

ASET Professional Practice Exam Legislation Handbook

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The logo for ASET (Association of Science and Engineering Technology Professionals of Alberta) is located in the bottom right corner. It features the word "ASET" in a bold, white, sans-serif font, set against a dark blue background. The background of the logo consists of several overlapping, curved, light blue and white shapes that create a sense of motion or a stylized wave.

ASET

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Introduction

The ASET Legislation Handbook has been prepared by the Association of Science and Engineering Technology Professionals of Alberta (ASET) for applicants seeking registration as a Certified Technician or Certified Engineering Technologist. The handbook is designed to provide candidates with essential information regarding the relevant legislation in preparation for the ASET Professional Practice Exam. This handbook is based on the *Engineering and Geoscience Professions Act* Part 5 and Part 8; Division 1 and Division 4, and the *ASET Regulation AR 282/2009*.

The Association of Science and Engineering Technology Professionals of Alberta

The Association of Science and Engineering Technology Professionals of Alberta is a corporation under the *Engineering and Geoscience Professions Act*. The abbreviated form of the name is ASET or A.S.E.T. No person other than the Association of Science and Engineering Technology Professionals of Alberta can use the abbreviated form of the name or any other abbreviation in a way that states directly or implies that the person is a member of or connected in any way with ASET.

ASET has the capacity, rights, powers and privileges of a natural person under the Act.

ASET Trademarks

ASET may hold or continue to hold and regulate the use of the following trademarks:

- a) Certified engineering technologist and “C.E.T.”
- b) Certified technician and “C.Tech”
- c) Certified computer information technologist and “C.C.I.T.”
- d) Applied science technologist and “A.Sc.T.”

ASET has no legal capacity to apply for, be granted, or to hold a trademark for any name, title, designation, initials, or abbreviation other than those specified above without the consent of the Lieutenant Governor in Council.

ASET Council may apply to the Court for an injunction enjoining any person from using one of ASET's trademarks, including cancelled and suspended members.

ASET Council

The governing body of ASET is its Council. The Council manages and conducts the business and affairs of ASET and exercise the powers of ASET in the name of and on behalf of ASET. The Council must submit an annual report to the Minister which details the business and affairs of ASET. The Minister will then present the report to the Legislative Assembly.

The Council must appoint a Registrar, as per the regulations and bylaws of this Act.

The ASET Council is made up of:

- A President,
- Two Vice-Presidents,
- The past President,
- Other members, each of whom shall be elected by ASET members, and
- Public members appointed by the Minister
 - o Three public members when Council is less than 20 members
 - o One additional public member for every additional 10 Council members

Position	Term of Office
President	One year
Vice-President	One year
Public Member	Three years

When an elected member's term ends, they continue to hold office until they are reappointed or their successor is elected.

The President acts as the presiding officer at meetings of the ASET Council and ASET meetings. The President can only vote in the event of a tied vote in Council or ASET meetings. During the absence of the President, the First Vice-President has all the powers of the President.

Quorum for meetings of ASET Council is a majority of its members.

Council's powers, duties and operations are not affected by a member of the public's absence, whether from not being appointed, being absent, being removed, or resigning. The public member's absence does not affect Council's ability to perform its duties under the Act.

Regulations

The ASET Council may make regulations with respect to the registration, licencing, the issuing of permits and certificates, disciplinary matters, and the practice of regulated members. Regulations made by ASET Council may fall into the following categories: membership, including application; Boards and Committees; and public interests.

Membership

Council makes regulations:

- Establishing categories and criteria for enrollment for regulated members, members in training, examination candidates and students
- Determining the academic qualifications and experience requirements for applicants
- Governing the evaluation of qualifications and experience for applicants to engage in the practice as regulated members
- On the eligibility of applicants to engage in the practice as regulated members
- Prescribing the technical standards of practice for regulated members
- Establishing the compulsory continuing education program for regulated members

- On the titles that may be used by regulated members and the circumstances and conditions under which titles may be used
- Establishing classes or categories of regulated members and prescribing restrictions of practice and the privileges and obligations of the classes or categories established in addition to regulated members
- On the academic qualifications and the experience required of the other classes and categories established in addition to regulated members
- Governing the eligibility of persons, firms, partnerships and other entities for registration as ASET permit holders or certificate holders
- Governing the operation of ASET permit or certificate holders, and
- Defining 'regulated member' for the purposes for all or any of the provisions of this Act, ASET regulations, and ASET bylaws.
- Governing the names under which regulated members may engage in practice

Boards and Committees

ASET Council makes regulations:

- On the powers, duties and functions of the ASET Practice Review Board, including but not limited to the referral of matters
- On the process of appointment of members of the ASET Appeal Board
- Prescribing the number of members that constitute a quorum of ASET Council, the ASET Investigative Committee, the ASET Appeal Board, the ASET Practice Review Board, the ASET Board of Examiners, or the ASET Discipline Committee
- Governing the establishment of boards or committees and regarding the delegation of powers of the ASET Council to these boards or committees or to the ASET Practice Review Board
- Governing the operation and procedures of the ASET Appeal Board, the ASET Board of Examiners, and the ASET Practice Review Board, the designation of a chair and vice-chair, the appointment of acting members and procedures for filling vacancies, and the appointment to any of those boards of members by virtue of their office and prescribing their powers, duties, and functions
- On the procedures of the ASET Discipline Committee, the ASET Practice Review Board, the ASET Investigative Committee and of the ASET Appeal Board in matters relating to the conduct or practice of regulated members, whether or not a complaint has been made
- Establishing committees for inquiry for reinstatement

