.10. Except as provided by this Policy or otherwise required by law, personal information will be redacted from any Professional Practice Review, Decision, or National Professional Practice Records which are disclosed or published as per section 19.

7. INITIATION OF PROFESSIONAL PRACTICE REVIEW PROCESS

7.1. Receipt of Complaint

- 7.1.1. Every Complaint must be submitted in writing on an AIC Complaint Form to the AIC.
- 7.1.2. The AIC will acknowledge receipt of any properly submitted AIC Complaint Form.
- 7.1.3. The AIC will consider any Complaint submitted in accordance with subsection 7.1.1.

7.2. Member-on-Member Complaints

- 7.2.1. A Member can submit a Complaint against another Member.
- 7.2.2. Any Member submitting a Complaint must do so in good faith, for the protection of the reputation of the profession or of the public good, and in compliance with CUSPAP Ethics Standard Rule.
- 7.2.3. A breach of CUSPAP Ethics Standard Rule can be pursued as an issue arising from the submission of a Complaint by a Member.

7.3. Assignment of Professional Practice Reviews

- 7.3.1. Upon receipt of a Complaint, a Professional Practice Review file will be opened and assigned to an Investigator.
- 7.3.2. If, after assignment, an Investigator discovers a conflict related to the matter, the Investigator will recuse themselves from the Professional Practice Review file.

7.4. Member Can Request Recusal of Committee, Sub-Committee, Working Committee, or Working Group Member

- 7.4.1. A Member that is the subject of a Professional Practice Review can request that an individual assigned to the Professional Practice Review file in any capacity be recused from that file if the Member has a Reasonable Belief that a conflict of interest exists.
- 7.4.2. A written request for recusal setting out the reasons the Member is seeking the recusal must be submitted to the Chair of the Professional Practice Committee or, if a Hearing Panel has been created, the Chair of the Hearing Panel, not more than:
- 7.4.2.1. Seven (7) days after the Member becomes aware of the appointment of the individual; or
- 7.4.2.2. Seven (7) days after the Member becomes aware of the conflict of interest.

- 7.4.3. A request for recusal received after these deadlines will not be considered.
- 7.4.4. The Chair of the Professional Practice Committee or, if a Hearing Panel has been created, the Chair of the Hearing Panel will:
 - 7.4.4.1. receive the request;
 - 7.4.4.2. advise the individual;
 - 7.4.4.3. consider the facts;
 - 7.4.4.4. decide on the request; and
 - 7.4.4.5. advise the individual and the Member subject to the Professional Practice Review of their decision.
- 7.4.5. The Decision on the recusal request is final and not subject to appeal.

7.5. AIC Initiated Professional Practice Review Arising from an Informal Inquiry

- 7.5.1. In the case of an Inquiry that does not evolve into a formal, written Complaint, an Investigator can be assigned to review and consider the substance of the Inquiry.
- 7.5.2. If found to be appropriate, the Investigator can initiate a Professional Practice Review arising from the Inquiry on behalf of the AIC in order to investigate conduct that may be found to breach CUSPAP, AIC By-Laws, Code of Conduct, or AIC Policies that may otherwise not have been brought before the AIC.
 - 7.5.2.1. The AIC will be identified as the Complainant.

7.6. AIC Initiated Professional Practice Review Arising from Withdrawal of a Complaint

- 7.6.1. Where a Complaint is withdrawn in whole or in part, or a Complainant dies before the Professional Practice Review is resolved, the AIC can:
 - 7.6.1.1. order that the Complaint or part of it be dismissed; or
 - 7.6.1.2. continue the Professional Practice Review on behalf of the AIC in order to investigate conduct that may be found to breach CUSPAP, AIC By-Laws, Code of Conduct, or AIC Policies.
 - 7.6.1.3. The AIC will be identified as the Complainant.
- 7.6.2. In the event a Complaint is withdrawn but the AIC continues the Professional Practice Review as provided in 7.6.1.2, a Member who is the subject of the Professional Practice Review can make application to one of the following as applicable for disclosure of such documents and other information in the possession or control of the AIC relating to the original basis for the Complaint:
 - 7.6.2.1. where no Hearing has been requisitioned, to a Professional Practice Advocate;

- 7.6.2.2. where a Hearing has been requisitioned before the Adjudicating Working Group or the Appeal Working Group, but no Hearing Panel has been assigned, to the Chair of the applicable Working Group;
- 7.6.2.3. where a Hearing has been requisitioned and a Hearing Panel has been assigned, to the Chair of the applicable Working Group Hearing Panel.
- 7.6.3. On an application by a Member under section 7.6.2, the AIC will be provided with an opportunity to respond to the application.
- 7.6.4. Following receipt of the AIC's response to the Member's application, if any, the applicable Decision-Maker will determine if the disclosure sought by the Member will:
 - 7.6.4.1. provide information that is both relevant and material to the issues raised in the continued Professional Practice Review, and
 - 7.6.4.2. make an Order for Disclosure to the extent the Member has demonstrated the relevance and materiality of any such requested information.
- 7.6.5. The Decision of the applicable Decision-Maker in respect of a Member application under section 7.6.2 is final and not subject to appeal.
- 7.7. AIC Continued Professional Practice Review After Dismissal of Original Complaint**
 - 7.7.1. Where a Complaint is dismissed in whole or in part, the AIC can:
 - 7.7.1.1. continue the Professional Practice Review on behalf of the AIC in order to investigate conduct that may be found to breach CUSPAP, AIC By-Laws, Code of Conduct, or AIC Policies.
 - 7.7.1.2. The AIC will be identified as the Complainant.
- 7.8. Administration of a Complaint Against a Committee, Sub-Committee, Working Committee, Working Group, Council or Board Member**
 - 7.8.1. When a Complaint is made against a member of an AIC Committee, Sub-Committee, Working Committee, Working Group, or the Board, an Investigator will:
 - 7.8.1.1. be assigned,
 - 7.8.1.2. commence a Professional Practice Review, and
 - 7.8.1.3. notify the Professional Practice Committee Chair.
 - 7.8.2. The Professional Practice Committee Chair will notify the Chair of the member's Committee, Sub-Committee, Working Committee, Working Group, or the President of the AIC, as applicable.

- 7.8.3. The Chair of the member's Committee, Sub-Committee, Working Committee, or Working Group, or the President of the AIC, as applicable, can recommend to the Board that the member discontinue any participation in, or the exercising of any power in relation to, the applicable Committee, Sub-Committee, Working Committee, or Working Group until the Professional Practice Review is resolved.

7.9. French Language Professional Practice Review Administration

- 7.9.1. An Investigator fluent in the French language will be assigned to undertake a Professional Practice Review if:
- 7.9.1.1. a French-speaking Member requests administration of the Professional Practice Review in the French language; or
 - 7.9.1.2. the Complaint is submitted in the French language.
- 7.9.2. If an Investigator fluent in the French language cannot be found:
- 7.9.2.1. the Professional Practice Review file will be translated into English and investigated by an English-speaking Investigator, and
 - 7.9.2.2. correspondence with the Member or with the Complainant will be translated into French.

7.10. Assignment, Review, Consideration, and Investigation not an Adjudication

- 7.10.1. The following will not constitute an adjudication of any aspect of a Professional Practice Review matter:
- 7.10.1.1. assignment of the Professional Practice Review matter to an Investigator or to a Professional Practice Advocate; or
 - 7.10.1.2. review of the Professional Practice Review matter by an Investigator or by a Professional Practice Advocate; or
 - 7.10.1.3. consideration of the Professional Practice Review matter or of an Investigation Report pertaining to a Professional Practice Review by a Professional Practice Advocate.

8. PROFESSIONAL PRACTICE REVIEW

8.1. Scope of Professional Practice Review

- 8.1.1. The focus of a Professional Practice Review will be a Member's compliance with CUSPAP, and where applicable to a Member's Professional Practice, compliance with: the AIC By-Laws, Code of Conduct, and AIC Policies.

8.1.2. The scope of a Professional Practice Review is intended to be sufficiently broad to permit the investigation of:

8.1.2.1. all matters raised in a Complaint, and

8.1.2.2. any other issues arising out of a Professional Practice Review, including:

8.1.2.2.1. conduct related to the Professional Practice matter that was not noted in the initial Complaint, and

8.1.2.2.2. conduct related to the Professional Practice matter by a Member who was not a subject of the initial Complaint.

