

APEGS Good Character Guideline

1.0 General

This guideline is adapted from the Engineers Canada *Public Guideline on Good Character* and *Regulator Guideline on Principles of Character Investigations*. It explains what is meant by good character, how APEGS assesses good character and what happens if an applicant breaches APEGS' Good Character Guideline. It is intended for use by applicants, registrants, staff, volunteers and the public.

Good character is a requirement of registration with APEGS and all regulators of engineering and geoscience in Canada. Character is defined as “*1. the collective qualities or characteristics, especially mental and moral, that distinguish a person or thing. 2. moral strength. 3. reputation*”. Good character connotes moral and ethical strength and includes traits such as honesty and trustworthiness, respect, responsibility, fairness, and integrity.

The evaluation of character and agreement of what is considered good or bad character is subjective and fluid. Some behaviors and attitudes that were once tolerated or even encouraged are no longer considered acceptable. Our evaluation of character is influenced by social norms, which vary based on culture and location, and change with time.

This guideline will explain why good character is important when practicing engineering or geoscience, in the best interest of the public, what types of behaviors are considered good or bad character, and how APEGS assess the character of applicants and registrants.

2.0 Importance

The public trusts that engineers and geoscientists have the technical and ethical competence to serve society and have a willingness to put the public interest first. As the public may lack specialized engineering or geoscience knowledge, they typically form opinions about engineers and geoscientists based on interpretation of character and the quality of engineering and geoscience practices. Therefore, individual practitioners must demonstrate good character, in addition to adhering to APEGS' Code of Ethics, to maintain public trust, and with it the right of self-regulation. Demonstration of good character includes, among other aspects, conduct within a professional capacity and may also include personal conduct. The engineering and geoscience professions understand that public trust is carefully conferred and must be protected; trust is fragile and easily lost. In the best interest of the public, APEGS therefore seeks to ensure that: 1. all applicants are of good character before admitting them; and 2. all registrants maintain their good character and uphold the reputation of the profession. Most self-regulated professions (e.g., healthcare, law, accounting, etc.) in Canada have similar obligations, for similar reasons. Self-regulation is not possible without trust, and the simplest way to gain and maintain that trust is through the good character of individual registrants.

3.0 Defining Good Character

3.1 Definition

Good character is generally held to comprise three elements:

1. the ability to tell the difference between right and wrong;
2. the courage to do what's right, no matter the personal consequences; and
3. the ability to assess these issues, within the context of professional practice, in the best interests of the public.

3.2 Traits of good character

Assessing an individual's character can be difficult unless you can observe them making the types of decisions described above. Despite the limitations, these observations can be made in various environments, including in virtual and non-professional environments. It is therefore helpful to define traits of good character that can more easily be observed and evaluated.

The following are common traits of good character:

Honesty and trustworthiness: A trustworthy person is honest, transparent, and reliable. They do what they say they'll do. They have the courage to do the right thing, and they don't deceive, misrepresent themselves, cheat, or steal.

Respect: Showing respect means being considerate of others and not promoting or allowing discriminatory behaviour. It also means using courtesy and treating others with dignity. A respectful person makes decisions that show they value their rights and health and the rights and health of others, treating people and property with care.

Responsibility: Being responsible means understanding the consequences of one's actions, being accountable for one's choices and decisions, and their impacts, without blaming others. This includes accepting the processes of legal or administrative systems and abiding by the outcomes. Responsible people try to do their best, show humility, accept criticism, and persevere even when things don't go as planned.

Fairness: Being fair means treating others equitably without favouritism or discrimination, being open-minded to different perspectives, empathetic, and listening to others. It means not taking advantage of others, and not blaming them.

Integrity: Having integrity means having the ability to tell right from wrong, making ethical choices, and having the courage to do what is right to ensure the wellbeing and safety of others. Individuals who have integrity have high ethical standards, show respect for the *rule of law*, including rules and human rights regulations, and act in the interest of the common good. They conduct themselves with honesty and candour.

Although not an exhaustive list, these traits are indicators which would lead one to believe that an individual does possess good character. There are many other traits of good character such as inclusivity, transparency, awareness of positionality, honesty, empathy

and compassion for human life and welfare, openness, etc. Individuals who advocate for the safety and health of communities they work, live, and engage with, including physical, social, and psychological, are deemed to be of good character as they demonstrate and embody many of the above traits. On the other hand, individuals who commit crimes of moral turpitude (see Engineers Canada Public Guideline on Good Character for a list <https://engineerscanada.ca/guidelines-and-papers/public-guidelines-on-good-character>) may reveal that they do not exhibit these traits, which would prompt an assessment of the individual's character.

