

Disclosure of a Criminal Conviction Review and Assessment Procedures

Document 217043

Upon receipt of a written disclosure of a criminal conviction from a member or a new applicant to the Institute, the CIA Committee on Professionalism (PROF), with administrative assistance from the CIA Head Office, will undertake the following steps to review and assess the criminal conviction, in order to determine if, in the public interest, any further action should be taken on the part of the CIA (i.e., referral to the Committee on Professional Conduct (CPC)).

1. The Head Office sends an acknowledgement of receipt of the disclosure to the member/applicant within five business days of receipt. This acknowledgement will advise the member/applicant that the review and assessment of their criminal conviction will normally be completed within 30 days.
2. The Head Office prepares the disclosure for submission to the PROF. This includes the following:
 - a. The removal of the name of the individual, as well as any other personal information, not necessary to the review and assessment, that could specifically identify the individual.
 - b. Assignment of a unique assessment number for identification purposes, which is linked to the member/applicant profile in the CIA database. This assessment number will be the identifier used by the PROF.
 - c. If any information is missing from the disclosure, a follow-up by the Head Office with the member/applicant to complete the disclosure.
3. The disclosure, along with the Review and Assessment of a Criminal Conviction – Committee Member Worksheet (see appendix 1) and any additional background documentation (e.g., Rules of Professional Conduct, related policies, etc.) is normally sent to the PROF within five business days of receipt of all of the necessary information.
4. Each PROF member is asked to review the disclosure and related material and to complete the committee member worksheet, in order to provide their own individual assessment of the conviction, prior to discussing the matter formally with the PROF.
5. A conference call of the PROF is normally set up within the next 15 days after the disclosure is issued to the PROF in order to formally review and assess the disclosure. The completed committee member worksheets should be returned to the Head Office prior to the PROF conference call. A summary will then be provided to the PROF for discussion on the call. PROF members are also invited to share any initial thoughts with the committee via e-mail, prior to the call, so that any issues raised which may require further research, can be addressed prior to the call.
6. The PROF holds the review and assessment conference call and **decides whether the criminal conviction puts the character of the individual in question**, possibly tainting his or her ability to perform professional services, based on the criminal conviction assessment criteria in the [Policy on Disclosure of Criminal Convictions](#).
7. The Head Office sends a communication to the member/applicant advising him or her of the PROF's decision.

If the decision is NO,

- a. In the case of an applicant,
 - i. The Head Office is advised to proceed with the member's application form. The disclosure indicator on the application form will not be shown on any forms that are submitted to a CIA committee for review.
 - ii. The applicant's profile is updated in the database to include the date that the PROF's assessment was completed, along with the outcome. This information remains confidential to the Head Office and is not shared, except to confirm to the CPC, on request, that such an assessment has been completed by the PROF.
- b. In the case of an existing member,
 - i. The member's profile is updated in the database to include the date that the PROF's assessment was completed, along with the outcome. This information remains confidential to the Head Office and is not shared, except to confirm to the CPC, on request, that such an assessment has been completed by the PROF.

If the decision is YES,

- a. In the case of an applicant,
 - i. The communication will inform the applicant that his or her application for enrolment is declined and provide details regarding the appeal process (see Appeal Process for an Applicant, below);
 - ii. Once the appeal filing period has elapsed (without appeal) or the decision of the PROF is upheld following appeal, the Head Office is notified and advised that the application for enrolment is denied; and
 - iii. The applicant's profile is updated in the database to include the date that the PROF's assessment, as well as the appeal (if applicable), were completed, along with the outcome.
 - b. In the case of an existing member,
 - i. The communication will inform the member that his or her name will now be provided to the CPC, along with the disclosure information, for further review pursuant to the CIA Bylaws (section 20);
 - ii. The Head Office prepares the required information and sends it to the Secretary of the CPC pursuant to bylaw 20.02(1); and
 - iii. The member's profile is updated in the database to include the date that the PROF's assessment was completed, along with the outcome. This information remains confidential to the Head Office and is never shared beyond the Head Office and the CPC.
8. The Head Office documents all of the PROF's assessments and decisions in a file containing the assessment number and the rationale behind the PROF's assessment, for reference in relation to future disclosures.
9. Pursuant to policy statement 8 in the Policy on Disclosure of Criminal Convictions, the PROF will prepare a report to the members, biannually, normally in March and September, identifying the criminal convictions disclosed and the result of the assessments. The names of the individuals who disclosed the convictions will not be included in the report.

Appeal Process for an Applicant

If an applicant is denied enrolment by the PROF due to his or her past criminal conviction, the applicant may appeal the decision in writing to the Eligibility and Education Council (EEC) within 30 days of receipt of the notice of the assessment.

When a request for an appeal is received, the Head Office will follow the same procedures outlined above in order for the EEC to conduct its review and assessment of the criminal conviction.

If the EEC upholds the PROF's decision, the applicant will be denied enrolment and the decision will be final. If the EEC does not uphold the decision, the applicant will be granted enrolment in the CIA, subject to meeting all other qualification requirements.

**Review and Assessment of a Criminal Conviction
Committee on Professionalism – Member Worksheet**

Assessment #: _____ **Date Received:** _____ **Name of PROF member:** _____

Considerations	Assessment
<p>1. Has a similar assessment been done previously? <i>(Review master list at Head Office)</i></p>	<p>YES or NO Comments:</p>
<p>2. Is the criminal conviction related to the practice of the actuarial profession? It is not an easy task to answer this question and needs to be done with competence, sensitivity, and judgment. For example, according to the professional case law in the province of Québec, the expression “relates to” connotes the idea of a relationship or a connection between separate elements. On the other hand, there can be no link between two distinct elements when they are found to be independent of each other, incomparable, or unrelated.</p>	<p>YES or NO Comments:</p>
<p>3. If it is not related to the practice of the actuarial profession, does the offence put the character of the member in question, tainting his or her ability to provide professional services? Is it likely to undermine (perhaps irreparably) the trust of the public? When a professional commits an offence while practising his or her profession, the correlation is obvious. It might not be the case for other offences, which may perhaps complicate the matter under closer examination. However, protecting the public must extend to criminal offences that are not committed in the course of professional activities. Indeed, some offences committed in a non-professional context could still have an impact on the profession if they are likely to undermine the trust of the public and those with whom the professional shall interact while practising his or her profession.</p>	<p>(If applicable) YES or NO Comments:</p>
<p>4. Would it be unfair to prevent the individual from earning a living in his or her chosen profession, given the nature of the offence that was committed? There is an issue of proportionality to be considered—what fate does the member deserve based on the offence, and is it fair, considering the impact of the actions that the Institute may take?</p>	<p>YES or NO Comments:</p>

Overall assessment and recommendation:	No further action OR Referral to CPC
Additional comments:	