8.1.3. The scope of an AIC Professional Practice Review, when it is relevant to a specific Professional Practice Review and in accordance with AIC's Privacy Policy, will include a Member's complete, or partial, Member file, including a Member's:

8.1.3.1. Continuing Professional Development record;

8.1.3.2. Co-signing Registry record;

8.1.3.3. Membership record; and

8.1.3.4. Professional Practice record.

8.2. Matters Outside the Scope of the Professional Practice Review

8.2.1. The AIC will not:

8.2.1.1. review or investigate a Complaint submitted anonymously; or

8.2.1.2. prepare a new report or direct a Member to prepare a new report.

8.2.2. A Professional Practice Review will not:

8.2.2.1. arbitrate or comment on the final opinion of value determined in a Report;

8.2.2.2. recommend financial compensation, and the Professional Practice Working Groups will not make any order for financial compensation to be paid to a Complainant;

8.2.2.3. Provide a Review Report as set out in the Review Standard in CUSPAP; or

8.2.2.4. review a Member's fees and disbursements unless there is an allegation of fraud or a payment of concealed fees, a commission, or a thing of value in connection with the procurement of professional services.

8.3. Standard of Review

8.3.1. The standard of review for the consideration of allegations of non-compliance with CUSPAP is that of the Reasonable Appraiser.

- 8.3.2. The standard of review for the consideration of allegations of non-compliance with the AIC By-Laws, Code of Conduct, and AIC Policies is that of Reasonable Belief.

9. INVESTIGATION

9.1. Duties of an Investigator

- 9.1.1. The duties of an Investigator are:

- 9.1.1.1. receiving and reviewing the substance of an Inquiry that did not result in the submission of a formal Complaint and, if deemed to be warranted, initiating a Professional Practice Review on behalf of the AIC;
- 9.1.1.2. receiving and administering Professional Practice Review file assignments from the AIC;
- 9.1.1.3. conducting Professional Practice Reviews and preparing Investigation Reports;
- 9.1.1.4. submitting an Investigation Report to a Professional Practice Advocate;
- 9.1.1.5. participating as a witness at an Adjudicating or Appeal Working Group Hearing; and
- 9.1.1.6. doing anything else necessary for the proper discharge of their duties.

9.2. Investigation Report

- 9.2.1. An Investigation Report will address the allegations made in a Complaint and any issue arising from the Professional Practice Review.
- 9.2.2. An Investigation Report will be deemed inadmissible at a Hearing unless otherwise ordered by a Hearing Panel.

10. PROFESSIONAL PRACTICE ADVOCATE

10.1. Powers and Duties of Professional Practice Advocate

- 10.1.1. The powers and duties of a Professional Practice Advocate are:

- 10.1.1.1. receiving and considering Investigation Reports and the recommendations, if any, contained therein, and where warranted:
 - 10.1.1.1.1. closing a Professional Practice Review matter with or without advice to the Member;
 - 10.1.1.1.2. submitting a requisition for a Hearing before the Adjudicating Working Group;
 - 10.1.1.1.3. negotiating a proposed Settlement Agreement;
 - 10.1.1.1.4. presenting a proposed Settlement Agreement to a Hearing Panel for consideration;

- 10.1.1.2. filing an application for an appeal of an Adjudicating Hearing Panel Decision to the Appeal Working Group;
- 10.1.1.3. acting as the AIC's representative at any Hearing; and
- 10.1.1.4. doing anything else necessary for the proper discharge of their duties.

11. DISMISSAL

11.1. Dismissal of Complaint

- 11.1.1. At any time after a Complaint is filed, all or part of the Complaint can be dismissed if it is determined that any one or more of the following apply:
 - 11.1.1.1. the Complaint is not within the jurisdiction of the AIC;
 - 11.1.1.2. the Complaint is frivolous, vexatious or trivial, or gives rise to an abuse of process;
 - 11.1.1.3. the Complaint was made in bad faith or filed for an improper purpose or motive;
 - 11.1.1.4. there is no reasonable prospect the Complaint is valid;
 - 11.1.1.5. there is no credible evidence to support the allegations made in the Complaint;
 - 11.1.1.6. the grounds of the Complaint have not been established;
 - 11.1.1.7. the substance of the Complaint is outside the scope of a Professional Practice Review; or
 - 11.1.1.8. the substance of the Complaint has been appropriately addressed in another proceeding, including a court proceeding.

12. FILE REVIEW PANEL

12.1. When is a File Review Carried Out

- 12.1.1. When a Professional Practice Advocate determines that the most appropriate resolution to a Complaint is to close the Professional Practice Review file with or without advice, the Professional Practice Advocate will prepare a File Closing Summary of their findings and provide that File Closing Summary to a File Review Panel.

12.2. Duties of a File Review Panel

- 12.2.1. A File Review Panel is empaneled by the Chair of the Appeal Working Group to review a Professional Practice Advocate's File Closing Summary.
- 12.2.2. A File Review Panel can consist of one (1) and up to three (3) Panel members drawn from the Appeal Working Group or the Adjudicating Working Group.
- 12.2.3. A File Review Panel can take one of the following actions:

12.2.3.1. agree with the Professional Practice Advocate's File Closing Summary and provide reasons, or

12.2.3.2. disagree with the Professional Practice Advocate's File Closing Summary and provide reasons and suggestions for further administration of the Professional Practice Review matter.

12.2.4. Whenever possible, a File Review Panel will provide its written File Review Summary to the Professional Practice Advocate and the Investigator within thirty (30) days of the date the File Review Panel received a File Closing Summary.

12.3. File Review Panel Action is Not Subject to Appeal

12.3.1. Any action taken by a File Review Panel is not subject to appeal.

13. ADJUDICATING HEARING PANEL

13.1. Powers and Duties of an Adjudicating Hearing Panel

13.1.1. An Adjudicating Hearing Panel is empaneled by the Chair of the Adjudicating Working Group to hear and resolve a Professional Practice Review matter.

13.1.2. An Adjudicating Hearing Panel can issue a written Decision with reasons to:

13.1.2.1. dismiss a Complaint on the basis that one or more of the grounds listed in subsection 11 apply in respect of the Complaint; or

13.1.2.2. impose any one or more Sanctions pursuant to section 18; or

13.1.2.3. make a recommendation of Expulsion to the Board pursuant to subsection 18.8; or

13.1.2.4. impose the Sanctions included in a proposed Settlement Agreement submitted for their consideration by a Professional Practice Advocate and a Member subject to a Complaint pursuant to subsection 15.3 if the Adjudicating Hearing Panel is satisfied that the proposed Settlement Agreement is consistent with the AIC By-Laws, Code of Conduct, AIC Policies, and CUSPAP; and

13.1.2.5. make an award of Costs in accordance with section 20.

13.1.3. The Adjudicating Hearing Panel can attach such terms or conditions to a Decision as it deems appropriate.

13.2. Adjudicating Hearing Panel Decision to be Issued within Sixty Days

13.2.1. The Adjudicating Hearing Panel Decision whenever possible will be issued in writing within sixty (60) days of the date upon which a Hearing concludes.

13.2.2. An Adjudicating Hearing Panel Decision will be effective on the date on which it is issued, unless otherwise specified in the Decision.

14. APPEAL HEARING PANEL

14.1. Appeal Working Group Can Decide Not to Hear Appeal

14.1.1. After the submission of an application for appeal but before a scheduled Appeal Working Group Hearing, on motion by a Professional Practice Advocate or the Member, or on their own volition, an Appeal Hearing Panel, or if a Hearing Panel has not been struck, the Appeal Working Group Chair can decide not to consider an appeal for one or more of the following reasons:

14.1.1.1. the appeal is frivolous or without reasonable chance of success;

14.1.1.2. the appeal was not submitted within the timelines established, or

14.1.1.3. there is no substantive basis supporting the appeal provided in the application for appeal.

14.2. Powers and Duties of an Appeal Hearing Panel

14.2.1. An Appeal Hearing Panel will hear all appeals permitted under this Policy as per subsection 16.1 and provide a written decision with reasons.

14.2.2. In determining an appeal, the Appeal Hearing Panel can make a Decision that:

14.2.2.1. affirms the appealed Decision;

14.2.2.2. varies the appealed Decision;

14.2.2.3. quashes the appealed Decision;

14.2.2.4. if the appeal arises out of a Complaint, remits the Complaint to:

14.2.2.4.1. the Adjudicating Hearing Panel for reconsideration of such parts of the Adjudicating Hearing Panel Decision as the Appeal Hearing Panel can direct; or

14.2.2.4.2. the Adjudicating Working Group for a new Hearing before a new Adjudicating Hearing Panel with any directions or instructions the Appeal Hearing Panel deems appropriate.

