

**NAPEG**

**NORTHWEST TERRITORIES AND NUNAVUT  
ASSOCIATION OF PROFESSIONAL  
ENGINEERS AND GEOSCIENTISTS**



## Information for Practitioner Facing a Complaint

**NORTHWEST TERRITORIES  
AND NUNAVUT  
ASSOCIATION OF PROFESSIONAL  
ENGINEERS AND GEOSCIENTISTS**

201, 4817 - 49 Street  
Yellowknife, NT  
X1A 3S7  
www.napeg.nt.ca  
Phone: 867-920-4055  
Fax: 867-873-4058  
E-mail: napeg@napeg.nt.ca



**NAPEG**

**201, 4817—49th Street  
Yellowknife, NT X1A 3S7  
Phone: 867-920-4055**

*This information is supplied for the benefit of Professional Engineers and Professional Geoscientists and Permit Holders who find themselves the subject of a disciplinary investigation.*

NAPEG is responsible for the administration of the *Engineering and Geoscience Act* of the Northwest Territories and the *Engineers and Geoscientists Act* of Nunavut.

The legislation makes it mandatory for the Discipline Committee to investigate all complaints received. This obligation is inherent in any self-governing profession. The Discipline Committee will perform this duty fairly and in strict accordance with the rules of natural justice.

The practitioner will be given a reasonable opportunity to submit a written statement to the Investigative Committee respecting the complaint. Reasonable opportunity is not defined within the Act; however, NAPEG suggests forty-five (45) days as a guide.

# Complaints regarding registrants of NAPEG

## Purpose

This document has been prepared for the information of a practitioner (Registrant or Permit Holder) of the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists (NAPEG) who has had a complaint registered against him or her. It provides a summary of NAPEG's function with respect to the conduct of its practitioners and the procedures followed by NAPEG to investigate complaints and administer discipline.

## Background

Under the *Engineering and Geoscience Act* of the Northwest Territories and the *Engineers and Geoscientists Act* of Nunavut, NAPEG has been given the responsibility to regulate the practices of professional engineering and professional geoscience and to govern the professions in accordance with the *Acts* and bylaws.

Further, NAPEG has been given the responsibility to establish and maintain standards of knowledge, skill, care and professional ethics among its practitioners, in order that the interests of the public may be served and protected. One way that NAPEG fulfills its responsibility is through its power to discipline those who are guilty of unprofessional conduct. Procedures to investigate complaints and decide on their outcome are stipulated by the *Acts*.

## Complaint

Complaints are brought to the attention of NAPEG, in writing and addressed to the Executive Director, with a full description of the complaint and includes the signature, name and address of the complainant.

The Executive Director transmits the complaint to the Chair of the Discipline Committee. The Chair of the Discipline Committee gives notice to the practitioner and includes a copy of the complaint.

A practitioner who receives Notice of a Preliminary Investigation will be given at least ten (10) days notice before the investigation begins and will be given the names of the Discipline Committee Members serving on the Investigative Committee.

## Alternative Dispute Resolution

If the Chairperson of the Discipline Committee is of the view that alternative dispute resolution (ADR) is appropriate, the Chairperson may send a letter to the Complainant and the Practitioner asking them if they would be agreeable to ADR and to complying with the procedures that will apply to the process. ADR may be commenced at any time up to the start of a Discipline Hearing.

## Preliminary Investigation

An Investigative Committee (comprised of one or more members of the Discipline Committee) is appointed to conduct a preliminary investigation of the complaint. The practitioner will be given reasonable opportunity, at least forty-five (45) days to submit a written statement respecting the complaint.

The practitioner should view it as an opportunity to counter the allegations, respecting the complaint, in a comprehensive written response to the Investigative Committee. The Investigative Committee will review the written response.

The Committee will gather such additional information as it requires in order to determine whether or not there is sufficient support for the allegations to warrant a formal hearing.

On completion of the Preliminary Investigation, the Investigative Committee shall: (a) issue a direction

that no further action be taken, if the complaint does not provide a basis for a finding of unprofessional conduct, (b) issue a reprimand to the practitioner, if it finds that the investigated conduct constitutes unprofessional conduct, and if it further finds that the conduct is not of such gravity or importance as to warrant suspension or termination of the practitioner's registration; or (c) issue a direction that a Hearing be held in respect of the complaint.

Resolution of the matter with a reprimand is more likely if the practitioner acknowledges the allegations in the complaint and is cooperative during the preliminary investigation. A practitioner may, within ten (10) days after receiving Notice of a Reprimand, notify the Chairperson of the Discipline Committee that he or she rejects the reprimand. When a reprimand is rejected, the Chairperson of the Discipline Committee shall issue a direction that a Hearing be held before a Board of Inquiry.

## Board of Inquiry

When NAPEG Council receives direction from an Investigative Committee or the Chair of the Discipline Committee to conduct a Hearing, Council appoints a Board of Inquiry consisting of three (3) members of Council. The Board of Inquiry gives the practitioner thirty (30) days notice, identifies the members of the Board, and indicates the time and place at which the Hearing will be held. Hearings must be held in public unless the Board orders that all or part of the Hearing be held in private.

The person who made the complaint will be given the opportunity to express their complaint at the Hearing. Hearings must be conducted in accordance with the Rules of Natural Justice. The practitioner whose conduct is the subject of inquiry, and any other person the Board of Inquiry considers to have knowledge relevant to the Complaint, is a compellable witness. A witness at a Hearing may be examined under oath or affirmation on all matters relevant to the inquiry

and is not excused from answering a question on grounds that the answer might (a) tend to incriminate the witness, (b) subject the witness to punishment under this Part of the Act, or (c) tend to establish the liability of the witness in a civil proceeding or prosecution under any Act. An answer so given may not be used or received against the witness in any civil proceedings or in any proceedings under an Act of the NWT, except in respect of perjury or the giving of contradictory evidence.

## Decision

If the Board of Inquiry finds the practitioner not guilty of unprofessional conduct, the Board shall dismiss the complaint and provide the practitioner and the complainant notice of the dismissal. If the Board of Inquiry finds that the conduct under inquiry is unprofessional conduct and further finds that the conduct is not of such gravity or importance as to warrant suspension or termination of the practitioner's registration, the Board may reprimand the practitioner.

If the Board of Inquiry finds the conduct under inquiry is unprofessional conduct, the Board may suspend or terminate the practitioner's registration. If terminated, the Board may order, as a condition of reinstatement, that the practitioner pass examinations, a particular course of study or obtain experience satisfactory to the Board of Examiners.

The Board of Inquiry may in addition to a reprimand or an order, require a practitioner to pay a fine and/or costs of the Hearing.

## Appeal

An order by a Board of Inquiry may be appealed to the Supreme Court within 30 days after service of the order has been effected.