Public Interest

ASET Council must develop regulations:

- Establishing and providing for the publication of a Code of Ethics respecting the practice of regulated members and the protection of public interests

- Governing the publication of a notice of the suspension or cancellation of the registration of a regulated member, and prescribing the form and manner in which such a notification will be made
- Governing the publication of information with respect to ASET and ASET members
- On the process for serving a document or notice on any person, as required by this Act (i.e. Discipline Committee hearing)

Regulations can only be made by the ASET Council. A regulation must be approved by the majority of ASET members who are present and voting. Voting can take place at a special meeting, by mail, electronic, or telecommunication, or at the annual general meeting (AGM). ASET Council can change the text and wording of a regulation that has been approved if the change is consistent with the approved content.

Bylaws

ASET Council may make bylaws for the governing and operation of ASET. Bylaws may fall under the following categories: Operation of ASET, Boards and Committees, and Membership.

Operation

ASET Council may make bylaws:

- For the government of ASET and the management and conduct of its affairs,
- Determining the location of the head office of ASET
- On calling of and conduct of meetings of ASET members and ASET Council
- On the appointment, function, duties and powers of an Executive Director of ASET
- To establish the districts and branches of ASET and their operation
- Dividing Alberta into electoral districts and prescribing the number of ASET Council members to be elected from each district
- Providing for the appointment of a Deputy Registrar of ASET who has all the powers and may perform all of the duties of the ASET Registrar under this Act, ASET regulations and bylaws when the ASET Registrar is absent or unable to act, or when there is a vacancy in the office of the ASET Registrar
- Prescribing fees and expenses payable to members of ASET for attending to the business of ASET
- For the establishment and payment of sums of money for scholarships, fellowships, and any other educational incentive or benefit program that ASET Council considers appropriate
- Respecting the fixing of fees, dues and levies payable to ASET, and
- Respecting the costs payable to any person on the conclusion of a hearing or review

Boards and Committees

The ASET Council may make bylaws:

- On the nomination, election, number and term of office of ASET Council members and officers of ASET
- On the appointment of individuals as members of the Discipline Committee, the Practice Review Board, the Appeal Board, the Board of Examiners and any other committee established by ASET Council,

- Prescribing their powers, duties and functions of Boards and Committees
- Prescribing the areas of practice from which members of the ASET Board of Examiners shall be appointed
- Providing for the appointment of acting members of ASET Council and procedures for an election or appointments to fill vacancies on ASET Council
- Prescribing the quorum at meetings of ASET members
- Governing the establishment, operation and proceeding of the committees, the appointment of members of committees, and the appointment of acting members on boards and committees
- On the procedures for filling vacancies on committees and the delegation of any powers or duties of ASET Council

Membership

ASET Council may make bylaws:

- Defining 'ASET members' for the purposes of this Act and ASET regulations and bylaws
- Establishing classes or categories of membership in ASET in addition to regulated members and professional technologists and prescribing the rights, privileges and obligations of the classes or categories of membership so established
- On the issuing of permit numbers to ASET permit holders
- Respecting the establishment, contents, and maintenance of registers of members and records of other classes or categories of membership to be kept by the ASET Registrar
- Respecting the removal from the registers and records of any memorandum or entry made in them
- Requiring members to inform the ASET Registrar in writing of their current mailing address and of any change of address immediately
- Prescribing the form of a certificate of registration, a permit, a certificate of authorization and an annual certificate (in the form of a membership card)
- Respecting the expiry of annual certificates, annual licenses, permits and other authorizations

ASET Council may make bylaws respecting the holding of mail votes and votes conducted by electronic, telecommunication or any other appropriate means on a matter relating to ASET. A bylaw on voting does not come into force unless it is approved by a majority of ASET members present and voting.

The *Regulations Act* does not apply to ASET bylaws.

Membership

Application

To apply for ASET membership, a completed application form, all required supporting documents and fees must be submitted to the ASET Registrar. The Registrar shall then refer the application to the ASET Board of Examiners once s/he is satisfied that the applicant meets the eligibility requirements for one of the categories of ASET membership.

Annual Fees

A person entered in the register shall pay any annual fees as prescribed by the ASET Council, pursuant to the ASET bylaws.

Registers and Records

In accordance with the ASET bylaws, the ASET Registrar shall keep and maintain records and registers for regulated members, professional technologists and other ASET members. The register shall include registered engineering technologists (R.E.T.).¹

The ASET Registrar shall enter the name of a person who has paid the fees prescribed in the ASET bylaws and who has been approved by either the ASET Board of Examiners, ASET Joint Board of Examiners, or ASET Council. The Board of Examiners will approve for registration an individual who has applied and is eligible under this Act and ASET regulations, which are outlined in detail below.

On entering the name of a regulated member or professional technologist in the register, the ASET Registrar shall issue a certificate of registration. Professional technologists will be issued a certificate of registration to engage in the practice of engineering or geoscience within the scope of practice specified by the Joint Board of Examiners and a stamp or seal. The ASET Registrar shall issue an annual certificate to a regulated member whose registration is not suspended and who has paid the annual fee. An annual certificate entitles the regulated member to use the title granted to the regulated member for the year the certificate is issued. After receiving the initial certificate of registration, ASET members receive an annual membership card as their annual certificate.