4.0 Assessing Character

4.1 Applicants for licensure

To assess the character of applicants, APEGS uses:

- Character references;
- Character related declarations and questions on the application form;
- Requirement to pass a Professional Practice Examination;
- Criminal background checks.

Assessment of character can be subjective, so APEGS considers information from several sources when making an evaluation. A negative finding in any one area does not necessarily mean that applicants will be denied licensure, but that more information or a more thorough evaluation may be necessary. APEGS uses the assessment tools listed above in the following ways.

4.1.1 Character References

APEGS obtains character references from engineers, geoscientists and/or others who validate an applicant's work experience and who can attest to the applicant's behaviours first-hand. All validators are asked the following character related questions:

In your opinion, is the applicant's character acceptable?

In your opinion, does the applicant adhere to the APEGS Code of Ethics?

Because the evaluation of character is subjective, more than one reference is necessary. Examples of the types of inappropriate behaviour that could be raised at this point include harassment, discrimination, intimidation, or bullying of peers, subordinates, clients or supervisors.

4.1.2 Application Declarations and Questions

All applicants make the following declarations and answer the following questions on their registration application. If they are unable to make any of the declarations, they must explain and APEGS will follow up with them to obtain supporting documentation and determine if there is a potential character issue.

1. I declare that I have not been disciplined or had a licence restriction in the past by any professional engineering or geoscience regulatory body or association, either as an individual or as a corporate officer, nor, to the best of my knowledge, is there any investigation, disciplinary action or licence restriction currently pending against me, either as an individual or as a corporate officer.
2. I declare that I have not been subject to academic discipline at any post-secondary institution.
3. I affirm that I have reviewed and am familiar with the current Act and Bylaws of the Association of Professional Engineers and Geoscientists of Saskatchewan and if admitted to registration, I agree to be governed by the Act, Bylaws, Resolutions of Council and Code of Ethics of the Association of Professional Engineers and Geoscientists of Saskatchewan.
4. I hereby authorize any professional engineering or geoscience licensing body to disclose all relevant information concerning my status as an applicant, former member or current member, or my registration and practice as a member to the Association of Professional engineers and Geoscientist of Saskatchewan.
5. Have you ever been convicted of a criminal offence.
6. Have you ever had a civil judgment against you concerning professional misconduct, professional incompetence, negligence, fraud or breach of trust.
7. Have you ever been denied registration or licensure in any professional association.
8. Have you ever had any discipline proceedings initiated against you by any professional association.
9. I solemnly declare that the statements made on this application are true and correct. I acknowledge that any false or misleading statement on this application or relating to any document in support of this application, including concealment of any material fact, may contravene the APEGS *Good Character Guideline* and lead to denial or revocation of my registration.

4.1.3 Professional Practice Exam

APEGS requires all applicants to complete the National Professional Practice Exam (NPPE) before they are registered to practice professional engineering or professional geoscience.

The professional practice exam is required to determine if an applicant has a good grasp of legal and ethical matters. Although those who pass the exam may not necessarily have better character than those who fail it, applicants who never master the professional practice exam are typically not as well equipped to deal with the ethical issues that arise in professional practice.

4.1.4 Criminal Conduct

Given that the purpose of requiring good character is to ensure that professional engineers and geoscientists maintain the trust that the public have placed in them, crimes of moral turpitude, defined as *conduct that is considered contrary to community standards of justice, honesty or good morals are the primary areas of concern for regulatory bodies in Canada*. The Engineers Canada Public Guideline on Good Character <https://engineerscanada.ca/guidelines-and-papers/public-guidelines-on-good-character> contains appendices with lists of crimes that involve moral turpitude and human rights violations.

APEGS does not require applicants to undergo a formal criminal record check, but applicants are required to declare on their application if they have been convicted of a criminal offence and provide details of the conviction.