14.3. Appeal Hearing Panel Can Award Costs

14.3.1. An Appeal Hearing Panel hearing and deciding an appeal can make an award of costs in accordance with section 20.

14.4. Standard of Review at Appeal Working Group Hearing

14.4.1. The standard of review for an Appeal Hearing Panel is correctness for all questions except those respecting:

- 14.4.1.1. the exercise of discretion,
- 14.4.1.2. findings of fact, and
- 14.4.1.3. the application of the common law rules of natural justice and procedural fairness.
- 14.4.2. An Appeal Hearing Panel must not set aside a discretionary Decision unless the discretion:
 - 14.4.2.1. was exercised arbitrarily or in bad faith;
 - 14.4.2.2. was exercised for an improper purpose; or
 - 14.4.2.3. was based entirely or predominantly on irrelevant factors.
- 14.4.3. An Appeal Hearing Panel must set aside a finding of fact if:
 - 14.4.3.1. there is no evidence to support it; or
 - 14.4.3.2. in light of all the evidence, the finding of fact is unreasonable.
- 14.4.4. Decisions involving the application of the common law rules of natural justice and procedural fairness must be decided based on whether, in all circumstances, the Decision-Maker acted fairly.

14.5. Evidence Allowed at Appeal Working Group Hearing

- 14.5.1. An Appeal Working Group Hearing of an appeal of a Decision of the Adjudicating Working Group is not a hearing “de novo”.
 - 14.5.1.1. New evidence will not be considered unless the Appeal Hearing Panel is satisfied that such evidence was not reasonably available at the time of the Adjudicating Working Group Hearing and that the new evidence is relevant and material to an issue in the appeal.
- 14.5.2. Despite sub-subsection 14.5.1, in the case of an Administrative Appeal, the Appeal Hearing Panel can in its discretion admit and consider evidence that may have reasonably been available at the time of, but not presented in, the original proceeding that the Appeal Hearing Panel deems relevant and material to an issue in the appeal.

14.6. Appeal Hearing Panel Decision to be Issued Within Sixty Days

- 14.6.1. An Appeal Hearing Panel will issue its Decision with reasons in writing whenever possible within sixty (60) days of the date upon which a Hearing concludes.
- 14.6.2. The Appeal Hearing Panel’s Decision will be effective on the date on which it is issued, unless otherwise specified in the Decision.

14.7. Appeal Hearing Panel Decision is Final

- 14.7.1. Appeal Hearing Panel Decisions are final and not subject to appeal.

15. DECISIONS

15.1. Actions that are Sanctionable

- 15.1.1. Sanctions can be applied for any intentional or unintentional act or omission that breaches the AIC By-Laws, Code of Conduct, AIC Policies, or CUSPAP.
- 15.1.2. Without limiting the generality of 15.1.1., Sanctions can be applied to any of the following acts or omissions:
 - 15.1.2.1. any act or omission that is detrimental to the public interest or harms the integrity of the profession or otherwise breaches the Code of Conduct;
 - 15.1.2.2. practicing without valid insurance;
 - 15.1.2.3. administrative infractions including:
 - 15.1.2.3.1. failure to properly register in the Candidate Co-Signing Registry maintained by the AIC;
 - 15.1.2.3.2. failure to properly register in a non-member registry maintained by the AIC;
 - 15.1.2.3.3. failure to properly register in the Fee or Non-fee category;
 - 15.1.2.4. any non-compliance with an order, an undertaking, or a Sanction;
 - 15.1.2.5. any non-cooperation with an AIC Professional Practice Review;
 - 15.1.2.6. any false or misleading statements made by a Member during an AIC Professional Practice Review or to an AIC Committee;
 - 15.1.2.7. any harassment or inappropriate conduct directed towards any member of the Board; or any member of an AIC Committee or its Sub-Committees, Working Committees, Working Groups, or any employee or Officer of the AIC or of an AIC Provincial Affiliate;
 - 15.1.2.8. any inappropriate disclosure of confidential information including: the contents of all reports and documents, the source of a Complaint or the existence of any Professional Practice Review file held by the AIC, or the details of any interim or final Decision; or
 - 15.1.2.9. any inappropriate conduct directed towards a Complainant.

15.2. Previous Sanctions will be Considered

- 15.2.1. A record of previous sanctions in the AIC's National Professional Practice Record will be considered in determining an appropriate Sanction in any subsequent Professional Practice Review matters.

15.3. Settlement Agreements

- 15.3.1. If the Member and a Professional Practice Advocate reach a proposed Settlement Agreement for the resolution of a Professional Practice Review matter or an Appeal; a Professional Practice Advocate can submit the proposed Settlement Agreement for a Decision to:
 - 15.3.1.1. a Hearing Panel, if one has been empaneled for the matter, or
 - 15.3.1.2. to the Chair of the Adjudicating or Appeal Working Group, as applicable, if a Hearing Panel has not yet been empaneled.
- 15.3.2. The Chair or Hearing Panel considering the proposed Settlement Agreement must do one of the following:
 - 15.3.2.1. make a Decision approving and giving effect to the proposed Settlement Agreement that does not modify or vary in any way the terms of the proposed Settlement Agreement if the terms of settlement are deemed to be an appropriate resolution to the Professional Practice Review matter or to the Appeal and are consistent with the AIC By-Laws, Code of Conduct, AIC Policies, and CUSPAP; or
 - 15.3.2.2. decline to make such a Decision and provide the parties with reasons for declining.
- 15.3.3. If the proposed Settlement Agreement is declined, the Chair or the Hearing Panel, as applicable, can provide an opportunity for the parties to:
 - 15.3.3.1. modify the proposed Settlement Agreement to ensure consistency with the AIC By-Laws, Code of Conduct, AIC Policies, and CUSPAP; and
 - 15.3.3.2. submit the modified proposed Settlement Agreement for reconsideration.

15.4. Notice of Decisions

- 15.4.1. In accordance with section 6, the AIC will send the Professional Practice Advocate, the Member, the Complainant, any Intervener, and any Professional Practice Committee member taking part in a Professional Practice Review matter:
 - 15.4.1.1. a copy of a final Decision made by the Adjudicating Working Group;
 - 15.4.1.2. a copy of a final Decision made, by the Appeal Working Group; or
 - 15.4.1.3. a copy of a final Decision made by the Board.

16. APPEAL OF A DECISION

16.1. Right of Appeal

- 16.1.1. A Member can apply to the Appeal Working Group for appeal of:
 - 16.1.1.1. an Adjudicating Hearing Panel Decision; or
 - 16.1.1.2. any decision identified as appealable by AIC By-Laws or AIC Policy.

16.2. Form of Application for Appeal

16.2.1. An application for appeal must be:

- 16.2.1.1. made on the AIC Application for Appeal form;
- 16.2.1.2. submitted to the AIC within thirty (30) days of the date of the Decision being appealed;
- 16.2.1.3. when submitted by a Member, accompanied by payment of an appeal application fee in accordance with applicable, current AIC Policies; and
- 16.2.1.4. signed by the Member or by the Member and their counsel or agent or in the case of an appeal by the AIC, signed by a Professional Practice Advocate or their delegate.

16.3. Application Fee May be Refunded

- 16.3.1. The appeal application fee may be refunded as directed by an Appeal Hearing Panel in its Decision if the Appeal Hearing Panel determines that the Member was substantially or fully successful in the appeal.

16.4. Request for Extension

- 16.4.1. The Member, or Professional Practice Advocate on behalf of the AIC, must request an extension beyond the thirty (30) day deadline to submit the application for appeal, prior to the thirty (30) day deadline.
 - 16.4.1.1. An Appeal Working Group Chair will consider the request and can allow a reasonable extension to the deadline, only if satisfied that special circumstances exist.
- 16.4.2. Despite sub-subsection 16.4.1.1, if the deadline of thirty (30) days has expired, the Member or the Professional Practice Advocate on behalf of the AIC can request an extension.
 - 16.4.2.1. An Appeal Working Group Chair can allow a reasonable extension to the deadline, only if satisfied that special circumstances exist.
- 16.4.3. Despite subsection 16.4.1, if an application for Appeal is deficient or if the appeal application fee is outstanding, an Appeal Working Group Chair can allow a reasonable period of time for correction of the application or payment of the fee, only if satisfied that special circumstances exist.

16.5. Appeal Does Not Operate as a Stay

- 16.5.1. The submission of an application for appeal will not operate as a stay of a Decision.
- 16.5.2. A Member can bring a motion to the Appeal Hearing Panel Chair to request a stay of a Decision after filing an application for appeal.

- 16.5.3. On a motion to stay a Decision, the Appeal Hearing Panel Chair can stay any, or all, parts of a Decision on such terms as are deemed appropriate.