Notices in the Register

Once the decision to suspend or cancel a regulated member, professional technologist, or permit holder membership is made, the ASET Registrar must enter a memorandum of suspension or cancellation in the appropriate register, indicating both the duration and reason for the suspension/cancellation. The Registrar shall not remove any memorandum from the registers, except in accordance with ASET bylaws.

¹ The R.E.T. membership is no longer issued. However those members who qualified for R.E.T. membership before it was discontinued are also listed on the register

The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all regulated members in good standing, including professional technologists and permit holders.

The ASET Member Register is electronic and is available at any time via the ASET website.

Cancellation of Membership

A request to cancel a regulated member, professional technologist, or permit holder membership is done by submitting a Membership Status Change form to the Registration Department. The request for cancellation must be approved by ASET Council. When a request for cancellation is approved, the ASET Registrar will cancel that registration and the regulated member, professional technologist, or permit holder requesting cancellation must immediately surrender the certificate of registration and the annual certificate, and stamp or seal to the Registrar. Permit holders whose registration is cancelled must cease using their permit number.

ASET Council may direct the ASET Registrar to cancel the registration of a member who is in default of payment of annual fees or any other fees, dues, or levies payable. An ASET permit holder who no longer has employees in compliance with the professional technologist regulations will also have their registration cancelled by Council. A written notice must be served and the ASET Registrar must wait 30 days after serving the notice to cancel the registration. The notice will state that the ASET Registrar may cancel the registration unless the fees, dues, or levies are paid as indicated in that notice. For an ASET permit holder, evidence must be received indicating that the permit holder has employees in compliance with the professional technologist regulations. After 30 days, their registration will be cancelled.

ASET Council may direct the ASET Registrar to cancel the registration of a regulated member, professional technologist, ASET permit holder, or other membership that was entered in error in the register.

If the registration of a professional technologist or permit holder has been cancelled under this section, the professional technologist shall surrender to the ASET Registrar any certificate of registration, annual certificate, stamp or seal, or permit issued to them.

Reinstatement

The ASET Council may direct the ASET Registrar to reinstate a registration that was cancelled, subject to any conditions that the Council may prescribe, and to reissue the certificate of registration, annual certificate or permit, and the stamp, seal, or permit number. If a person whose registration was cancelled applies to be reinstated more than 7 years after the date of cancellation, the application for reinstatement must be referred to the ASET Board of Examiners, for regulated members, or the ASET Joint Board of Examiners, for professional technologists.

A person whose registration has been cancelled or suspended under this Act must not, without the consent of the Board of Examiners, engage in the practice of engineering or geoscience.

Students

Requirements

The applicant must be:

- Of good character and reputation
- Enrolled as a full time student in an applied science, information or engineering technology program that is recognized by the ASET Board of Examiners, or
- A regulated member who returns to full time education in an applied science, information, or engineering technology program that is recognized by the ASET Board of Examiners

The ASET Board of Examiners may establish what part of the program must be completed in order to be enrolled as a student.

Striking from the record

A name may be struck from the record of members if:

- ASET Council believes that the student has engaged in unprofessional conduct
- The student ceases to be enrolled in a full time program, or
- The record was entered in error

Members-in-Training

A “member-in-training” means a technician-in-training or a technologist-in-training (TT)

Requirements

The applicant must be:

- Of good character and reputation
- A graduate of an applied science, information or technology program that is recognized by the ASET Board of Examiners, but does not have the work experience required to become a regulated member, or
- Is a member-in-training in good standing with a regulated entity in another province that the Board of Examiners considers equivalent to ASET

A person may not become a member-in-training if at the time of application the person is *qualified to be registered as a regulated member*.

Striking from the Record

A name may be struck from the record of members if the person

- Has engaged in unprofessional conduct
- Has failed to make satisfactory progress towards registration as a regulated member, or
- If the registration was entered in error

No person may remain a Member-in-Training for more than 4 years after graduation, though the Registrar may extend that period.

Regulated Members, Professional Technologists and Permit Holders

Designations

A person who meets the requirements for registration as a regulated member or professional technologist will be granted one of the following designations by the ASET Board of Examiners

- a) Certified Technician
- b) Certified Engineering Technologist
- c) Professional Technologist (Engineering)
- d) Professional Technologist (Geoscience)

Only those granted one of those designations, whose registration has not been cancelled or suspended, may use the designation or the following abbreviations:

- a) C. Tech
- b) C.E.T.
- c) P.Tech (Eng.)
- d) P. Tech (Geo.)

No Professional Technologist shall engage in the practice of engineering or geoscience except within the scope of practice specified by the Joint Board of Examiners.

