



# Caribbean Actuarial Association

Proposed Disciplinary Process

Presented in Suriname at the 16<sup>th</sup>  
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# Rules of Procedure

- Allowed for in CAA constitution, Article VII, Section 2(d)
- Requires amendment to CAA Professional Code of Conduct Section 13.
- Change wording from *“the member may refer the matter to the disciplinary committee...”* to *“the member may refer the matter to the Executive Council...for disciplinary action”*



# Complaint

- Aggrieved person (member or non-member of CAA) files a written complaint with the Executive Council
- All complaints are to be dealt with promptly
- If found to be frivolous the Exec. Council can dismiss the complaint and inform the complainant of the dismissal
- For complained of conduct outside of the constitutionally defined Caribbean, the Executive Council may forward the complaint to the actuarial body which shares jurisdiction with the CAA, otherwise an Investigative Committee will be appointed



# Investigative Committee

- Appointed by Executive Council when required (one-off committee)
- No more than 3 persons
- Not limited to CAA membership. Members may be drawn from other organisations
- Chairman selected by majority vote of all committee members.



## *Investigative Committee cont'd*

- Gathers all information to address complaints
- Prepares written report with appropriate recommendations for disciplinary action
- Submits report to Exec. Council within 30 days of completing it.
- Exec. Council considers the report and dismisses the case or escalates it to the Disciplinary Committee



# Disciplinary Committee

- Appointed by Executive Council (standing committee)
- Considers disciplinary action recommendations in the report of the Investigative Committee
- 5 or more persons – 2 from Exec. Council
- President and student rep. – ineligible
- Not limited to CAA membership. Members may be drawn from other organisations



## *Disciplinary Committee cont'd*

- Member cannot have served on the Investigative Comm.
- 2 year term of office, and can be re-appointed.
- Quorum is 4 members
- Chairman, selected by majority vote, schedules a hearing



# Disciplinary Hearing

- Member notified by Chairman at least 45 days before hearing of the details (date, time, location, Committee members, complaint etc.)
- Member may appear with legal counsel
- Member may submit new evidence
- Member may object to a Committee member on grounds of conflict of interest – if valid, Chairman appoints a special committee member



## *Disciplinary Hearing cont'd*

- Disciplinary committee must make a decision within 60 days of end of hearing
- Decision to render disciplinary action requires majority vote of all DC members who attended the hearing
- The complainant and “complainee” are notified of the results of the vote and the decision within 5 business days



# Disciplinary Action

- 3 possible with 2 other actions
  
- 1. Public reprimand by CAA
- 2. Suspension from CAA
- 3. Expulsion from CAA
  
- Along with:
  - a. completion of course of instruction, and/or
  - b. payment of legal/other expenses incurred by CAA



# Appeals

- Notice of an appeal in writing must be filed with the Executive Council within 45 days of receiving notification of the disciplinary action from the Disciplinary Committee
- Appellant agrees to distribution of evidence and other material to Appeals Committee
- Rights of membership are suspended until the end of the appeals process



# Appeals Committee

- Appointed by the Executive Committee as required
- 3 persons, at least one from Executive (President and student rep. are ineligible)
- Not limited to CAA membership. Members may be drawn from other organisations



## *Appeals Committee cont'd*

- Cannot have served on Investigative Committee or be a member of Disciplinary Committee
- Chairman appointed by majority vote
- All members required for a quorum



# Appeals Hearing

- Hearing conducted within 60 days after the period for filing an appeal (45 days) has expired
- Member may appear with legal counsel
- Member may NOT submit new evidence unless exceptional circumstances dictate
- Decision required within 30 days after the end of the appeals hearing
- The complainant and “complainee” are notified of the decision within 5 business days



# Confidentiality & Record Keeping

- All proceedings kept secret
- Records of the hearings are retained by the CAA
- Disciplinary Committee submits a confidential annual report to the Executive Council on its activities.



# Notice of Disciplinary Action

- Not given until the process ends (i.e. after the appeal process, or if no appeal, after the period to appeal has expired)
- Notification to all CAA members, and actuarial and governmental organisations deemed necessary by the Executive
- Executive can decide to publish in a newspaper or journal



# Role of Executive Council

- Exec Council is very involved in the process
- Receives complaints or questions
- May dismiss claims if ill-founded
- Appoints Investigative Committee
- Notifies and updates complainant and “complainee” of progress and outcome



## *Role of Executive Council cont'd*

- Receives report from Investigative committee
- May dismiss the case based on info in the Investigative report, or
- Refers investigative report to the Disciplinary Committee
- Appoints Disciplinary Committee
- Appoints Appeals Committee



## *Role of Executive Council cont'd*

- Receives the appeal from a “complainee”
- Initiates/implements the disciplinary action
- Can reinstate an expelled member
- Notifies members, actuarial and other organisations of disciplinary action
- Receives annual report from the Disciplinary Committee



# Timeline

- Process could take 1 year
- Investigative time est. – 90 days
- Report preparation and submission– 30 days
- Time to Disciplinary hearing – 45 days
- Time to DC decision – 60 days
- Notification time – 5 days



## *Timeline cont'd*

- Appeal period – 45 days
- Time to Appeal hearing – 60 days
- Time to AC decision – 30 days
- Notification time – 5 days
  
- Total – 370 days



# Summary Process