17. COMPLIANCE

17.1. Compliance with a Decision

- 17.1.1. The AIC will ensure and administer compliance with a Decision.
- 17.1.2. A Member's failure to comply with the terms of an Adjudicating or Appeal Working Group Decision, final or otherwise, within the timelines established in that Decision or by a granted extension:
 - 17.1.2.1. will result in Suspension of Membership for a period of thirty (30) days; and
 - 17.1.2.2. the AIC will provide notice of Suspension to the Member.
 - 17.1.2.3. This is an administrative action and does not require a Hearing.
 - 17.1.2.4. The Member will be provided with the opportunity to make written submissions to the AIC in response to the notice of Suspension.
- 17.1.3. Failure to comply with a Sanction within 30 days after Suspension will result in a recommendation for Expulsion by the AIC to the Board for a vote in accordance with AIC By-Laws.
 - 17.1.3.1. This is an administrative action and does not require a Hearing.
 - 17.1.3.2. The Member will be provided with the opportunity to make written submissions in accordance with AIC By-Laws.
- 17.1.4. Where Expulsion is recommended, the Member will remain suspended until the Board vote and any right of appeal as provided by the AIC By-Laws has been finally determined.
- 17.1.5. If the Board votes for Expulsion, Notice of the Expulsion will be published in accordance with section 19 and notice will be provided to the Member.

17.2. Effect of Member Status on Compliance: Resignation

- 17.2.1. Where a Member has resigned prior to the rendering of a final Decision:
 - 17.2.1.1. the Professional Practice Review will proceed to a final Decision;
 - 17.2.1.2. any Sanctions and orders for Costs imposed on the Member will remain on the Member's Professional Practice Record until such time as the Member applies for reinstatement regardless of the defined duration of the Sanction;
 - 17.2.1.3. the resignation period prior to reinstatement of the Member will not be counted toward the duration of the Sanctions imposed on the Member; and

17.2.1.4. the reinstatement date will be considered the start date of the duration of any imposed Sanctions and orders for Costs during the resignation period of the Member regardless of the date of the final Decision.

17.2.2. Publication of Sanctions will be in accordance with section 19.

17.3. Effect of Member Status on Compliance: Retirement

17.3.1. Where a Member has retired prior to the rendering of a final Decision:

17.3.1.1. the Complaint Review will proceed to a final Decision;

17.3.1.2. compliance with a Sanction of Reprimand, Education, Peer Review, or Fine and any order for Costs will be placed in abeyance until such time as the Member applies for reinstatement to active membership status;

17.3.1.2.1. these Sanctions will remain on the Member's Professional Practice Record until such time as the Member applies for reinstatement to active membership status;

17.3.1.2.2. the retirement period prior to reinstatement of the Member will not be counted toward the duration of the Sanctions imposed on the Member; and

17.3.1.2.3. the reinstatement date will be considered the start date of the duration of any Sanctions imposed and orders for Costs during the retirement period of the Member regardless of the date of the final Decision.

17.3.2. A Sanction of Censure, Suspension, Suspension of Co-signing, or Expulsion:

17.3.2.1. will be entered into the Member's Professional Practice Record; and

17.3.2.2. will not be placed in abeyance.

17.3.3. Publication of Sanctions will be in accordance with section 19.

17.4. Requirements for Reinstatement

17.4.1. A Resigned or a Retired Member seeking reinstatement to active membership status must make an application pursuant to and in accordance with applicable AIC Policies for reinstatement.

17.5. Deceased

17.5.1. Where a Member passes away prior to a Decision or implementation of a Decision, compliance with a Sanction and any order for Costs will be placed in abeyance in perpetuity.

- 17.5.2. Upon notice of the death of a Member, the AIC will cease any Publication in accordance with section 19.

18. DEFINITIONS OF SANCTIONS

18.1. Reprimand

- 18.1.1. A Reprimand is a written warning calling a Member's attention to a breach of the AIC By-Laws, Code of Conduct, AIC Policies, or CUSPAP.
- 18.1.1.1. A Reprimand is entered into and remains on the Member's AIC National Professional Practice Record for a period of five (5) years.

18.2. Education

- 18.2.1. An Education Sanction is a requirement to successfully complete a specific educational course, or courses drawn from the AIC's program of professional studies or the CPD Program or equivalent offered by the AIC, the AIC's educational partners, or an appropriate post-secondary institution.
- 18.2.1.1. An Education Sanction is to be:
- 18.2.1.1.1. completed at a Member's own expense;
 - 18.2.1.1.2. completed within the deadline indicated in a Decision unless a Member requests, and is granted, additional time; and
 - 18.2.1.1.3. entered into and remain on the Member's AIC National Professional Practice Record for a period of five (5) years.
- 18.2.1.2. A Member:
- 18.2.1.2.1. is required to provide the AIC with proof of successful completion of the Education Sanction; and
 - 18.2.1.2.2. can claim CPD credits only as permitted by AIC Policies.

18.3. Peer Review

- 18.3.1. A Peer Review is a compliance review of Professional Service Reports.
- 18.3.1.1. A Member must submit a Report:
- 18.3.1.1.1. in accordance with the requirements of the Decision, and
 - 18.3.1.1.2. within the deadline indicated in the Decision unless the Member requests, and is granted, additional time.
- 18.3.1.2. If the first Report provided by the Member fails a Peer Review, the Member must:

- 18.3.1.2.1. submit a second Report for Peer Review within the deadline indicated by the AIC.
- 18.3.1.3. If the second Report provided by the Member fails a Peer Review, the Member must:
 - 18.3.1.3.1. submit a third Report for Peer Review within the deadline indicated by the AIC.
- 18.3.1.4. If the third Report submitted by the Member fails a Peer Review:
 - 18.3.1.4.1. the Member must pay a fine of \$1,000; and
 - 18.3.1.4.2. the matter will be referred to the Board for consideration and determination if:
 - the Member will be allowed to continue membership in the AIC, and
 - if so, under what conditions their membership in the AIC can continue.
- 18.3.1.5. The Peer Review Sanction is to be entered into and remain on the Member's AIC National Professional Practice Record for a period of five (5) years.
- 18.3.1.6. The Member participating in Peer Review can claim CPD credits only as permitted by AIC Policies.

18.4. Fine

- 18.4.1. A fine is a payment of money.
 - 18.4.1.1. The minimum amount imposed as a Fine will be \$1,500.
 - 18.4.1.2. The maximum amount imposed as a Fine will be at the discretion of the Decision-Maker.
 - 18.4.1.3. The amount of each Fine imposed for breaches by a Member of the AIC By-Laws, Code of Conduct, AIC Policies, or CUSPAP in consecutive Decisions can be increased at the discretion of each subsequent Decision-Maker.
 - 18.4.1.4. Fines are to be paid within the deadline indicated in a Decision unless a Member requests, and is granted, additional time.
 - 18.4.1.5. The Fine Sanction is to be entered into and remain on the Member's AIC National Professional Practice Record for a period of five (5) years.

18.5. Censure

18.5.1. A Censure is a formal written public expression of criticism and disapproval of a Member for a breach of the AIC By-Laws, Code of Conduct, AIC Policies, or CUSPAP.

18.5.1.1. The Censure Sanction will be entered permanently on the Member's AIC National Professional Practice Record and may create adverse consequences for the Member on similar findings.

18.6. Suspension

18.6.1. A Suspension is a temporary revocation of a Member's privileges of membership in the AIC for a period of up to two (2) years, and upon such terms as determined by order of an Adjudicating or Appeal Hearing Panel; and

18.6.1.1. A suspended Member continues to be a Member of the AIC but is not considered to be a Member in Good Standing.

18.6.1.2. During the period of Suspension, a suspended Member:

18.6.1.2.1. loses all Member privileges;

18.6.1.2.2. cannot participate in, and loses insurance coverage under, the AIC Professional Liability Insurance Program;

18.6.1.2.3. must not in any way identify themselves as a Member in Good Standing of the AIC;

18.6.1.2.4. if Designated, must not use their Designation for any purpose including co-signing;

18.6.1.2.5. if a Candidate Member, must not identify themselves as a Candidate Member of the AIC;

18.6.1.2.6. must advise their employer and clients of their Suspension and insurance status; and

18.6.1.2.7. must not perform any Professional Services or Professional Assistance as defined in CUSPAP.

18.6.1.3. The Suspension Sanction will be entered permanently on the Member's AIC National Professional Practice Record and may create adverse consequences on similar findings.

18.7. Suspension of Co-signing Privileges

18.7.1. Suspension of Co-signing Privileges means the revocation of a Designated Member's privilege to co-sign Reports signed by Candidate Members for a period of up to two (2) years.

