



**A P E G S**

*Association of Professional Engineers  
& Geoscientists of Saskatchewan*

# **INVESTIGATION COMMITTEE PROCEDURES**

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September 2025

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## PURPOSE

The purpose of this resource is to provide members with an overview of the Investigation Committee's procedures. This resource is intended to ensure fairness, transparency, and efficiency by keeping members informed of their rights and what they can expect to occur during an investigation.

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## VERSION CONTROL

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# **1. SCOPE**

## **1.1 Informal Resource**

This is an informational resource for anyone under investigation by The Association of Professional Engineers & Geoscientists of Saskatchewan (“APEGS”).

The provisions of *The Engineering and Geoscience Professions Act*, SS 1996, c E-9.3 (the “Act”) and the Engineering and Geoscience Professions Regulatory Bylaws govern the investigation process.

# **2. KEY PRINCIPLES**

## **2.1 Fairness and Transparency**

All complaints are thoroughly investigated while maintaining respect for the rights of all stakeholders in the pursuit of achieving a fair and just outcome.

## **2.2 Professional Governance**

The investigation process upholds the role and responsibility of APEGS to regulate engineering and geoscience professions in the public interest.

## **2.3 Impartiality**

The Investigation Committee and the Discipline Committee are distinct from the other, and will act independently, objectively and without bias.

# **3. ROLE OF APEGS**

## **3.1 Responsibility of APEGS**

APEGS is responsible for regulating the engineering and geoscience professions to ensure members are competent and practice in a manner that is in the public interest. It is in the public interest to ensure that the rights of all stakeholders are respected and that members are provided with procedural fairness; however, APEGS’s role is not to protect the interests of individual members.

## **3.2 Council**

APEGS is governed by a council of elected members and two public appointees. The Council is accountable for administering the affairs of APEGS and the requirements of the Act in the public interest.

## **3.3 Investigation Committee**

The Investigation Committee is responsible for investigating complaints that are received by APEGS and making a recommendation to the Discipline Committee as to whether the complaint should proceed to a discipline hearing or be dismissed. The members of the Investigation Committee are

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appointed by the Council. No elected councilor or member of the Discipline Committee is eligible to be a member of the Investigation Committee.

### **3.4 Discipline Committee**

If a complaint is referred for a discipline hearing, the Discipline Committee is responsible for hearing the evidence presented and determining whether a member's conduct constitutes professional misconduct or incompetence. The members of the Discipline Committee are appointed by the Council. No elected councilor or member of the Investigation Committee is eligible to be a member of the Discipline Committee.

## **4. REPRESENTATION**

### **4.1 Right to Retain Representation**

Members have the right to retain legal counsel or other representation, or may represent themselves during investigations.

### **4.2 Legal Counsel**

APEGS encourages all members to retain legal counsel when a complaint is received against them. Legal counsel can provide members with valuable support throughout the entire investigation process.

### **4.3 Legal Expenses**

Members may have coverage for legal expenses through their firm or insurance. Engineers Canada offers secondary professional liability insurance which may cover legal expenses for regulatory hearings or administrative actions against the accused member. APEGS encourages all members to make inquiries to these entities directly to determine what legal support may be available to them.

## **5. GENERAL INVESTIGATION PROCEDURES**

### **5.1 Initiation of Complaint**

Complaints must be received by APEGS in writing or initiated by the APEGS Council.

### **5.2 Review of Complaint**

The Investigation Committee will review each complaint to determine whether it falls within APEGS jurisdiction to regulate the engineering and geoscience professions. The Investigation Committee may seek clarification of the complaint if necessary.

### **5.3 Notice to Members**

A copy of the complaint or motion approved by Council will be provided to the Member. The Member will be asked to provide the Investigation Committee with a written response to the

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complaint within 14 days. The written response should address each of the concerns raised in the complaint and provide copies of any relevant documents.

#### **5.4 Notice of Representation**

Members are asked to promptly notify APEGS if they have or intend to retain legal counsel. This allows APEGS to ensure members who represent themselves are provided adequate information to navigate the complaint process. Members have the right to retain, change or remove legal representation.

#### **5.5 Preliminary Meeting**

A preliminary meeting will be scheduled where the member under investigation can present their initial response to the allegations to APEGS staff assigned to the Investigations Committee. During this meeting, APEGS staff will also be available to answer questions the member may have regarding the investigation process.

#### **5.6 Investigation**

The Investigation Committee will investigate all complaints received that are within its jurisdiction. The investigation will include any step reasonably required to fully investigate the matter, including review of the written complaint, the member's written response, a recorded interview of the complainant (if applicable), a recorded interview of the member, and collecting relevant documents or other evidence. Further inquiries of the complainant and/or member may be made where clarification is required. The Investigation Committee may also contact other witnesses to obtain documents or to request an interview if warranted based on the circumstances of the complaint.

