



## Professional Geoscientists Ontario Discipline Committee - Terms of Reference

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### Status

The Discipline Committee is a Statutory Committee as noted in the Professional Geoscientists Act, 2000, to satisfy the mandate outlined below. The operational term of the Discipline Committee is open-ended.

### Mandate

- The primary mandate of the Discipline Committee is that it performs the functions assigned to it under the Act and regulations.
- The Discipline Committee is responsible for dispensing judgments on matters related to professional practice as defined by the Professional Geoscientists Act 2000, Regulations made under the Act and By-laws of PGO. The Committee will investigate matters brought to their attention by the Complaints Committee and the PGO through a “Notice of Hearing”, a document issued by PGO that contains one or more allegations of professional misconduct or incompetence against a member or holder;
- The Discipline Committee shall develop, maintain and follow rules (the “Rules”) governing its procedure. The Rules shall be approved by the majority of members of the Discipline Committee and shall be submitted to council for approval. Forthwith upon approval by Council, the Rules shall have full force and effect until amended by the Discipline Committee again with the approval of Council.

### Composition/Organization

- It is recommended that the Discipline Committee should comprise (but not be limited to):
  - o two (2) elected councillors;
  - o two (2) councillors who are either non-registrant appointees appointed by PGO Council or appointed by the Lieutenant Governor in Council; and
  - o ten (10) who are PGO registrants at large.

### Committee Selection

Committee members are selected according to the following procedures:

- The Committee Chair is to be selected by Council, generally on the basis of a recommendation from Committee members;
- Selection of the two elected councillors and the two appointee councillors is determined by Council on recommendations from the Committee Chair from among eligible available nominees;
- The Vice-Chair is to be selected by Committee members;
- The recommended terms of the Chair and Vice-Chair are two years;
- It is recommended that the Vice-Chair shall normally succeed the Chair;
- Other members of the Committee may be selected by Council on recommendations

from the Chair of the Committee, as needed, from the roster of volunteers;

- Selection of Committee members shall have regard to establishing diversity of geoscience specialties, geographic location, and demographics;
- The term of the members of the Committee will generally begin in June of the year appointed, coincident with the Annual General Meeting of the PGO; and
- Observers and invited experts may attend meetings of the Committee.
- A volunteer at large who is not a registrant nor a Councillor of PGO may be invited by Council to sit on this Committee if they have valuable professional expertise and experience to offer; ideally such a Committee member will have been a PGO Councillor or Registrant previously.

### **Functions and Responsibilities**

- The Discipline Committee will conduct a discipline hearing for all orders of the Complaints Committee referring in whole or in part a complaint to the Discipline Committee. Hold a “proceeding” which is defined as a motion, hearing and/or application for reinstatement before a Discipline Panel; A hearing which is defined as the process before a Discipline Panel constituted under s. 26 of the Act. It commences with the filing of a Notice of Hearing. The registrant of PGO or a holder of a Certificate of Authorization, temporary licence or a limited licence is asked whether he or she admits or denies the allegations contained in the Notice of Hearing;
- Provide “Discipline Panel(s)” constituted by one (1) public non registrant and two (2) registrant committee members selected by the Discipline Committee Chair.
- Hold a “Pre-Hearing Conference” convened by a single member of the Discipline Committee appointed by the Chair of the Discipline Committee as a means or stage in the Discipline proceedings at which there may be a candid, without prejudice discussion of the strength of PGO’s case, the member or holder’s potential liability for being found guilty of professional misconduct and/or incompetence, procedural issues, and the potential narrowing of issues to be determined by the Discipline Panel assigned to conduct the hearing;
- Discipline Panels will review the evidence submitted by the Complaints Committee on any given matter and call and hear additional evidence germane to the proceedings for which the panel has been convened.

### **Outcomes and Deliverables**

- The Discipline Panels shall make written and verbal decisions regarding the licensure and penalties and standing of registrants referred to the Committee on examination of evidence forwarded by the complaints committee and evidence obtained through the course of its own investigations.
- Provide periodic reporting to PGO Council on findings and progress of the Committee.
- Provide an annual formal report to the Council

### **Training Requirement**

Committee members shall attend training provided by PGO, as well as by Committee Chairs at such times as those Chairs shall determine, for committee members to help them carry out their roles and responsibilities (including as potential Discipline Panel Members) effectively.

### **Operational Considerations**

- Meetings of the Discipline Committee will be held quarterly or more frequently as required,
- The Chair or any Committee member that the Chair may designate shall record, prepare, and deliver minutes or notes of meetings to the CEO and Registrar of the PGO and to Committee members within 30 days of a Discipline Meeting being held.
- Resource requirements, both from a manpower and funding perspective, should be produced, at minimum, annually in conjunction with the annual budgeting process.
- The business of the Discipline Committee shall be conducted in accordance with By-Law No. 1A.
- The Committee reports to Council through its Chair.
- Similarly, the documents and information considered by the Discipline Committee should be provided to the CEO, or such other appropriate PGO staff person as is designated for the task, for retention and, when appropriate, destruction.
- It is noted that Discipline Committee minutes, documents and information should be made, collected, retained and destroyed in a secure manner with appropriate safeguards including limiting access to them to appropriate persons only.

### **Authority**

- The Chair of the Discipline Committee has the authority to create Discipline Panels, and Working Groups, which may comprise other volunteers, independent legal advice or staff of PGO as the parties may choose and decide together.
- The Committee may move to seek external support from staff or contractors as needed to fulfill tasks within its mandate, subject to the approval of Council (or, if the situation does not permit delay, the approval of Executive Committee);
  - The Committee is encouraged to foresee, plan for, and submit its external support needs as part of the annual PGO budgeting process conducted by the Finance Committee and by Council.
- The Committee may act by unanimous circulated resolution where meetings are not practical.
- The Committee's term is open ended.

### **Review**

- The Governance Committee shall review the Terms of Reference of the Discipline Committee next in 2025 and at least once every three years thereafter or as mandated by the Council.

### **References**

Professional Geoscientists Act  
PGO By-Law No. 1A  
PGO By-Law No. 7