Anyone not registered with ASET cannot imply that they are entitled to use the titles or abbreviations listed above, or “registered engineering technologist”, R.E.T.²

Requirements

Regulated Member

The applicant must:

- Be a Canadian citizen or lawfully entitled to work in Canada
- Be of good character and reputation
- Have a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of applied science, information, or engineering technology, which has been demonstrated by passing an examination
- Able to demonstrate proficiency in the English language that is sufficient to responsibly practice the profession
- Meet one of the following requirements:
 - o Has obtained at least 2 years' work experience of a nature acceptable to the Board of Examiners
 - o Has, through a combination of academic qualification and experience demonstrated the competency required
- Be of good character and reputation, or
- Be a regulated member or equivalent in good standing with a regulated entity in another province that the Board of Examiners finds to be equivalent to ASET

² The R.E.T. designation is no longer issued, but the title is similarly protected and limited in its use

The ASET Board of Examiners considers applications for registration as regulated members and may approve, refuse or defer the application until a certain requirement is met. The Board of Examiners may require an applicant to pass one or more examinations, obtain more experience that is satisfactory to the Board for a specified period, or both.

The ASET Board of Examiners will approve the registration as a regulated member of a person who proves to the satisfaction of the ASET Board of Examiners that they meet these requirements.

Professional Technologists

The Joint Board of Examiners approves registrations for professional technologists. An individual must be eligible in accordance with the Act and the professional technologist regulations to engage in the practice of engineering or geoscience within the scope of practice specified by the Joint Board of Examiners. The scope specified by the Joint Board of Examiners must be a routine application of industry recognized codes, standards, procedures and practices using established engineering or applied science principals and methods of problem solving. The Joint Board of Examiners may define or describe 'routine application', 'industry recognized', 'engineering or applied science principles' and 'methods of problem solving', as well as specify or describe codes, standards, procedures or practices applicable.

The Joint Board of Examiners may approve, refuse or defer the registration. A registration may be deferred until the Joint Board is satisfied that the applicant has completed a requirement made under this Act. The Joint Board of Examiners may, at its discretion, require an applicant to pass one or more examinations, obtain more experience of a kind satisfactory to the Joint Board for a period set by the Joint Board or both.

Permit Holders

ASET Council will approve the registration of a company that is eligible to be registered to engage in the practice of engineering and geoscience as an ASET permit holder. The permit for practice must be within the scope of practice of those professional technologists who are responsible for the practice of the ASET permit holder. To register as a permit holder, the company must be registered under the *Companies Act* or the *Business Corporations Act*. A partnership or other association of persons or a corporation is also eligible to become registered as an ASET permit holder if it satisfies ASET Council that it complies with this Act and the professional technologist regulations.

Decisions

The ASET Board of Examiners and ASET Joint Board of Examiners must send written notice of any decision made to the applicant. If the decision is to refuse or defer the registration of the applicant, reasons for the decision must be sent in writing to the applicant. If the decision made

by the ASET Board of Examiners or ASET Joint board of Examiners is to approve the registration, the ASET Registrar shall publish a notice of approval in accordance with ASET bylaws.

Appeals

An applicant whose application for registration has been refused may appeal the decision to the ASET Appeal Board within 30 days of receiving their notice of refusal. A notice of appeal must be served on the ASET Registrar. Once the ASET Registrar has received a notice of appeal, s/he shall set a date, time and place for the hearing of appeal, and notify the appellant in writing of these details. The appellant may appear with counsel and make representations to the ASET Appeal Board. On concluding the hearing, the ASET Appeal Board may make any decision the ASET Board of Examiners or the ASET Joint Board of Examiners was authorized to make (approve, defer or refuse)

P.Tech and Permit Holder Stamp or Seal

Only a professional technologist (engineering/geoscience) can attach the stamp or seal of a professional technologist or allow the stamp or seal to be attached to a plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction of any of them unless

- That plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction was prepared by or under the supervision and control of, and
- The stamp or seal is affixed with the knowledge and consent or in accordance with the direction of the professional technologist (engineering/geoscience) to whom the stamp or seal was issued.

A professional technologist (engineering/geoscience) may attach a stamp to a plan, drawing, detail drawing, map, geoscientific cross-section, report, specification or other document, or a reproduction prepared by another person if the professional technologist (engineering/geoscience) completes a thorough review of and accepts professional responsibility for that document.

An ASET permit holder must put their permit number on all documents or records in accordance with professional technologist regulations.

When the stamp or seal is applied, it must be accompanied by the professional technologist's signature and the date on which it was applied. A stamp or seal may be applied to the cover page or the final page of reports or documents in a manner which clearly indicates professional responsibility for the entire document. It does not have to be applied to each page.

A stamp or seal issued to a professional technologist must at all times remain under that person's direct control and must be applied by the regulated member, or someone under their direct control. The stamp or seal must be kept in location that does not allow its use by someone other than the professional technologist.

The only place from which a professional technologist may get a stamp or seal is from the ASET Registrar. The professional technologist can only use the stamp or seal while the person is registered as an ASET member, and must return the stamp or seal to ASET on demand. Both the stamp and seal are property of ASET. It is possible for a member to use a computer generated copy of the stamp or seal with the approval of the Registrar if that person otherwise meets the requirements of the Act and the Regulations.

Municipal License

No municipality has the power to require any professional technologist or ASET permit holder to obtain a license from the municipality to engage in the practice of engineering or geoscience.

Liability to Others

The relationship between an ASET permit holder and a person receiving the professional services of the permit holder is subject to any laws applicable to the relationship between a professional technologist and a client.

The relationship between a professional technologist and an ASET permit holder does not affect, modify or diminish the application of this Act or the professional regulations personally as a professional technologist, or to the relationship between the professional technologists and the professional technologist's client.

