

Tribunal Panel Terms of Reference

Document 220130

1. Establishment of the Tribunal Panel

1.1 The Bylaws of the Canadian Institute of Actuaries (CIA) state the following:

***13.2.26 The Actuarial Profession Oversight Board shall annually appoint a Tribunal Panel which shall consist of at least 15 Fellows, who have agreed in general terms to make themselves available for appointment to a Disciplinary Tribunal or an Appeal Tribunal. None of the President, the President-elect, the Immediate Past President or a member of the Professional Conduct Board shall be members of the Tribunal Panel. The Actuarial Profession Oversight Board shall also annually appoint two members of the Tribunal Panel to act as chair and vice-chair of the Tribunal Panel, who shall have such powers as may be necessary or convenient for the purposes for which they are appointed.
[Adopted Jan. 1/20]***

11.14 If a petition signed by at least five Voting Members affirming that there have been irregularities in the election process is delivered, within seven days after the Annual General Meeting, to the Chairperson of the Tribunal Panel, the said Chairperson shall appoint a committee, to be designated a Committee of Adjudication, which shall consist of not less than five and not more than nine Voting Members (none of whom shall be members of the Elections Committee), who shall be empowered to resolve any irregularities which may be found. The decision of the Committee of Adjudication shall be final and without appeal.

[Modified Nov. 20/98; Modified July 1/00; Modified June 1/12; Modified July 1/19]

1.2 The CIA supports the Tribunal Panel in the performance of its activities. In doing so, the CIA respects the independence of the Tribunal Panel, which is not subject to direction or influence by the CIA or other representatives of the actuarial profession.

2. Purpose

2.1 In accordance with the CIA Bylaws and the Rules of Practice and Procedure of a Disciplinary Tribunal, the Tribunal Panel will comprise appropriately qualified Fellows of the Institute from which the required number of members will be selected to serve on a disciplinary or appeal tribunal, when needed.

2.2 The chair of the Tribunal Panel also has the responsibility of recruiting and appointing members of a Committee of Adjudication, when needed, in accordance with Bylaw 11.14.

3. Scope

3.1 Section 20 of the CIA Bylaws outlines the disciplinary process in detail, including the role of the Tribunal Panel, and in particular, the role of its chair.

4. Authority and Responsibility

4.1 In accordance with the CIA Bylaws and the Rules of Practice and Procedure of a Disciplinary Tribunal, the Tribunal Panel has the following authority and responsibilities:

- (a) Tribunal Panel members must be ready and willing to serve on a disciplinary or appeal tribunal, when needed.
- (b) The chair of the Tribunal Panel will select the required number of appropriately qualified members from amongst the members of the Tribunal Panel to serve on a disciplinary tribunal.
- (c) The chair of the Tribunal Panel will fulfill the responsibilities of the role as outlined in the CIA Rules of Practice and Procedure of a Disciplinary Tribunal and in the CIA Bylaws.
- (d) In collaboration with the Professional Conduct Board (PCB), the Tribunal Panel will be consulted as needed to monitor the CIA's disciplinary process and recommend changes, particularly with regard to the conduct of disciplinary or appeal tribunals.
- (e) The Tribunal Panel will be accountable to the Actuarial Profession Oversight Board (APOB) to demonstrate that it has fulfilled its mandate, effectively and efficiently, as described in these terms of reference.
- (f) The chair of the Tribunal Panel will advise APOB as to the human and financial resources needed to accomplish the Tribunal Panel's activities.

5. Membership

5.1 The Tribunal Panel will consist of not fewer than 15 Fellows of the CIA, including a chair. The members of the Tribunal Panel will be recommended by the chair of the Tribunal Panel and appointed by APOB.

5.2 Members of the Tribunal Panel will be selected to ensure that it has a balance of competencies and experiences in various areas of practice in order to appropriately execute its responsibilities.

5.3 The selection of members for the Tribunal Panel puts emphasis on the ability of the selected member to be objective and to be able to act independently of other considerations.

5.4 In general, the expected term of service as a member of the Tribunal Panel will be five consecutive years, except when moving into the role of chair, which would be in addition to the term as member. In order to maintain an orderly transition of members, APOB may extend the term of a member to up to eight consecutive years.

5.5 It is expected that the Tribunal Panel will always have a minimum of 15 members. However, if unlikely events lead to a reduction of the Tribunal Panel membership below 15, the Tribunal Panel will report the situation to APOB immediately and request that it be allowed to operate with a membership below the minimum until such time as a new appointment (or appointments) is made by APOB, to a maximum of six months.

6. Meetings

6.1 The Tribunal Panel will not normally hold meetings.

7. Reporting

7.1 The Tribunal Panel chair will submit reports as required by APOB from time to time.

8. Deliverables

8.1 In collaboration with the PCB, the chair of the Tribunal Panel will review, at a minimum every five years, or more frequently as required, the CIA Bylaws and Rules of Professional Conduct about the disciplinary process.

8.2 In collaboration with the PCB, the chair of the Tribunal Panel will review, at a minimum every five years, the CIA's Rules of Practice and Procedure of a Disciplinary Tribunal.

9. Conflicts of Interest

9.1 All members of the Tribunal Panel are bound by the CIA Rules of Professional Conduct and the CIA Volunteer Code of Conduct and are appointed based on their ability to be objective and to be able to act independently of other considerations. All members of the Tribunal Panel are required to cast their vote(s) with a view to protect and promote the public interest according to their beliefs, experience and judgment based on information they have and the discussions they have taken part in, and not according to the views of any firm, organization or constituency with which they are or have been associated.

10. Review of Terms of Reference

10.1 The Tribunal Panel chair will review, at a minimum every five years, the Tribunal Panel's terms of reference. The results of this review, as well as any recommendations for amendment, will be submitted to APOB. All such amendments to the terms of reference of the Tribunal Panel will require the approval of APOB and shall not be in conflict with the CIA Bylaws.

Approved by APOB on January 1, 2020