4.2 Registrants

Once applicants are registered professionals with APEGS, they are expected to maintain their good character and uphold a high standard of professional and personal conduct throughout their registration and professional careers. It is through the investigation and discipline process that registrants are held to account for their behaviour. At APEGS, registrants are not automatically subject to investigation due to criminal offences. However, anyone, including members of the public, may file a complaint against a registrant and conviction of a criminal offence would be grounds for a complaint and, subsequently, an investigation. Since APEGS is concerned foremost with safety and the public interest, and secondly with the reputation of the professions, crimes that put into question whether a registrant can uphold those values are considered the most significant. Crimes of moral turpitude can therefore be the grounds for a finding of *harming the standing of the profession*, which would be a breach of the code of ethics and therefore subject to discipline.

5.0 Examples

The following examples illustrate how character has been evaluated by engineering and geoscience regulators in Canada.

5.1 Applicants for registration

5.1.1 Criminal background checks

It was discovered that an engineer-in-training did not accurately provide the mandatory criminal record information as requested on the application form. The regulator investigated the matter, conducted an interview with the applicant, and subsequently denied the application for professional registration based on the grounds of a lack of good character for the following reasons: the applicant did not accept responsibility for the

crimes that were committed, the applicant made false statements on the application form, and the applicant was not candid in the interview.

5.1.2 History of bad character

A former registrant, who had been ceased from membership for non-payment of dues, applied for reinstatement. In the interim between being ceased from membership and the application being reconsidered, the individual was subject to disciplinary action. In considering the application for reinstatement, the regulator noted the number of disciplinary orders that the registrant had been subject to in the past and determined that an interview would be necessary. The individual was asked to provide a background on the disciplinary matters, to provide evidence of rehabilitation, and to provide methods of avoiding future complaints from the public. The application for registration was subsequently denied on the grounds of a lack of good character for the following reasons: the applicant did not take responsibility for the actions that resulted in multiple disciplinary actions; the applicant did not have a plan to avoid repetition of these actions; and the applicant had a disregard for his duty to uphold and enhance the honour, integrity, and dignity of the engineering profession.

5.1.3 Falsification of documents

After getting registered as an engineer-in-training it was discovered that the marks on the applicant's undergraduate transcript from outside of Canada had been falsified to enter a postgraduate engineering program in Canada. The regulator required the engineer-in-training to swear an affidavit that they had never forged or altered any documents or otherwise misrepresented their credentials in any way in relations to their application to the regulator. The engineer-in-training was unable to swear the affidavit, as they confirmed that they had falsified the bachelor's marks to enter the postgraduate program. The engineer-in-training was advised that if the regulator receives an application from them for registration as a professional engineer: this situation will be considered with respect to the 'Good Character' requirement; the regulator will ask what has been done to mitigate the situation; and may hold a hearing for suitability for admission to membership under the regulator's good character requirement.

5.1.4 Validator fraud in Competency-Based Assessment (CBA) system

An applicant was enrolled in the engineer-in-training program. The CBA system detected fraudulent activity and alerted the regulator that the applicant may have provided falsified validator information. The regulator contacted the applicant to discuss the potential validator fraud that was detected. The applicant did not cooperate and did not provide a reasonable explanation or verifiable evidence of a real validator. The application for registration was subsequently denied on the grounds of a lack of good character for the following reasons: the applicant provided falsified information within the CBA system, and the applicant did not accept responsibility for their actions.

5.2 Registrants

The following examples illustrate how character has been used in the investigation and discipline of registrants of engineering and geoscience regulators in Canada.

5.2.1 Lack of trustworthiness

A registrant was found guilty of having signed and sealed blank sheets of paper. The registrant was given a three-month suspension and ordered to write and pass the Professional Practice Examination.

5.2.2 Lack of trustworthiness and fairness

A registrant who was a Field Engineer with the Ministry of Forests, responsible for awarding engineering contracts, was found to have set up a company in his wife's name, bid on Ministry jobs, and done work on Ministry time. The registrant was suspended for a period of 14 months.