- 18.7.1.1. During the period of Suspension of Co-signing Privileges, the Designated Member:
 - 18.7.1.1.1. will be banned from the AIC Co-signing Registry until the period of Suspension of Co-signing Privileges has expired; and
 - 18.7.1.1.2. will not be allowed to register with any Candidates in the AIC Co-signing Registry co-signing relation.
- 18.7.1.2. Any co-signing relationships the Designated Member has registered in the AIC Co-signing Registry will be deactivated until the period of Suspension of Co-signing Privileges has expired.
- 18.7.1.3. The Suspension of Co-signing Privileges Sanction will be entered permanently on the Member's AIC National Professional Practice Record and may create adverse consequences for the Member on similar findings.

18.8. Expulsion

- 18.8.1. Expulsion of a Member means the removal of a Member from membership in the AIC.
 - 18.8.1.1. A Decision recommending Expulsion of a Member will be submitted to the Board for a vote in accordance with the AIC By-Laws.
 - 18.8.1.2. Between the date of an Adjudicating or Appeal Working Group Decision and the date of a Board decision to Expel, a Suspension of the Member's privileges of membership in the AIC will be imposed.
 - 18.8.1.3. The Member will be provided with the opportunity to make written submissions to the Board in accordance with AIC By-Laws.
 - 18.8.1.4. A Decision by the Board to expel a Member cannot be appealed except as provided in the AIC By-Laws. There is no right to a further Hearing except as provided in the AIC By-Laws.
 - 18.8.1.5. Expulsion from the AIC will be entered permanently on the Member's AIC National Professional Practice Record.
 - 18.8.1.6. A Member that has been expelled will not be considered for reinstatement of membership in the AIC for a period of not less than five (5) years.

19. PUBLICATION OF SANCTION

19.1. Publication

- 19.1.1. When the resolution of a Professional Practice Review includes one or more of the following Sanctions:
 - 19.1.1.1. Reprimand

- 19.1.1.2. Education
- 19.1.1.3. Fine; and/or
- 19.1.1.4. Peer Review
- 19.1.1.5. It will be added to a compilation of resolutions that will be published on a publicly accessible area of the AIC website on a regular basis.
- 19.1.1.6. A Member's name and Designation, or in the case of a Candidate Member, their name and Candidate status, will not be included in the compilation.
- 19.1.1.7. This information will remain on the public area of the website for a period of 5 years as per sections 18.1, 18.2, 18.3, and 18.4.
- 19.1.2. To safeguard public confidence, ensure consumer protection, and preserve the integrity of the profession or the AIC:
 - 19.1.2.1. a Member's name and Designation, or in the case of a Candidate Member, their name and Candidate status, will be entered on a publicly accessible list of Censured, Suspended, Suspended from Co-signing, and Expelled Members, and
 - 19.1.2.2. each entry will indicate the type of Sanction, why it was imposed, and the date it was imposed when the resolution of a Professional Practice Review includes one or more of the following Sanctions:
 - 19.1.2.2.1. Censure,
 - 19.1.2.2.2. Suspension,
 - 19.1.2.2.3. Suspension of Co-signing privileges, and/or
 - 19.1.2.2.4. Expulsion
 - 19.1.2.3. and a copy of the Decision will be made available on the publicly accessible area of the AIC website.
 - 19.1.2.4. This information will remain on the public area of the AIC website permanently.
- 19.1.3. At their discretion, an Adjudicating or Appeal Hearing Panel can order that a public notice containing the Member's name and Designation, or in the case of a Candidate Member, their name and Candidate Status, will be placed in or on a media source in the interests of public confidence and consumer protection.
 - 19.1.3.1. Where publication in or on a media source is ordered, the Member will reimburse the AIC for the costs of publication.
 - 19.1.3.2. Failure to reimburse the AIC will result in a recommendation to the Board for Expulsion from the AIC.

- 19.1.4. At its discretion, the AIC can use redacted summaries of Professional Practice Review resolutions for educational, training, or professional practice instruction purposes.

20. COSTS

20.1. Costs

- 20.1.1. The calculation of costs will be based on factors including:
- 20.1.1.1. the travel and accommodation expenses incurred by authorized Committee, Sub-Committee, and Working Group members, external resources, and AIC staff arising from the administration and resolution of a Professional Practice matter or an Administrative Appeal;
 - 20.1.1.2. the fees of any internal or external advisors or resources arising from the administration and resolution of a Professional Practice matter or an Administrative Appeal;
 - 20.1.1.3. the administrative costs incurred by the AIC arising from a Professional Practice matter or an Administrative Appeal; and
 - 20.1.1.4. the cost of publication in external media.
- 20.1.2. A Member and the AIC can make submissions on Costs.
- 20.1.3. A Member must pay Costs within the deadline indicated in a Decision unless a Member requests, and is granted, an extension in accordance with 17.1.
- 20.1.4. Failure to pay Costs within the deadline indicated in a Decision or by a granted extension will result in Suspension of membership for a period of thirty (30) days.
- 20.1.4.1. This is an administrative action and does not require a Hearing or further consideration.
 - 20.1.4.2. A Member will be provided with the opportunity to make written submissions to the AIC Board of Directors in response to the notice of Suspension in accordance with AIC By-Laws.
- 20.1.5. Failure to pay Costs within thirty (30) days after Suspension will result in a recommendation for Expulsion by the AIC to the Board for a vote in accordance with By-Laws.
- 20.1.5.1. This is an administrative action and does not require a Hearing or further consideration.
- 20.1.6. Where Expulsion is recommended, the Member will remain suspended until the Board vote and any right of appeal as provided by the AIC By-Laws has been finally determined.
- 20.1.7. The Member will be provided with the opportunity to make written submissions to the Board in accordance with AIC By-Laws.

- 20.1.8. If the Board votes for Expulsion, Notice of the Expulsion will be published in accordance with section 19 and notice will be provided to the Member in the manner required by this Policy.
- 20.1.9. Members will not be entitled to claim or otherwise seek reimbursement of expenses, charges, or costs in any form incurred in connection with a Complaint or an Administrative Appeal, regardless of the outcome of the Complaint or the Administrative Appeal.

21. INTERIM DECISIONS

21.1. Interim Decisions

- 21.1.1. A Hearing Panel, or if a Hearing Panel has not yet been empaneled, the Chair of the Adjudicating or Appeal Working Group as applicable, on their own initiative or if requested by a Professional Practice Committee member, an Officer of the AIC, the Member, or an intervener to a Hearing can make an Interim Decision:
 - 21.1.1.1. for which a rule is made by the Professional Practice Committee under subsection 5.1; or
 - 21.1.1.2. in relation to any matter that the Chair of the Adjudicating or Appeal Working Group, as applicable, or Hearing Panel considers necessary for purposes of controlling the process and proceedings to facilitate the just and timely resolution of a matter involving:
 - 21.1.1.2.1. the investigation or Hearing of a Professional Practice Review matter or an Appeal, or
 - 21.1.1.2.2. an application under subsection 21.4 or 21.5 of this Policy.

21.2. Application for Interim Decision

- 21.2.1. Unless otherwise provided in this Policy, the following applies to applications for Interim Decisions when the review, adjudication, or appeal processes for a Professional Practice Review matter or an Administrative Appeal are in progress:
 - 21.2.1.1. A Member, a representative for the AAC, a representative for the Board, or Professional Practice Advocate seeking interim relief ("Applicant") will submit a written application to the AIC setting out:
 - 21.2.1.1.1. the file number under which the application is made;
 - 21.2.1.1.2. the name of the Member, the representative for the AAC, the representative for the Board, or the Professional Practice Advocate, as the case may be, who is participating in the Professional Practice Review Process or the Administrative Appeal process ("Respondents");
 - 21.2.1.1.3. a description of the relief sought; and

- 21.2.1.1.4. reasons why the relief should be granted.
- 21.2.1.2. Upon receipt of a written application for interim relief, the AIC will provide a copy of the application to the Respondents.
- 21.2.1.3. The Respondents will provide a written response within ten (10) days of receiving a copy of the application from the AIC. The written response will state:
 - 21.2.1.3.1. which parts of the application are not objected to;
 - 21.2.1.3.2. which parts of the application are objected to and the reasons for the objection.
- 21.2.1.4. Upon receipt of a written response to the application, if any, the Applicant must file any written reply within five (5) days of receipt of the written response.
- 21.2.1.5. Upon the expiry of the time for filing a written reply by the Applicant, the AIC will forward copies of the application and any response and reply to:
 - 21.2.1.5.1. the Chair of the Adjudicating or the Appeal Working Group, as applicable, if no Hearing has yet been requisitioned; or
 - 21.2.1.5.2. the Chair of the Hearing Panel if a Hearing has been requisitioned.
- 21.2.1.6. The applicable Chair will make an interim decision in writing pursuant to the application and a copy of the of the Interim Decision will be provided to the Applicant and all Respondents.

