

Seeing Beyond Risk

Canadian  
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# The CIA's Discipline Process

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# Agenda

- ▶ Discipline Process
- ▶ Statistics
- ▶ What's New
- ▶ Questions



# Discipline Process

# Complaint/Information

- ▶ “Complaint” or “information” to CIA Committee on Professional Conduct (CPC)
- ▶ Complaint is a specific allegation of bad conduct
- ▶ Information is not a formal complaint and may be anonymous
- ▶ Chair of CPC appoints sub-group of CPC to perform preliminary analysis of complaint/information

# Preliminary Analysis

- ▶ Based on the sub-group's report, the CPC may:
  - ▶ Dismiss complaint (with or without letter of advice)
  - ▶ Charge member and issue a private admonishment (PA)
  - ▶ Appoint an Investigation Team (IT)

# Investigation Team

- ▶ IT usually consists of two trained investigators (actuaries)
- ▶ Interviews complainant, respondent, and any other person IT feels may have relevant input, with appropriate confidentiality agreements obtained
- ▶ Requests and reviews any relevant documents
- ▶ Prepares report on findings for CPC

# Investigation Team Report

- ▶ Based on the IT report, the CPC may:
  - ▶ Dismiss complaint (with or without letter of advice)
    - ▶ Confidential
  - ▶ Charge member and issue a PA
    - ▶ Confidential, PA kept in file for 5 years
  - ▶ Charge member and offer plea with recommendation of sanction
    - ▶ Notice of the charge and sanction sent to CIA Board and published to CIA membership
  - ▶ Charge member and refer to public Disciplinary Tribunal
    - ▶ Notice of charge and sanctions sent to CIA Board and published to appropriate regulators and to the public at large via newspaper

# Disciplinary Tribunal

- ▶ Public hearing, like a trial
- ▶ Retired judge and two experienced actuaries
- ▶ Evidence presented by CPC lawyers and by respondent's lawyers
- ▶ Makes decision on guilt and sanction



# Potential sanctions

- ▶ Public reprimand
- ▶ Fine and/or costs
- ▶ Suspension from CIA
- ▶ Expulsion from CIA
- ▶ Mandatory training
- ▶ Combination of above

# Appeal Process

- ▶ The Discipline Tribunal decision is appealable by the Respondent
  - ▶ question of facts and question of law and jurisdiction
- ▶ Also appealable by the CPC
  - ▶ only on a question of law or jurisdiction
- ▶ The appeal tribunal is appointed by the CIA Board
  - ▶ 2 actuaries and a retired superior court judge
- ▶ Very strict timelines for appeals prescribed in Bylaws

# Confidentiality and Focus

- ▶ Process confidential unless charge filed, then may become public
- ▶ CIA disciplinary process has its own focus and is independent of any other litigation
  - ▶ It follows its own path in cases of concurrent civil and/or criminal proceedings



Statistics

# @ November 30, 2018

- ▶ 214 cases completed since 1992. Of these:
  - ▶ 132 cases dismissed
  - ▶ 3 resulted in a PA without going to an IT
  - ▶ 79 cases referred to ITs
    - ▶ 38 resulted in no charges being filed
    - ▶ 41 cases resulted in charges being filed
      - 9 cases resulted in a PA
      - 8 cases resulted in admission of guilt and sanctions
      - 24 public disciplinary tribunals
        - 7 public reprimands, 13 suspensions, 1 withdrawal, 1 expulsion, 2 not guilty
        - 3 appeal tribunals subsequently appointed and all confirmed earlier finding
- ▶ 10 cases currently in progress





What's New?

# What's New?

- ▶ Reporting of Criminal Convictions
  - ▶ Required since September 1, 2016
  - ▶ Initial review by Committee on Professionalism
    - ▶ Dismiss or refer to CPC for regular discipline process
  - ▶ So far, all have been dismissed
    - ▶ Operation of a vehicle while impaired
    - ▶ Conspiracy to distribute marijuana





Questions?