

Committee Name:	Complaint Review Committee	Type:	Regulatory Standing Committee
Chairperson:	Appointed by Council	Vice-Chair:	Appointed by Council
Responsible to:	Council	AAA Administration Support:	Executive Director / Legal Counsel
Composition:	The Council must appoint a Chair to the Complaint Review Committee and may designate one or more members as Vice-Chairs. The Committee shall consist of not fewer than three registered architects and one licensed interior designer appointed by Council.		
Term of Office:	Committee members serve a three (3) year term that may be extended if Council deems it necessary to ensure the committee has enough adequately trained members to perform their regulatory duty and ensure continuity and consistency. It is desirable to have some members serve longer than three years in order to create overlapping vacancies.		
Criteria	<ul style="list-style-type: none">• May meet on a regular basis and at the call of the Chair or Vice Chair• Council shall appoint members to serve on the committee• May create ad-hoc, subcommittees / task forces from time to time		

SPECIFIC AREAS OF RESPONSIBILITY

Mandate: The Complaint Review Committee's responsibilities are set out in the *Architects Act*, Part 5- Practice Review and Discipline – Sections 29-37 and in the *Architects Act General Regulation* – Part 4 – Complaints – Sections 49-55. (Appendix A – attached)

Deliverables: **Review and investigation of complaints**

- The Complaint Review Committee is to consider and, as required, investigate complaints against any AAA member in accordance with the requirements in the *Architects Act* and the *Architects Act General Regulation*.
- Upon receipt of a written complaint of unskilled practice and/or unprofessional conduct against an authorized entity, the Chair of the Complaint Review Committee must review the complaint and may conduct (or appoint a person to conduct) a preliminary investigation. The Chair may also treat information as a complaint notwithstanding that no formal complaint has been lodged.
- A typical preliminary investigation will include communicating with the complainant, the authorized entity and any other relevant persons and a request for relevant documents. If an investigator has been appointed, they prepare a written report with their findings to the Chair.
- Investigative methods are employed that protect and recognize the rights of the member under investigation as well as the complainant. All information obtained while in the investigative process remains confidential.

Hearings

- When the Chair of the Complaints Review Committee determines from the investigation results that a formal hearing is required, he or she will direct that a hearing panel be established. The panel will consist of a minimum of three members of the Complaint Review Committee. If the member is a licensed interior designer, at least one member of the hearing panel must be a licensed interior designer.

Deliverables:

- F. At the hearing, AAA legal counsel presents the information of the complaint to the hearing panel. The member is entitled to be represented by counsel. The hearing panel will also be provided with independent legal counsel to support the panel in carrying out their responsibilities as panel members.
- G. The hearing panel reviews the evidence provided, may ask further questions and compel information, and upon deliberation, will deliver a decision on the matter at hand.

**Meetings,
Timeframes, and
Deadlines:**

Members are required to meet on an as-needed basis. Meetings can be virtual, on the phone, or in person. Members can be appointed to undertake preliminary investigations or may be appointed to a hearing panel for a hearing.

Participation on this committee is eligible under the category of AAA committee work which allows for a total of four (4) structured learning hours per professional development reporting period.

Review Date:

These terms of reference will be reviewed by Council on a biennial basis at the June Council meeting.

APPENDIX A

The Architects Act – Revised Statutes of Alberta 2000-Chapter A-44 Current as of November 1, 2010

Part 5 Practice Review and Discipline

Definitions

- 29** In this Part,
- a) “chair” means the chair of the Committee and includes a vice-chair;
 - b) “conduct” includes any act or omission;
 - c) “investigated person” means a person, corporation or other entity with respect to whose conduct a hearing by a review panel is being held or may be held under this Part;
 - d) “review panel” means the Committee or the Board, as the case may be.

Unskilled practice and unprofessional conduct

- 30 (1)** Any conduct of an authorized entity that, in the opinion of a review panel or, on appeal, the Council is such as
- (a) to be detrimental to the best interests of the public,
 - (b) to contravene a code of ethics as established under the regulations,
 - (c) to harm or tend to harm the standing of the profession of architecture generally,
 - (d) to display lack of knowledge of or lack of skill or judgment in the practice of architecture, or
 - (e) to display lack of knowledge of or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of architecture, whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of architecture or unprofessional conduct, whichever a review panel or, on appeal, the Council determines.
- (2)** If an authorized entity fails to comply with or contravenes this Act, the regulations or the bylaws and the failure or contravention is, in the opinion of the review panel, of a serious nature the failure or contravention may be considered to be unprofessional conduct by the review panel whether or not it would be so held under subsection (1).