5.2.3 Lack of respect, compassion or integrity

- i. A registrant who had concerns about the structural integrity of a bridge wrote emails stating that the responsible bridge engineer was incompetent. This statement was unfounded and lacked evidence. For these reasons, the registrant was suspended until such time as they were willing to provide an apology for the conduct.
- ii. A registrant was found to have discriminated against a woman graduate engineer, having used derogatory terms to address her and made statements such as "You can dance on tables for me, but you will never work for me." The registrant was found guilty of professional misconduct in that his actions were "disgraceful, dishonourable and unprofessional". The registrant's licence was suspended for twelve months and was not to be reinstated until he took a course related to gender sensitivity and paid for the costs of the Discipline hearing.
- iii. A registrant was found guilty of unprofessional conduct for having repeatedly yelled at a woman colleague, despite written communication from the colleague indicating that the behaviour upset her and was contributing to health problems. The colleague eventually quit because of the abusive behaviour. A Discipline panel concluded that this behaviour was "sufficiently extreme so as to reflect badly on the Member and on the profession" and therefore constituted unprofessional conduct. In response to this charge, and to four other charges brought at the same time, related to inflated and inconsistent billing and improper and wrongful filling of liens, the registrant was found to have acted dishonourably, disgracefully and to have shown a lack of integrity. To protect the public, preserve the integrity of the profession, deter others from engaging in similar disreputable business practices and renounce the conduct, the registrant was fined \$5,000 and his licence was suspended for a period of 8 months.

5.2.4 Lack of responsibility

A registrant was served with a Notice of Hearing to address six allegations of unprofessional conduct. The registrant refused to attend the disciplinary hearing and suggested that the Hearing Panel had no jurisdiction to proceed. The Hearing Panel determined that it did have the jurisdiction to proceed, and the hearing proceeded in the registrant's absence. The registrant made accusations regarding incompetence, stupidity, misconduct, collusion, conspiracy to cover up illegal activity by regulator staff and volunteers, and suggestions of the regulator responding to political interference. These accusations were found to be groundless and the registrant's behaviour was determined to show a blatant disrespect for the regulator, and to demonstrate conduct that harmed the honour, dignity, and reputation of the regulator by rejecting and insulting the authority of the regulator and by attempting to limit or restrict the regulator's public duty to carry out its investigation of the complaints against the registrant. After receiving submissions from the Investigative Committee and the registrant, the Hearing Panel found that *the registrant was ungovernable and could not be permitted to remain as a Member of the profession*. The registrant's license was permanently revoked, and they were ordered to pay a fine of \$10,000, as well as the costs of the proceedings.

5.2.5 Criminal convictions

Information was received by a regulator that a registrant had been charged and convicted of possession of child pornography. An investigation was initiated by the regulator. The registrant signed a "resignation agreement" with the Investigation Committee, resigning his registration and agreeing not to apply for reinstatement for at least seven years. It was stated that if the registrant were to apply for reinstatement, he would have to satisfy Council that he was of good character and good repute and that his conviction did not render him unsuitable before he could be reinstated.

6.0 Good Character Assessments

The following principles are used by APEGS to assess potential breaches of the Good Character Guideline. In most situations, character is only assessed if there are reasons to suspect that someone has breached the good character guideline. Typically, this will include circumstances that provide reasonable grounds to believe that an individual will not practice, or has not practiced, engineering or geoscience in accordance with the Act, Bylaws, Regulations or Code of Ethics. APEGS will assess the circumstances where they have reason to believe that an individual has:

1. Contravened any statute related to the practice of engineering or geoscience;
2. Committed a criminal offence for which they did not receive a discharge, and a record suspension has not been granted pursuant to the Criminal Records Act (see notes in Appendix A);
3. Been found to be at fault in a civil action relating to negligence in professional practice or a civil action which remains unsatisfied or undischarged;

4. Willfully obtained or attempted to obtain registration/licensure or renewal of registration/licensure by cheating, fraud, or forgery, including making any material misrepresentation.

APEGS follows these guiding principles for character assessments.

1. Determinations of character shall be made in an objective, open, and transparent manner.
2. All individuals shall be treated fairly and with due process.
3. All evidence considered in determination of character must be validated or corroborated.
4. All individuals shall be given an opportunity to respond to any concerns or issues.
4. Consideration of any conduct tending to put character in question shall include, but need not be limited to:
 - a. the nature of the conduct and the parties involved;
 - b. the length of time elapsed since the conduct;
 - c. the individual's attitude toward the conduct;
 - d. any rehabilitative treatment undergone since the conduct;
 - e. whether the conduct would constitute a breach of bylaws or regulations;
 - f. any explanation provided by the individual; and
 - g. any extenuating circumstances contributing to the conduct.
5. The confidentiality of all parties shall be respected, and information will only be divulged as necessary or as required by law.
6. Although character evolves and a person may rehabilitate themselves over time to overcome past character defects, the mere passage of time in the absence of other evidence does not necessarily establish that the character defect has been remedied.
7. Determinations of character shall be free from discrimination on any basis specified in the Saskatchewan Human Rights Code.