

# PROFESSIONAL CONDUCT REVIEW

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Overseeing and upholding standards of ethics and professionalism is a core function of PIBC as a professional organization. As outlined in PIBC's bylaws, the Institute works to meet this obligation by upholding the Institute's Code of Ethics & Professional Conduct – to which all Corporate members are subject. The bylaws establish and mandate the Professional Conduct Review Committee to undertake this role. Through 2022 Alex Taylor RPP, MCIP continued as Chair of the Committee, and Gwendolyn Sewell RPP, MCIP also served as Deputy Chair. The Committee also included a number of other volunteer members throughout the year who assisted with this valuable work.

## **BYLAWS & COMMITTEE ROLE:**

Significant portions of the Institute's bylaws establish the structure and processes for professional conduct review and frame the disciplinary process (in particular Part 13). These sections outline the processes for complaints, investigations, review hearings, and the imposition of discipline stemming from findings of misconduct against professional members. While the process is somewhat detailed, sometimes complex, and can be lengthy, it is designed to be fair and thorough while aiming to broadly uphold the principles of natural justice – taking complaints or allegations of misconduct seriously while also balancing and respecting the rights of members who are the subject of complaints.

The Professional Conduct Review Committee's responsibilities include:

- Managing and administering the Institute's response to formal complaints and allegations of misconduct against Corporate members;
- Assisting the Institute in upholding the Code – seeking compliance by members; and
- Providing education or training to members regarding best practices of ethical and professional conduct.

The Committee continued its work throughout 2022 handling complaints, while continuing with efforts to ensure the efficiency and thoroughness of completing investigations. As the past impacts of the COVID-19 pandemic faded in 2022, the principal work and key activities of the Committee continued throughout the year. The Committee and staff also continued work on monitoring and adjusting our administrative processes and capacity in support of an effective, fair, and efficient disciplinary process.

Part 14 of the Institute's bylaws contains the Code of Ethics and Professional Conduct. The Code is the key policy element that underpins the Institute's ethical standards and expectations for professional members, and we encourage members to review it on an ongoing basis to keep informed and aware – particularly if you are a new planner, an RPP who is mentoring a Candidate member, or if you find yourself facing potential ethical questions or challenges in the practice of your planning work.

For the complete current Bylaws, including the Code, visit: <https://www.pibc.bc.ca/official-documents>

## **ADDRESSING COMPLAINTS:**

As outlined in PIBC's bylaws, in response to any formal complaint of alleged professional misconduct by a member, the Committee chair assigns two members of the Committee to act as the case officers for each complaint or case. They will undertake and complete an initial investigation to assess the merits of the complaint and deliver a report and recommendation to the chair. The chair reviews the report received from the case officers and proceeds accordingly, based on their findings and determination(s).

Depending on the findings of an initial investigation, next steps in the process could include: dismissing the complaint with no further action; confirming an agreed 'consent discipline action' resolution of the matter (where the subject member admits certain misconduct and accepts some agreed disciplinary action as a result); or proceeding to a formal disciplinary review hearing to fully adjudicate the matter in a formal quasi-judicial process. In the event of any finding of misconduct against a member, disciplinary measures would then subsequently be imposed in accordance with the bylaws.

Over the course of 2022 there were five new formal complaints received and case files initiated within the Institute's professional conduct review and disciplinary process – a notable increase from just one new case in the previous year. No work from previous complaints and case files initiated in 2021 carried over into 2022. Three of the four new cases were successfully addressed and concluded before the end of the year, while the remaining two continue to be addressed and are expected to conclude in the first half of 2023. Of the five new complaints initiated during 2022, two were initiated by members of the public and three were initiated by members of the Institute. The somewhat unusually higher caseload in 2022 required significant volunteer and staff time to manage over the course of the year and indicated a potential need for additional resources to support the Committee's work.

Less formal complaints to the Institute related to the inappropriate use of the protected RPP designation, or

similar misrepresentation of professional qualifications or membership status, are typically handled directly with the individuals involved without a formal professional conduct review process. Fortunately, these kinds of matters have continued to be rare, and there were no substantial incidences addressed in 2022.

#### **SUPPORT & POLICY WORK:**

There were no substantial policy and process changes (such as further revisions to the bylaws) made in 2022, however the Committee continues to build and share knowledge amongst committee members and, with support from staff and legal counsel, further develop internal guidelines, tools, and best practices to aid and support our disciplinary processes, as well as looking at continuing to build internal training and information sharing amongst volunteer members. This includes ongoing work to improve and expand documentation and reporting on completed disciplinary cases to advance member knowledge and understanding of the process.