Complaints

- 31 (1)** A person may complain to the Registrar about the conduct of an authorized entity, and the complaint shall be dealt with in accordance with this Part.
- (2)** A complaint respecting the conduct of an authorized entity whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within one year following the date of cancellation of the registration as if the cancellation had not occurred.
- (3)** A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar if the complainant and the person about whose conduct the complaint was made so agree, but if within 30 days from the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator’s opinion is not likely to occur, the complaint shall, if it is in writing, be referred forthwith by the mediator to the chair.

Initial Review by Chair of Committee

Initial review by Committee chair

- 32 (1)** The chair shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct
- (a) is brought to the chair's attention by a complainant or any other person, or
 - (b) when section 31(3) applies, is referred to the chair by a mediator.
- (2)** The Council may at the request of the chair extend the 30-day period mentioned in subsection (1).
- (3)** The chair may, at any time during a review under this section, or on a review of conduct when no complaint has been made, conduct a preliminary investigation or appoint a person to conduct a preliminary investigation to ascertain facts relating to the conduct or alleged conduct of an authorized entity.

RSA 1980 cA-44.1 s32

Conclusion of initial review

- 33 (1)** The chair shall immediately on the conclusion of a review of a complaint made in writing
- (a) direct that no further action be taken if the chair is of the opinion that
 - (i) the complaint is frivolous or vexatious, or
 - (ii) there is insufficient evidence of unskilled practice of architecture or unprofessional conduct, or
 - (b) refer the complaint to the Committee, if the chair is of the opinion that the conduct should be considered by the Committee.
- (2)** On the conclusion of any other investigation or review, the chair may in writing refer to the Committee any conduct that the chair concludes should be considered by the Committee.

RSA 1980 cA-44.1 s33;1983 c17 s2

Notice of decision

- 34** If the chair, in accordance with section 33,
- (a) directs that no further action be taken, or
 - (b) refers a complaint or conduct to the Committee
- the chair shall serve on the person whose conduct was reviewed by the chair and on the complainant, if any, a copy of the complaint or description of the conduct and a notice that no further action will be taken, or that the complaint or conduct has been referred to the Committee, as the case may be.

RSA 1980 cA-44.1 s34;1981 c5 s13

Appeal by complainant

- 35 (1)** A complainant who is served with a notice under section 34 that the chair has directed that no further action be taken may, by notice in writing to the Registrar within 30 days after receipt of the notice, appeal that direction to the Council.
- (2)** The Council shall determine whether
- (a) the complaint is frivolous or vexatious,
 - (b) there is insufficient evidence of unskilled practice of architecture or unprofessional conduct, or
 - (c) the complaint should be referred to the Committee,
- and shall notify the complainant and the chair in writing of its decision.

Complaint Review Committee

- 36** There is hereby established a committee called the Complaint Review Committee consisting of not fewer than 3 registered architects and one licensed interior designer appointed by the Council in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

Power to hear complaints

- 37** The Committee shall, on referral to it of a complaint or conduct under section 33, investigate and hold a hearing into the complaint or conduct.

Architects Act General Regulation Alberta Regulation 200/2009 With amendments up to and including Alberta Regulation 219/2010

Part 4 Complaints Complaint Review Committee

Chair, vice-chair

- 49** The Council must designate a member of the Complaint Review Committee as chair and may designate one or more members as vice-chairs.

Quorum and proceedings

- 50 (1)** Subject to subsection (2), a quorum of the Complaint Review Committee is 3 of its members.
- (2)** When the Complaint Review Committee is holding a hearing in respect of a complaint made concerning a licensed interior designer, a visiting project interior designer or an interior design corporation, a quorum is 3 members of the Complaint Review Committee, one of whom must be a licensed interior designer.

Registrar's duties

- 51** On receipt of a written complaint the Registrar shall, or on receipt of an anonymous complaint or other information, the Registrar may
- (a) notify the complainant, if known, in writing that
 - (i) if the complaint is capable of being the subject of mediation that it will be referred to a mediator if both parties so agree in accordance with section 31(3) of the Act, or
 - (ii) the complaint has been referred to the chair or a under section 32(1) of the Act, and send the complainant a copy of the relevant sections of the Act and this Regulation that pertain to complaints and complaint review proceedings, and
 - (b) notify in writing the authorized entity that the complaint has been made and the action that will be taken if both parties agree under clause (a)(i) or that the matter has been referred to the chair or a vice-chair of the Complaint Review Committee.

Complaint made to chair or vice-chair

- 52** If a complaint is made or comes to the attention of the chair or vice-chair of the Complaint Review Committee under section 32(1)(a) of the Act and the complaint is in writing, the chair or vice-chair must notify the authorized entity concerned that a complaint has been made and that it will be reviewed.

Preliminary investigation report

- 53** If a person other than the chair of the Complaint Review Committee conducts a preliminary investigation, that person must forthwith, on concluding the investigation, report in writing to the chair of the Complaint Review Committee.