21.3. Non-Compliance with Interim Decision

- 21.3.1. If a Member or the AIC fails to comply with an Interim Decision the Chair of the Adjudicating or Appeal Working Group or the Hearing Panel, as applicable, after giving notice to the non-compliant party, can decide to do one or more of the following:
 - 21.3.1.1. order a Professional Practice Review or an investigation to proceed with or without providing an opportunity to the non-compliant party to make submissions;
 - 21.3.1.2. proceed with or continue to proceed with any Hearing underway and make a Decision based on the information before it, with or without providing an opportunity to the non-compliant party to make submissions; and
 - 21.3.1.3. make any further order it considers appropriate in the circumstances.

21.4. Procedure for Interim Sanction: Non-Cooperation

- 21.4.1. Where a Member refuses to fully cooperate with a Professional Practice Review or any other investigation pursuant to this Policy, the Investigator will prepare and submit a report summarizing the findings to date and details of the non-compliance to a Professional Practice Advocate.

- 21.4.2. On receipt of this report, a Professional Practice Advocate can requisition a Hearing before an Adjudicating Hearing Panel to seek an order for Suspension.
 - 21.4.2.1. Notice of this requisition of an Adjudicating Working Group Hearing will be provided to the Member.
- 21.4.3. An Adjudicating Working Group Hearing will be scheduled not less than ten (10) days after the date of the notice to the Member.
- 21.4.4. Standard Adjudicating Working Group Hearing procedures will be observed at this Hearing including presentation of evidence and submission of documents.
- 21.4.5. The Adjudicating Hearing Panel on considering the facts and submissions of the parties, can make an Interim Decision for Suspension against the Member and for any other Sanction that may be appropriate.
 - 21.4.5.1. The Interim Decision will be provided to the Member along with written reasons for the imposition of any Sanction.
 - 21.4.5.2. The Interim Decision can also address any interim matter(s) that the Adjudicating Hearing Panel deems necessary for the just and timely resolution of the Professional Practice Review matter.
- 21.4.6. The Interim Decision will indicate that if the Member does not comply with the terms of the order within sixty (60) days of date of the order:
 - 21.4.6.1. the Professional Practice Review can proceed without the Member's participation; and
 - 21.4.6.2. an Adjudicating Working Group Hearing can take place which may result in a recommendation for Expulsion.
- 21.4.7. Where a Member has not complied with the order within a period of sixty (60) days from the date of the Interim Decision, the Investigator will prepare and submit a report summarizing the findings to date and details of the continued non-compliance to a Professional Practice Advocate.
- 21.4.8. A Professional Practice Advocate can requisition a Hearing before an Adjudicating Hearing Panel to seek a Decision to recommend Expulsion.

21.5. Procedure for Interim Sanction: Public Interest

- 21.5.1. If the interests of public protection require immediate action before the completion of a Professional Practice Review and a final Decision is rendered, the Investigator will prepare and submit a report outlining the particulars of the public interests that require protection to a Professional Practice Advocate.

21.5.2. On receipt of this report, a Professional Practice Advocate will requisition an Adjudicating Working Group Hearing before an Adjudicating Hearing Panel seeking an Interim Decision for the Suspension of the Member, any other Sanction that may be appropriate, and any other order that can be made by the Adjudicating Working Group in a Hearing.

21.5.2.1. Notice of this requisition of a Hearing will be provided to the Member.

21.5.3. An Adjudicating Working Group Hearing will be scheduled not less than ten (10) days after the date of the notice to the Member.

21.5.4. Standard Adjudicating Working Group Hearing procedures will be observed at this Hearing including presentation of evidence and submission of documents.

21.5.5. The Adjudicating Hearing Panel on considering the facts and submissions of the parties, can make an Interim Decision for Suspension against the Member and for any other Sanction that may be appropriate.

21.5.5.1. The Interim Decision will be provided to the Member along with written reasons for the imposition of any Sanction.

21.5.5.2. The Interim Decision can also address any interim matter(s) that the Adjudicating Hearing Panel deems necessary for the just and timely resolution of the Professional Practice Review matter.

21.6. Interim Decision is Not Subject to Appeal

21.6.1. Any Interim Decision made in respect of an application under this section (21) is final and not subject to appeal.

21.7. Advocate or Member can Apply for Vacating of Interim Decision

21.7.1. A Professional Practice Advocate can submit an application to the Chair of the Adjudicating or Appeal Working Group or the Hearing Panel, as applicable, to vacate the Sanction imposed pursuant to subsections 21.4 and 21.5 if the Member who is subject to the Sanction has complied or has demonstrated a willingness to comply with any Interim Decisions made pursuant to sub-subsection 21.4 or 21.5.

21.7.2. Where a Professional Practice Advocate does not apply to the Chair of the Adjudicating or Appeal Working Group or the Hearing Panel, as applicable, to vacate the Sanction, the Member can apply to the Chair of the Adjudicating or Appeal Working Group or the Hearing Panel, as applicable, to have the Sanction vacated.

21.7.3. Upon receiving the application to vacate the Sanction, the Chair of the Adjudicating or Appeal Working Group or the Hearing Panel, as applicable, can decide to do any one of the following:

21.7.3.1. decline to order that the Sanction be vacated;

21.7.3.2. order that the Sanction be vacated; or

21.7.3.3. order that the Sanction be vacated with conditions, including pertaining to timelines, deadlines, exchange of documents, or the exchange of witness statements.

22. NOTICE AND SERVICE

22.1. Notice and Service of Documents

- 22.1.1. If the AIC is required to provide a notice or any document to a party or other person in a Professional Practice Review matter or an Administrative Appeal, it can do so by personal service of a copy of the notice or document (“the copy”) or by sending the copy to the party or other person by any of the following means:
 - 22.1.1.1. ordinary mail;
 - 22.1.1.2. electronic transmission, including electronic mail or transmission of a facsimile; or
 - 22.1.1.3. another method that allows proof of receipt.
- 22.1.2. If the copy is sent by ordinary mail, it must be sent to the most recent address known to the AIC and will be considered to be received on the fifth (5th) day after the day it is mailed.
- 22.1.3. If the copy is sent by electronic mail or transmission of a facsimile, it must be sent to the most recent email address or facsimile number known to the AIC and will be considered to be received on the day after it was sent.
- 22.1.4. If the copy is sent by means other than by regular mail, electronic mail, or transmission of a facsimile, it will be considered to be received on the day after it was sent.
- 22.1.5. In all cases, if the copy is received by a member on a day that is a holiday, the copy will be considered to be received on the next day that is not a holiday.
- 22.1.6. If, through absence, accident, illness, or some other cause beyond the control of a Member and the Member, acting in good faith, does not receive the copy until a date later than the date provided in sub-subsections 22.1.2, 22.1.3, or 22.1.4, the Member can make a request for an extension of time.
- 22.1.7. Any notice or reply or correspondence by a Member that is required to be delivered to the AIC must be delivered to the AIC’s national office in the manner provided for in sub-subsection 22.1.1. The AIC will be responsible for ensuring copies are provided to the appropriate Professional Practice Committee members.
- 22.1.8. Unless directed, a Member will not send correspondence or other form of communication to Professional Practice Committee, Sub-Committee, or Working Group members, or Board Directors at their residence or place of employment in relation to a Professional Practice Review or Administrative Appeal.

- 22.1.9. If a notice or document is not served in accordance with subsection 22.1, the proceeding is not invalidated if:
- 22.1.9.1. the Member knew that the notice or document had been served within the time allowed for service;
 - 22.1.9.2. the Member consents; or
 - 22.1.9.3. the failure to serve within the time allowed for service does not result in prejudice to the Member, or any resulting prejudice can be remedied by an adjournment or other means.