Continuing Professional Development Program

The ASET Council has established the Continuing Professional Development (CPD) Program as the compulsory continuing education program for regulated members. The ASET Practice Review Board administers the CPD program. The CPD program is comprised of:

- A self-assessment by regulated members of their individual professional development needs
- The preparation of a CPD plan
- Completion of self-directed professional development activities
- The ability of the ASET Practice Review Board to require that regulated members demonstrate compliance with the CPD program
- Practice visits (for the purposes of investigations)

The ASET Council makes the rules which govern the operation of the CPD program. Such rules include:

- The format of the CPD Plan
- Approved programs, courses and other learning that can be completed
- Declarations that CPD Plans have been developed and that professional development activities have been undertaken
- Audits of regulated members to ensure that plans have been prepared and activities are being undertaken in accordance with the plan

- Written records must be maintained by regulated members of their plans and activities, and
- When the CPD program comes into effect for regulated members

A regulated member shall comply with the requirements of the CPD program as it applies to that person's profession.

Written Records

Regulated members must develop and maintain written records of their CPD Plan and professional development activities. Regulated members must produce the records upon the request of the ASET Practice Review Board and satisfy the Board that they are complying with the requirements. When a regulated member fails to satisfy the ASET Practice Review Board, the Board may conduct a review of the practice of that person, including a practice visit, and at any time during the review, recommend to the ASET Investigative Committee that the review be conducted as if it were a written complaint.

Online CPD Log

These legislative requirements have been built into the ASET CPD online log, which allows members to track their CPD activities and development plans online. The ASET CPD Program is intended to be flexible and to allow members to determine and select their own learning needs. Activities fall under four main categories: Formal Learning, Informal Learning, Peer and Professional Interaction, and Contributions to the Profession

Exemption

A regulated member who files with an ASET a declaration in writing stating that the person is not actively engaged in the practice of the profession is exempt from CPD requirements. The exemption is effective for only one year, but may be renewed for additional yearly periods. A regulated member cannot engage in the practice of the profession while exempt. In order to apply for this exemption, the member must submit a completed Membership Status Change form to the ASET Registration department.

If the person intends to resume practice of the profession, they must immediately notify ASET in writing. The Practice Review Board may require a regulated member who has returned to active practice to comply with any conditions that are set prior to resuming active practice. In order to return to active practice, the member must submit a completed Membership Status Change form to the ASET Registration department.

Boards and Committees

In addition to the legislated committees, ASET Council may appoint any other standing or special committees, task forces, or boards it considers necessary to serve the interests of ASET and will delegate any authority necessary for these committees, task forces and boards to perform their function. The ASET Council determines the terms of reference for all additional committees, task forces, or boards created.

The ASET Council makes the regulation governing the operation and proceedings of the Discipline Committee, the Investigative Committee, the Appeal Board, and the Board of Examiners. Council can also make regulations respecting the hearing of a matter by a panel of the Discipline Committee or the Investigative Committee. These regulations do not come into effect until they are approved by the Lieutenant Governor in Council.

Board	Number of ASET Members	Term of Office	Quorum
ASET Practice Review Board	At least four	Three years (can be reappointed)	Majority of the Board
ASET Board of Examiners	No more than 20	Three years (can be reappointed)	One-quarter (1/4) of members
ASET Discipline Committee	At least three, plus one member of the public	Three years (can be reappointed)	Majority of the Committee
ASET Investigative Committee	At least three, plus one member of the public	Three years (can be reappointed)	Majority of the Committee
ASET Appeal Board	At least three	Three years (can be reappointed)	Majority of the Committee

Each of these Boards/Committees will appoint a chair and an acting chair, in the event of the chair's absence. A member on one of the above Boards or Committees continues to hold office until they are re-elected or a successor is appointed. If there is a vacancy on a Board/Committee, ASET Council may appoint a regulated member for the remainder of the term. ASET Council prescribes the powers, duties and functions of the chair and committee members on these boards and committees.

The absence of a public member does not affect the powers, duties and operations of the Discipline Committee or the Investigative Committee. The Minister can appoint someone to fill the vacancy of a public member on either committee.

ASET Practice Review Board

Members appointed to the Practice Review Board must have at least 5 years' experience in the practice of the profession. Council will appoint regulated members so that there is a combination of academic qualifications and experience which allows the ASET Practice Review Board to effectively review and assess registration requirements and procedures and disciplinary procedures.

Items Considered

The ASET Practice Review Board must meet at least twice a year, and more frequently if necessary, to consider:

- The assessment of existing and the development of new educational standards and experience requirements that are to be required to obtain and maintain registration as a regulated member
- The evaluation of desirable standards of competence of regulated members generally,
- The practice of regulated members generally
- Items referred by ASET Council, the ASET Board of Examiners or the ASET Discipline Committee
- Reports from the ASET Registrar on the number and nature of appeals and complaints relating to the rulings of the Board of Examiners and the number and nature of disciplinary complaints dealt with and the disposition of those complaints, emphasizing cases reflecting competency of ASET members.
- Items from other sources that reflect a need to review the procedures of ASET with respect to registration, discipline or maintenance of professional competency, and
- Any other items that the Practice Review Board considers pursuant to the Act.