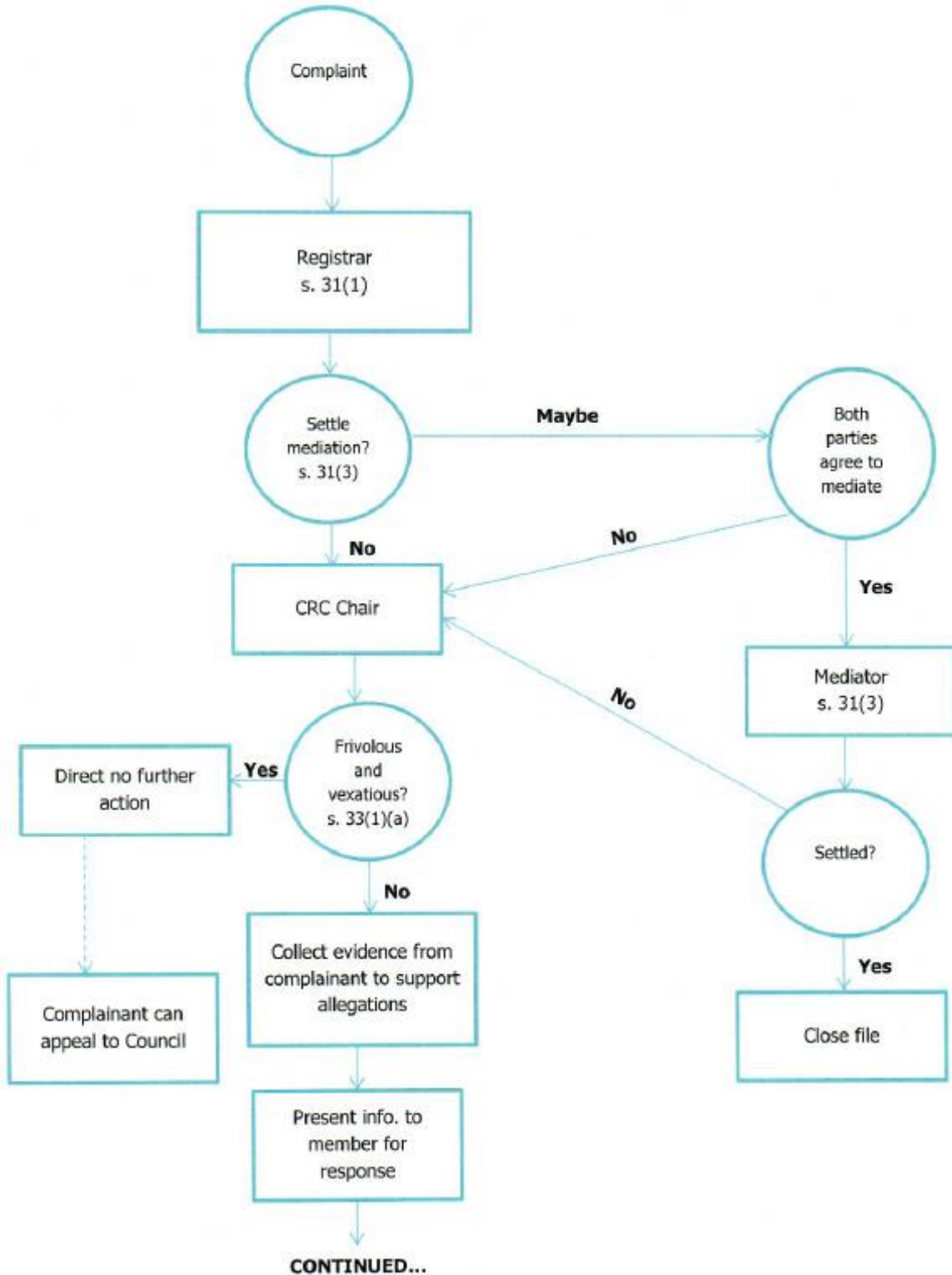
Committee loses member

- 54** If, after the Complaint Review Committee has started to investigate or hear any matter under section 37 of the Act, a member of the Committee resigns or is unable to act for any reason, the remaining members may continue to act or may, with the consent of the investigated person, request the Council to appoint a person to act in place of that other member.

Notice of suspension or cancellation

- 55 (1)** If the Complaint Review Committee suspends or cancels the registration of an authorized entity, the Council must publish a notice of the suspension or cancellation in any manner it considers appropriate.
- (2)** A notice published under subsection (1) must include
- (a) the name of the authorized entity, and
 - (b) the period of suspension, if applicable.

APPENDIX B – COMPLAINT FLOWCHART



COMPLAINT FLOWCHART (CONTINUED)