23. HEARING PROCEDURAL MATTERS

23.1. Organization of Hearing Panel

- 23.1.1. The Chair of the Adjudicating or Appeal Working Group (the “Working Group Chair”), as appropriate, can organize their Working Group into Hearing Panels, each comprised of one (1) to three (3) Working Group members.
- 23.1.2. If the Chair of the Adjudicating or Appeal Working Group, as applicable, organizes a Hearing Panel comprised of more than one (1) member, the Chair of the Adjudicating or Appeal Working Group, as applicable, must designate one (1) of those Working Group members as Chair of the Hearing Panel.
- 23.1.3. The members of the Hearing Panel sit as representatives of their Working Group.
- 23.1.4. A Hearing Panel has jurisdiction and can exercise the powers and perform the duties of its Working Group.
- 23.1.5. The decision of a majority of the members of a Hearing Panel is considered to be a Decision of its Working Group.
- 23.1.6. Where the written reasons for a Hearing Panel Decision include a dissenting opinion from a minority of the Hearing Panel members, it is the opinion of the majority of the Hearing Panel members that is deemed the Decision of their Working Group.
- 23.1.7. In the case of a tie among the members of the Hearing Panel, the decision of the Chair of the Hearing Panel prevails.
- 23.1.8. If a member of a Hearing Panel is unable for any reason to complete their duties, the remaining members of that Hearing Panel, with the consent of their Working Group Chair, can continue to hear and determine the matter, and the vacancy does not invalidate the proceeding.
 - 23.1.8.1. If a Hearing Panel is comprised of one (1) member and that member is unable for any reason to complete their duties, the Chair of the Adjudicating or Appeal Working Group, as applicable, will organize a new Hearing Panel to hear and determine the matter and the vacancy does not invalidate the proceeding.

- 23.1.9. The Hearing Panel Chair or a member of the Hearing Panel designated to act as the Hearing Panel Chair can hear and decide any interim or preliminary matter in a Professional Practice Review matter or an Administrative Appeal.
- 23.1.10. Wherever possible, the composition of a Hearing Panel will be disclosed to the Member at least thirty (30) days prior to the date set for a Hearing.
 - 23.1.10.1. The sole basis upon which a Member can object to a member of a Hearing Panel is conflict of interest.
 - 23.1.10.2. Any objections should be brought to the attention of the Hearing Panel Chair not later than seven (7) days after receipt of the notice of the composition of the Hearing Panel as provided in subsection 22.1.1.
- 23.1.11. Two (2) or more Hearing Panels can sit at the same time to hear different matters.

23.2. Stay of Proceedings

- 23.2.1. A Member can make an application for a stay of proceedings or an adjournment of a hearing under this subsection.
- 23.2.2. A stay of proceedings can be granted to place a Professional Practice Review in abeyance.
- 23.2.3. An adjournment of a Hearing can be granted to place a Hearing of a Professional Practice Review matter in abeyance.
- 23.2.4. Where:
 - 23.2.4.1. A Professional Practice matter is under review and a Hearing Panel has not been empaneled, the Professional Practice Committee member with carriage of the Professional Practice Review file can review and decide upon the application for a stay of proceedings made pursuant to this subsection.
 - 23.2.4.2. A Hearing has been requisitioned but a Hearing Panel has not yet been empaneled, the Chair of the Adjudicating or Appeal Working Group, as applicable can review and decide upon the application for a stay of proceedings made pursuant to this subsection.
 - 23.2.4.3. A Hearing Panel has been empaneled, the Hearing Panel Chair can review and decide upon the application for a stay of proceedings made pursuant to this subsection.
- 23.2.5. In considering a request for a stay of proceedings or an adjournment of a Hearing the Professional Practice Committee member, the Hearing Panel Chair, or the Chair of the Adjudicating or Appeal Working Group, as appropriate, will consider the following:
 - 23.2.5.1. the age of the Professional Practice Review file and the status of the Member's membership in the AIC;

- 23.2.5.2. the Member's history of cooperation with the Professional Practice Review, including any previous delays, stays of proceedings, or adjournments of hearing previously granted;
 - 23.2.5.3. documentary verification of the reasons for the request for a stay of proceedings or an adjournment of a Hearing;
 - 23.2.5.4. the existence of active or pending litigation related to the Member's professional services that are the subject of the Professional Practice Review matter. This can include professional liability insurance-related litigation, other civil or legal proceedings, or some external form of alternative dispute resolution process;
 - 23.2.5.5. the impact the stay of proceedings or the adjournment of the Hearing will have on public confidence or consumer protection; and
 - 23.2.5.6. any compassionate grounds which mitigate in favour of granting a stay of proceedings or an adjournment of a Hearing.
- 23.2.6. In considering whether a Hearing should be adjourned, the Hearing Panel Chair or the Chair of the Adjudicating or Appeal Working Group, as applicable, will further consider:
- 23.2.6.1. the reason for the adjournment request;
 - 23.2.6.2. whether the adjournment would cause unreasonable delay;
 - 23.2.6.3. the impact of refusing the adjournment on the Member and the AIC; and
 - 23.2.6.4. the impact of granting the adjournment on the Member and the AIC.
- 23.2.7. A Hearing Panel Chair or, if no Hearing Panel has been empaneled, the Chair of the Adjudicating or Appeal Working Group, as applicable, can adjourn a Hearing on their own motion or upon a motion by a party to the proceeding if the Hearing Panel or the Chair of the Adjudicating or Appeal Working Group, as applicable, is satisfied that the adjournment is required to permit a fair Hearing.
- 23.2.8. A stay of proceedings or an adjournment of a Hearing can be granted on such terms and conditions as the Professional Practice Committee member, the Hearing Panel Chair, or the Chair of the Adjudicating or Appeal Working Group, as applicable, deems in their sole discretion to be fair and reasonable.
- 23.3. Decision to Grant Stay of Proceedings or Adjournment is Not Subject to Appeal**
- 23.3.1. The Decision to grant or deny a stay of proceedings or an adjournment of a Hearing is final and cannot be appealed.

23.4. Time Limit for Stay of Proceedings

- 23.4.1. Subject to subsection 23.2, a stay of proceedings or an adjournment of a Hearing requested by a Member will not exceed a ninety (90) day period.
- 23.4.2. After ninety (90) days, the Professional Practice Review or Hearing will resume.

23.5. Member Must Submit One Report for Peer Review

- 23.5.1. The Member must submit one (1) recent Report for Peer Review as a condition of granting a stay of proceedings or an adjournment of a Hearing.
 - 23.5.1.1. The report submitted must:
 - 23.5.1.1.1. be similar to the report subject to the Professional Practice Review;
 - 23.5.1.1.2. not be the report subject to the Professional Practice Review; and
 - 23.5.1.1.3. be approved by the Professional Practice Committee member with carriage of the Professional Practice Review file.
 - 23.5.1.2. This requirement can be waived on compassionate grounds supported by documentary verification.

23.6. Member Can Apply for a Continuance of Stay of Proceedings

- 23.6.1. A Member can make an application for the continuance of a stay of proceedings, or an adjournment of a Hearing granted under subsection 23.2.
- 23.6.2. The Member's application for continuance must be received before the expiry of the ninety (90) day period granted for the original or a continuation of the original stay of proceedings or adjournment of a Hearing.
- 23.6.3. Regardless of a Member's request for continuance, the stay of proceedings or adjournment of a Hearing can be discontinued at the discretion of the Professional Practice Committee Member who has carriage of the Professional Practice Review, the Hearing Panel Chair, or the Adjudicating or Appeal Working Group as applicable.

23.7. Decision to Grant or Deny a Continuation is Not Subject to Appeal

- 23.7.1. The Decision to grant or deny a continuation of a stay of proceedings or an adjournment of a Hearing is final and cannot be appealed.

23.8. Representation by Counsel or an Agent

- 23.8.1. A Member or a Professional Practice Advocate can be represented by counsel or an agent.
- 23.8.2. Notice of representation by counsel or an agent must be provided not less than thirty (30) days prior to a Hearing date.

- 23.8.3. A Counsel or an agent can make oral and written submissions as to facts, law, and jurisdiction.
- 23.8.4. The Member or a Professional Practice Advocate can direct in writing that all communication from the other party is to be received by counsel or an agent until notice is given otherwise or the Professional Practice matter is finally resolved.

23.9. Hearing Panel Can Appoint a Qualified Individual to Assist

- 23.9.1. A Hearing Panel on its own initiative at any stage of a Hearing can appoint a qualified individual to assist the Hearing Panel in addressing a procedural or substantive issue in the Hearing.
- 23.9.2. In all cases the Hearing Panel will independently make any required Decision in or arising from the Hearing.

23.10. Interveners May be Allowed

- 23.10.1. A Hearing Panel or its Chair, if a Hearing has not commenced, can allow a person to intervene in a Hearing if satisfied that:
 - 23.10.1.1. the person can make a valuable contribution or bring a valuable perspective to the Professional Practice Review matter; and
 - 23.10.1.2. the potential benefits of the intervention outweigh any prejudice to the parties caused by the intervention.

23.11. Participation of Intervener Can be Limited

- 23.11.1. A Hearing Panel, or its Chair, can limit the participation of an Intervener as they deem appropriate including limits to:
 - 23.11.1.1. the cross-examination of witnesses;
 - 23.11.1.2. the right to lead evidence;
 - 23.11.1.3. any issue raised in the Professional Practice Review; and
 - 23.11.1.4. written and oral submissions.