The ASET Practice Review Board may also conduct a review of the practice of regulated member in accordance with this Act and ASET regulations.

Investigations

If the ASET Practice Review Board undertakes a review of a regulated member or permit holder, they will appoint a person to conduct an initial review and report to the ASET Practice Review Board on whether or not further investigation is warranted given the initial evidence collected. If, after the report is received, the Practice Review Board decides that further investigation is not warranted, it shall discontinue the review and report to Council with any recommendations they consider appropriate. If the Board decides that further investigation is necessary, there are two options. If the investigation relates to matters other than unskilled practice or unprofessional conduct, the Board shall issue notification of the investigation to the regulated member or permit holder and proceed with its investigation in the same manner as a discipline investigation.³ If the Practice Review Board believes that further investigation may lead to a finding of unskilled practice or unprofessional conduct, it must lodge a complaint with the ASET Investigative Committee.

³ See Disciplinary Procedures

For the purposes of conducting an investigation the Practice Review Board may conduct a practice visit by entering and inspecting any place where the regulated member works in the profession, after having given notice. Additionally, the Board may interview a regulated member about their work in the profession, observe the member working, interview or survey clients, co-workers or the regulated member's employer regarding the member's work. Additionally, the Practice Review Board may review documents that are owned or under the control of the regulated member and are related to their work in the profession. The Board can also assess the safety and condition of technology and equipment used by the regulated member. These steps may be undertaken to ensure that continuing competence requirements are met.

A person requested to appear at an inquiry is entitled to be represented by legal counsel.

The ASET Practice Review Board may make any order that the ASET Discipline Committee can. The same guidelines apply to a review of a regulated member by the ASET Practice Review Board as an investigation conducted by the ASET Investigative Committee. The ASET Practice Review Board may at any time recommend that the inquiry or review be conducted by the ASET Investigative Committee. The Investigative Committee can then proceed with an investigation as if the recommendation were a written complaint.

ASET Council may direct the whole or part of the inquiry by the ASET Practice Review Board to be held under camera, if they believe it is in the public interest.

A regulated member who is the subject of a hearing or a review by the ASET Practice Review Board may appeal any decision or order of the ASET Practice Review Board to the ASET Appeal Board as if it were a decision or order of the ASET Discipline Committee.

Report to ASET Council

Following each meeting, the chair of the ASET Practice Review Board must report to ASET Council and may make recommendations as to changes in procedures regarding registration, discipline or maintenance of competency that the Practice Review Board considers appropriate.

Following each inquiry undertaken, the ASET Practice Review Board must make a written report to the ASET Council on the inquiry and make any recommendations the Review Board considers appropriate in connection to the matter inquired into, with reasons for the recommendations.

ASET Board of Examiners

The ASET Board of Examiners considers applications for registration as a regulated member. The Board of Examiners will meet as is necessary to rule on applications, and also consider matters of policy, significant changes in procedure and other matters referred to it by ASET Council.

The ASET Board of Examiners may appoint individuals from academic institutions and industry to a Panel of Examiners to advise on the academic qualifications of applicants. Both the Board of Examiners and the appointed Panel of Examiners have the power to consult with persons or organizations in order to properly assess the work experience and academic qualifications of applicants.

ASET Discipline Panel

A panel of the ASET Discipline Committee must consist of at least 3 members. A member who has been designated as case manager must not sit as part of the panel that is hearing the matter. A panel of the Discipline Committee has all the powers and authority of the Committee itself.

ASET Investigative Panel

When a complaint is referred to the Investigative Committee, they shall appoint an investigative panel comprised of members of the Committee to conduct a preliminary investigation. An investigation panel may employ any technical consultants and legal counsel it considers necessary to conduct a preliminary investigation. The Registrar shall also send notice to the investigated person that a preliminary investigation is taking place.

The panel may require plans, drawings, specifications, reports, books, papers or other documents or record in possession or control of the investigated person. They can also require such documents from other ASET members relating to the investigation. The panel can also make and keep copies of any of those documents for the purpose of the investigation. Anything other questionable conduct that is uncovered during the investigation will be investigated further.

On concluding the preliminary investigation, the panel will report its findings to the Investigative Committee.

Legal Counsel

The ASET Appeal Board, the ASET Discipline Committee, and the ASET Investigative Committee all have the right to be advised by legal counsel at a hearing, but that counsel cannot lead or present evidence or argument at the hearing on behalf of another ASET entity (ex. ASET Registrar or another board or committee), nor be the counsel for another ASET entity.

Disciplinary Procedures

In regards to the disciplinary procedure, the following terms refer to:

- 'Conduct' includes an act or omission
- 'Investigated person' means a professional member, licensee, permit holder, certificate holder or member-in-training (also refer to as an ASET member) with respect to whose conduct is being investigated
- 'Practice of the profession' refers to the practice of engineering and the practice of geoscience

ASET Investigation Process

1 

A complaint is submitted in writing to the ASET Registrar



The ASET Registrar (or designate) serves as an impartial liaison for both parties involved in the complaint

2 

Registrar sends a written notice to the complainant and investigated member announcing the preliminary investigation by the Investigation Panel.



An Investigative Panel is a group of one to three members within the Investigative Committee appointed to investigate a specific complaint.