As previously reported, the Committee has been undertaking work to improve and expand documentation and reporting on all completed disciplinary cases to enhance member education, understanding, and knowledge building with respect to the disciplinary process, while maintaining appropriate confidentiality and the integrity of the process for the parties involved. With substantially increased case work in 2022 the full implementation of the enhanced reporting on completed cases is taking longer than expected, but it is hoped that this will continue to move forward in 2023.

#### **EDUCATION FOR MEMBERS:**

In addition to responding to individual formal complaints of alleged misconduct, one of the Committee's other functions is to assist with the ongoing education and training of PIBC members on matters of ethics and professionalism. This typically includes organizing and delivering an ethics session at each PIBC annual conference by volunteer members of the Committee. As the 2022 conference was a joint national conference, a nationally curated and delivered ethics session was included as part of the conference program in Whistler. Another offering of a PIBC delivered ethics and professionalism session is planned for the 2023 annual

conference in Sun Peaks. And, as previously reported, past iterations of PIBC's online ethics and professionalism webinars and presentations continue to be accessible to members at any time on the Institute's YouTube channel as an ongoing, easily accessible resource.

As reported elsewhere, the PCRC is also contributing feedback, input, and suggested content to the Institute's Professional Standards & Certification Committee on the development and implementation of a new, updated ethics and professionalism webinar as part of that committee's work on moving towards required regular professional learning (and CPL reporting) by members in the areas of ethics and professionalism.

The Committee also continued to assist individual members with specific inquiries on issues related to ethics and professionalism as needed. This was accomplished through designated Committee members connecting with such members to provide occasional confidential general ethical guidance regarding their ethical questions or dilemmas raised. The Committee responded to several such member inquiries during 2022.



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### COMMITTEE VOLUNTEERS & THANKS:

The valuable work of the Professional Conduct Review Committee is carried out primarily by dedicated volunteer Committee members. Members of the Committee (guided by the chair and assisted by Institute staff and legal counsel as appropriate) continued to act as case officers (conducting initial investigations of complaints); continued to contribute to member education and training for members; and continued to provide ethics and professionalism guidance in response to member inquiries throughout 2022. Professional disciplinary cases typically require significant time and

effort throughout the various stages of the process. The commitment and contributions of all the volunteer members are greatly appreciated. Thank you!

Looking ahead, as workloads increase and some long serving Committee members move on from the Committee, the chair has been coordinating a recruitment process for new volunteer members to join the PCRC in early 2023. We thank those who have served (and continue to serve) and look forward to the participation of those new volunteer members who will be joining the Committee. Thank you again.

## PIBC Professional Conduct Review 2022 Case Summary

Although the Institute fields various general professional practice inquiries each year, typically only a few result in formal complaints. In 2022 five new formal complaints were received, while no previous cases from 2021 carried over into 2022. No other investigations were initiated in response to any information about potential member misconduct in the public domain. As of December 31, 2022, work on three formal cases had been concluded and two remained open.

The following provides a general summary status update on cases addressed or under review at various stages in the professional conduct review process during 2022:

- A new case in 2022 resulting from a formal complaint by a member of the public regarding a local planning process was resolved with the successful completion of the initial investigation by the case officers. No further action was undertaken with respect to the complaint.
- A new case in 2022 resulting from a formal complaint by a PIBC member regarding the conduct of another member in the context of a business relationship was resolved with the successful completion of the initial investigation by the case officers. No further action was undertaken with respect to the complaint.
- Another new case in 2022 resulting from a formal complaint by a PIBC member regarding the conduct of another member in a public context remained under initial investigation as of the end of the year.
- Another new case in 2022 resulting from a formal complaint by a PIBC member regarding the conduct of another member in a professional context remained under initial investigation as of the end of the year.
- A new case in 2022 resulting from another formal complaint by a member of the public regarding a local planning process was resolved with the successful completion of the initial investigation by the case officers. No further action was undertaken with respect to the complaint.

Some of the ethical and professional issues that have generally arisen through some of the recent and ongoing cases have broadly included:

- Providing accurate professional information and advice;
- Professional responsibilities to the profession and other professionals;
- Providing opportunities for meaningful participation in the planning process; and
- Exercising professional judgment independently and without bias.