23.12. Two or More Interveners Can be Required to Make Joint Submissions

- 23.12.1. If two (2) or more Interveners have the same or substantially similar views, information, or expertise, a Hearing Panel, or its Chair, can require them to make a joint submission.

23.13. Witnesses Can be Called

- 23.13.1. A Member or a Professional Practice Advocate can call and examine witnesses and conduct a cross-examination of witnesses as a Hearing Panel deems to be reasonably required for a full and fair disclosure of all matters relevant to the issues in a Professional Practice Review matter at a Hearing.

23.13.1.1. Notice of the attendance of a witness at a hearing must be provided to the other party not less than thirty (30) days prior to the date of the Hearing.

23.14. Power to Compel Witnesses and Order Disclosure

23.14.1. Not less than thirty (30) days before the scheduled date of a Hearing, a Member or a Professional Practice Advocate can make a motion to request that the Chair of the Hearing Panel order another AIC Member, a director or Officer of the AIC, or an employee or agent of the AIC:

23.14.1.1. to attend a Hearing to give evidence that is admissible and relevant to an issue raised in a Professional Practice Review matter or an Administrative Appeal; or

23.14.1.2. to produce to the Chair of the Hearing Panel a document or other thing in the person's possession or control that is admissible and relevant to an issue raised in a Professional Practice Review matter or an Administrative Appeal.

23.15. Order to Attend Cannot Bind Any Third-Party that is not an AIC Member or AIC Staff or Agent

23.15.1. An order made pursuant to subsection 23.12 cannot seek to bind any third-party who is not an AIC Member, a director or Officer of the AIC, or an employee or agent of the AIC, and will specify that compliance by any such third-party is voluntary.

23.16. Hearing Panel Can Limit Examination of Witness

23.16.1. A Hearing Panel can limit examination or cross-examination of a witness if it is satisfied that the examination or cross-examination has been reasonably sufficient to disclose fully and fairly all matters relevant to the issues raised in a Professional Practice Review matter or in an Administrative Appeal.

23.17. Hearing Panel Can Question Witness

23.17.1. A Hearing Panel can question any witness who gives evidence in a Hearing.

23.18. Proceedings Can be Recorded or Transcribed

23.18.1. The Professional Practice Committee and its Sub-Committees and Working Groups can transcribe, audio record, or video record their proceedings.

23.18.2. The proceedings in an Adjudicating Working Group or an Appeal Working Group Hearing will be audio- or video-recorded and transcribed by a third-party reporting company/organization.

23.19. Transcript or Recording to be Considered Correct

- 23.19.1. If a proceeding is transcribed, audio recorded, or video recorded pursuant to 23.18, the transcription, tape recording, or video recording will be considered to be correct and to constitute part of the record of the proceeding.

23.20. Validity of Proceeding is Not Affected if Transcription or Recording is Destroyed

- 23.20.1. If, by a mechanical or human failure, or other accident, the transcription, audio recording, or video recording of a proceeding is destroyed, interrupted or incomplete, the validity of the proceeding is not affected.

23.21. Requests for Written Transcription of Proceedings

- 23.21.1. The Chair of a Hearing Panel, the Member, or a Professional Practice Advocate can request that a written transcript of an audio recording or a video recording of a Hearing be produced.
- 23.21.1.1. A Member requesting a written Hearing transcript must pay the costs of transcription before the written Hearing transcript will be provided.

23.22. Form of Hearing

- 23.22.1. The hearing of a Professional Practice Review matter, an Administrative Appeal or an interim or preliminary matter can be conducted by any combination of written, electronic, and in-person Hearing.

23.23. Hearings Are Considered to be In-Camera

- 23.23.1. A Hearing in whatever form will be held in-camera.
- 23.23.2. Despite sub-subsection 23.23.1, the Hearing Panel can direct that all or part of the Hearing be open on such terms as the Hearing Panel can direct upon motion made by any of the parties to the Hearing or on its own initiative, unless other interests, such as public security or the possible disclosure of confidential financial or personal matters, outweigh the benefit of holding a Hearing open to the public or to other AIC Members as determined by a Hearing Panel.

23.24. Powers of Hearing Panel Regarding Complaints of Similar Questions

- 23.24.1. Where a Professional Practice Review matter involves two (2) or more Members and concerns the same or similar issues, or where two (2) or more Professional Practice Review matters involve the same Member, a Hearing Panel can:
- 23.24.1.1. combine the Hearings or any part of them;
- 23.24.1.2. hear the Professional Practice Review matters at the same time;

23.24.1.3. hear the Professional Practice matters one immediately after the other; or

23.24.1.4. stay one or more of the Professional Practice Review matters until after the determination of the other(s).

23.25. Hearing Panel Can Make Additional Orders

23.25.1. A Hearing Panel can make additional orders they deem appropriate respecting the procedure to be followed relating to Hearings under this subsection.

23.26. Hearing Panel Can Receive Relevant Information

23.26.1. A Hearing Panel can receive and accept information, except for material considered to be privileged, that they consider to be relevant, necessary, and appropriate, regardless of whether the information would be considered admissible in a court of law.

23.27. Hearing Panel Can Exclude Information

23.27.1. Despite subsection 23.26, a Hearing Panel can on its own initiative or upon application by one of the parties to the Hearing exclude any information it deems to be unduly repetitious or irrelevant, or lacking in probative value to the matter at hand.

23.28. Hearing Panel Can Direct Information be received in Confidence

23.28.1. If deemed necessary, a Hearing Panel can direct that all or part of the evidence of a witness or documentary evidence be received in confidence to the exclusion of a party or parties or any Interveners, on terms the Hearing Panel considers necessary.

23.29. New Evidence

23.29.1. A Member or the AIC must make a written application if the Member or the AIC wishes to present new evidence, after the closing of:

23.29.1.1. the taking of evidence in an Adjudicating Working Group Hearing but before a Decision has been rendered by the Adjudicating Hearing Panel, or

23.29.1.2. argument in an Appeal Working Group Hearing but before a Decision has been rendered by the Appeal Hearing Panel.

23.29.2. The written application to present new evidence must be made to the Hearing Panel Chair and copies of the application must be provided to all parties participating in the Hearing and must contain the following information:

23.29.2.1. A summary of the new evidence that is sought to be presented by the applicant;

23.29.2.2. An explanation of how the new evidence is relevant and material to any of the issues in the matter before the Hearing Panel; and

23.29.2.3. The reasons why the new evidence sought to be presented was not presented during the hearing of the:

23.29.2.3.1. evidence if the matter is before the Adjudicating Working Group or

23.29.2.3.2. appeal if the matter is before the Appeal Working Group.

23.29.3. The Hearing Panel Chair will provide the opposing party or parties with the right to reply to the application to present new evidence. The reply must be in writing and copies must be provided to the applicant party and to the Hearing Panel Chair.

23.29.4. The Hearing Panel Chair will consult with all members of the Hearing Panel to decide if the new evidence will be admitted.

23.29.5. The Hearing Panel Chair must refuse the application to present new evidence unless they, after consulting with Hearing Panel members, are satisfied that:

23.29.5.1. the new evidence could not reasonably have been provided earlier in the proceedings; and

23.29.5.2. the probative value of the evidence outweighs the prejudice that will result to any party opposing the acceptance of new evidence.

23.29.6. If the Hearing Panel Chair decides that the new evidence should be considered by the Hearing Panel and entered into the record for the Hearing, the Hearing Panel Chair will consider and impose such conditions as they deem necessary to ensure procedural fairness to all parties including but not limited to:

23.29.6.1. the form in which the evidence will be received,

23.29.6.2. the right to cross-examination that may be allowed, and

23.29.6.3. the opportunity an opposing party will have to reply to or rebut the new evidence.

23.30. Decision to Hear New Evidence is Not Subject to Appeal

23.30.1. A Decision of a Hearing Panel Chair under this section is final and not subject to appeal.

24. NATIONAL PROFESSIONAL PRACTICE RECORD

24.1. AIC Will Maintain Record

24.1.1. The AIC will maintain a record of reviews of a Member's Professional Practice and their resolutions in the AIC's National Professional Practice Record for a period of not less than five (5) years.

24.1.2. Where the resolution of a review of a Member's Professional Practice includes a Sanction of Censure, Suspension of Membership, Suspension of Co-signing Privileges, or Expulsion, the AIC

will maintain a record of the resolution of that Professional Practice Review matter permanently.

24.2. Record is Confidential

- 24.2.1. The AIC, its employees, and authorized members of the Professional Practice Committee will hold as confidential the contents of a Member's Professional Practice Record stored in the AIC's National Professional Practice Record.