The ASET Investigative Committee is a group of at least three experienced ASET members to investigate complaints against regulated members and make recommendations for action to the ASET Discipline Committee.

The ASET/APEGA Investigative Committee is a group of at least three experienced ASET members and three experienced APEGA members to investigate complaints against P. Tech members and make recommendations for action to the ASET/APEGA Discipline Committee

3 

Documentary evidence is gathered from the complainant and the members under investigation.



4 

Based on the evidence gathered by the Investigation Panel, the Investigative Committee determines a course of action.

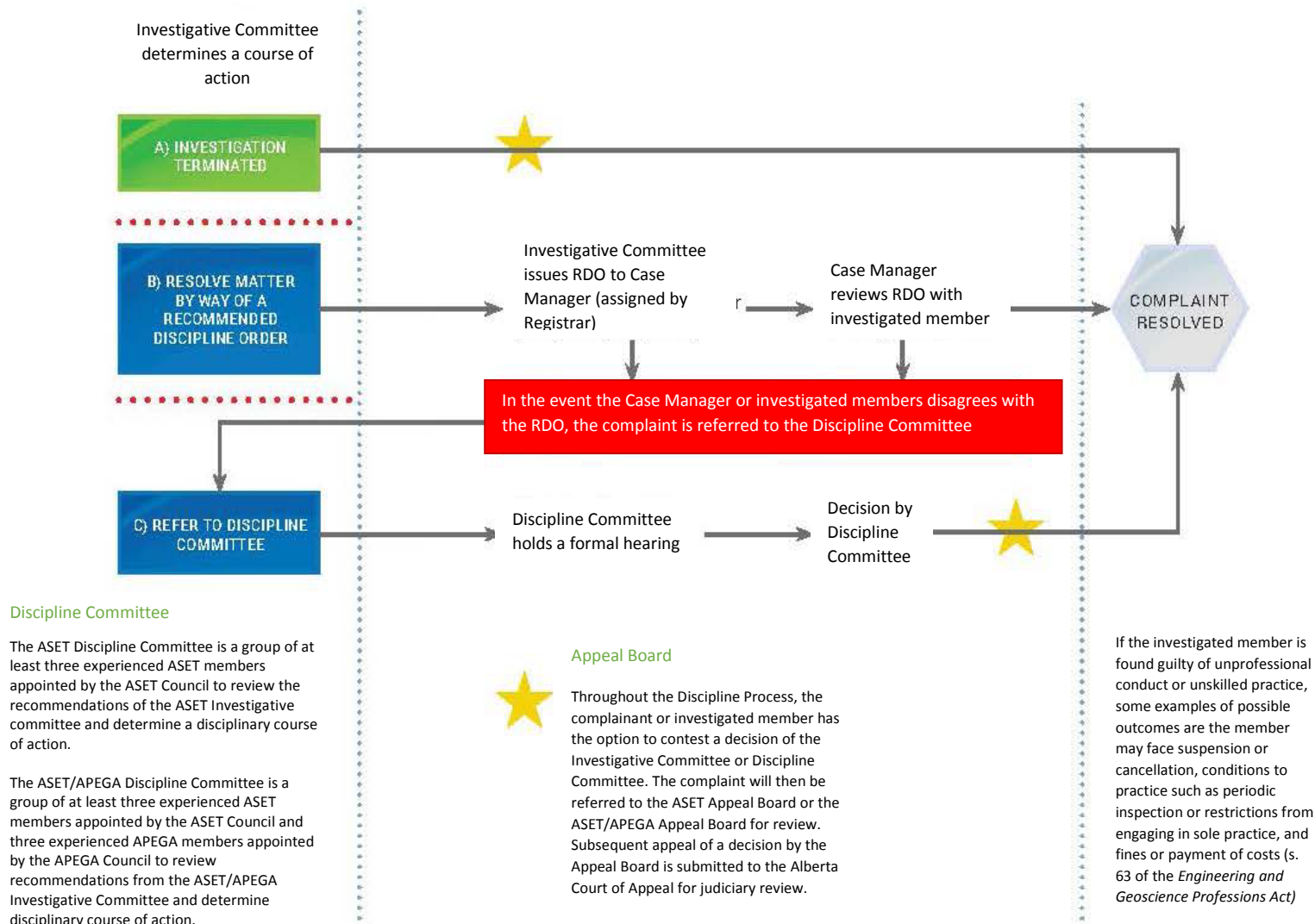


In the event that the Investigative Committee finds insufficient evidence of unprofessional conduct or unskilled practice, a written notice is sent to the complainant and the investigated member that the investigation is terminated. The complainant then has the option to appeal the decision.

In cases where evidence exists, the case may then be resolved via a Recommended Discipline Order, or be referred to the Discipline Committee



ASET Discipline Process



Unprofessional Conduct and Unskilled Practice

Any conduct that the Discipline Committee or Appeal Board believes is:

- Detrimental to the best interests of the public
- Contravenes the Code of Ethics of the profession
- Harms the standing of the profession
- Displays a lack of knowledge, skill, or judgement in the practice of the profession, or
- Displays a lack of knowledge, skill, or judgement in the carrying out of any duty or obligation undertaken in the practice of the profession,

Constitutes either unskilled practice or unprofessional conduct.

If an investigated person fails to comply with or contravenes the EGP Act, the regulations or the bylaws, and the breach is of a serious nature, the act may be found to be unprofessional conduct by the Discipline Committee, whether it would be defined as such above.

Right to Counsel

Both the Investigative Committee and the investigated person have the right to be represented by counsel at a hearing before the Discipline Committee.

Evidence and Witnesses

The investigated person or anyone else believed to have knowledge of the complaint or conduct being investigated are compellable witnesses. A witness must answer all questions directed at them and will not be excused on the grounds that the answer may incriminate the witness, subject the witness to punishment under this Act, establish the witness's liability in a civil proceeding or prosecution under any Act. ASET can make an application to the Court to obtain evidence from a witness who is outside Alberta. A judge will then direct the obtaining of the evidence of the witness.

Proceedings for civil contempt of court may be brought against a witness who fails to appear before the Discipline Committee, fails to produce the required documents, or who refuses to be sworn in or to answer any question directed at them. If the investigated person fails to appear or refuses to answer a question, their refusal may be considered unprofessional conduct. If the Discipline Committee has proof that the notice of investigation was served, they may proceed with the investigation in the absence of either the investigated person or the complainant, and act on the matter as if those persons were in attendance.

Service of Notices

Written notice must be given detailing:

- Notice of a complaint filed
- Notice of hearings
 - o Detailing the date, time, and place, and any required documents or evidence to be presented
- Outcomes of Hearings
 - o Detailing the findings, the reasons for those findings, and any orders
- Termination of Investigation
 - o Served on both the member and the complainant
- Notice of Appeal

If notice is required to be given to a person, the notice is sufficiently given if:

- It is served personally on the person
- It is sent by prepaid mail at the latest address provided to ASET by the person
- It is sent by electronic transmission, if the person has provided the ASET Registrar with an electronic address

Unless proven otherwise, notice is assumed to have been served when done in person or sent by prepaid mail. If personal or mail notice is not possible, the notice or document must be published at least twice, within one week, in the person's local newspaper. If the notice is sent by mail, it is assumed to be served 7 days (in Alberta) or 14 days (outside Alberta) from the date of mailing. Electronic mail is assumed to be served on the date the notice was transmitted.

Public Access

All hearings before the ASET Discipline Committee and ASET Appeal Board are open to the public, unless the board or committee decides otherwise.

Fraudulent Registration

If ASET Council believes that a person received their registration as a result of false or fraudulent representation or declarations, either written or oral, that person's registration will be cancelled. The provisions regarding the procedures of Discipline Committee apply to a hearing held regarding false registrations.

Suspension or Cancellation

The Investigative Committee may suspend the registration of an ASET member pending the preliminary investigation or a decision of the Discipline Committee. If the registration of an ASET member is cancelled or suspended, the member must surrender any certificates, stamps or seals to the Registrar. If the registration of a permit holder or joint firm is cancelled or suspended, the permit holder must surrender their permit or certificate of authorization to the Registrar and cease using the permit number they were issued.

Onus of Proof

In a prosecution under this Act, the burden of proving that a person is a professional technologist or a regulated members is on the accused.

Misrepresentation of Status

An ASET member whose registration was cancelled or suspended, but claims to be registered and in good standing, will be dealt with as unprofessional conduct under the EGP Act.

Reinstatement

A regulated member whose registration has been cancelled or a permit holder whose permit was revoked as a result of the disciplinary proceedings may apply to ASET Council to be reinstated. An application cannot be made until at least one year after the registration was cancelled/permit revoked or from the date on which the Court made its order confirming or varying the decision of ASET Council. The ASET Council may establish a Committee of Inquiry to consider the application for reinstatement and make recommendations to Council. The ASET Council may require the former regulated member or permit holder to demonstrate that they are competent to re-engage in the practice, by means prescribed by ASET Council. When an application for reinstatement is not approved by Council, no further applications can be made for

at least one additional year after the date Council ruled on the original application for reinstatement.

Publication

After a finding is made by the Discipline Committee, the ASET Council, the ASET Appeal Board, the Court or the Court of Appeal, the name of the investigated person may be published.

Professional Technologist Disciplinary Procedures

All of the disciplinary provisions, procedures and outcomes listed above also apply to professional technologists. The correlated committees and boards who regulated the professional technologists are listed below.

Regulated Members (C.Tech/C.E.T.)	Professional Technologists
Discipline Committee	Joint Discipline Committee
Investigative Committee	Joint Investigative Committee
Appeal Board	Joint Appeal Board
Council	JPT Regulations Committee
Investigation Committee panel	Joint Investigative Committee panel
Practice Review Board	Joint Practice Review Board
Regulations and Bylaws	Professional technologist Regulations and Bylaws

Publications

ASET may publish information for the public, either annually or as directed by ASET Council. Information published may include:

- Conditions of engagement and surveys of professional fees for applied science, information and engineering technology services,
- A guide to the selection of members for consulting services to assist clients in the selection of professionally and legally qualified consultants and consulting firms
- Guides that define for clients the scope of professional services to be expected from regulated members,
- Publications for the purpose of promoting high standards of professional service and adequate remuneration for those services, and
- Publications for the purpose of maintaining and improving the competency of its members
- The ASET Discipline Committee or the ASET Appeal Board may direct that reports or summaries of disciplinary decisions, including the regulated member's personal information, be published in any manner it deems appropriate.