#### **5.7 Professional Consultation**

The Investigation Committee may retain professionals, such as subject matter experts, to assist in its evaluation of the complaint.

#### **5.8 Pre-Hearing Conference**

After investigating the allegations and prior to the Discipline Committee hearing and determining a formal complaint, the Investigation Committee shall inform the Registrar of a request to arrange a Pre-hearing Conference before an independent mediator. The Pre-hearing Conference provides an opportunity to resolve the complaint through mediation prior to the Investigation Committee making a final determination about the outcome of the investigation. At or prior to the Pre-hearing Conference, the member will receive disclosure of any written or documentary evidence relevant to the complaint and will be given an opportunity to provide any additional evidence or information the member believes the Investigation Committee should consider.

#### **5.9 Outcome of the Investigation**

After the Pre-hearing Conference, the Investigation Committee may conduct further investigation depending on the circumstances of the file. Once the Investigation Committee has concluded the investigation it will either:

- a. Recommend that the Discipline Committee hear and determine a formal complaint set out in the written report; or

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- b. Recommend that no further action be taken with respect to the complaint.

## **5.10 Investigation Report to the Discipline Committee**

The Investigation Committee will prepare a report to the Discipline Committee setting out its recommendation. Reports must be signed by a majority of the Investigation Committee. A copy of the Investigation Report to the Discipline Committee will be provided to the member. If the Investigation Committee recommends that no further action be taken, a copy of the Investigation Report will also be provided to the complainant.

## **5.11 Formal Complaint**

If the Investigation Committee recommends the matter proceed to a discipline hearing, the Investigation Report will include a Formal Complaint. The Formal Complaint will state the allegations of incompetence or misconduct against the member in the form of a charge or charges.

## **5.12 Legal Counsel for the Investigation Committee**

The Investigation Committee will be assisted by legal counsel during the investigation and Pre-hearing Conference. If a complaint is referred to the Discipline Committee for a hearing, legal counsel for the Investigation Committee will have the role of prosecuting the Formal Complaint.

## **5.13 Review by Council**

If the Investigation Committee recommends that no further action be taken with respect to the complaint, the complainant may apply to Council for a review. Upon review, Council may confirm the decision of the Investigation Committee, refer the matter back to the Investigation Committee to investigate the matter further or refer the matter back to the Investigation Committee to prepare a report recommending that the Discipline Committee hear and determine a formal complaint.

# **6. MEMBER COOPERATION**

## **6.1 Duty to Cooperate**

Members have a duty to cooperate during the investigation to ensure APEGS meets its regulatory objectives. Failure to cooperate may result in the Investigation Committee summoning the member before it, and/or applying to the court for an order or injunction, including to compel cooperation. Members who fail to cooperate may face allegations of professional misconduct and possible sanction.

# **7. FAIRNESS TO MEMBER**

## **7.1 Overview**

All members are entitled to be treated with respect and fairness throughout the investigation.



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## 7.2 Legal Counsel

Members have the right to be represented by a lawyer or consult with counsel at any time during the investigation, even if they choose to represent themselves.

## 7.3 Self-Representation

Members have the right to choose to represent themselves in any or all stages of the investigation process. While representing themselves, members may seek advisory support from colleagues, mentors, or legal professionals for consultation purposes, but these advisors will not participate directly in the investigation process.

## 7.4 Avoiding Bias

The Investigation Committee will objectively evaluate the evidence and position presented by the Member ensuring that the decision-making process is unbiased and based solely on the merits of the case.

## 7.5 Conflicts of Interest

If any APEGS staff or committee member has a potential conflict of interest with respect to a complaint, they must notify the Chair of the Investigation Committee or APEGS officials and recuse themselves from involvement with the file.

## 7.6 Avoiding Delay

The Investigation Committee makes efforts to complete prompt investigations without delay. In most instances, investigations will be completed within one year, but this cannot always be accomplished.

## 7.7 Disclosure

Members are entitled to disclosure; however, disclosure requirements evolve during the complaint process. Unless provided earlier, the Member will receive disclosure of any written or documentary evidence relevant to the complaint prior to the Pre-hearing Conference and will be given an opportunity to provide any additional evidence or information the member believes the Investigation Committee should consider before making a final determination. The Investigation Committee aims to be as transparent as possible to ensure the member has all the information necessary to fully respond to the matters under investigation.

- a. Notice of Complaint: When a member is notified that a complaint has been received, they will be provided with the written complaint and all documents received from the complainant.
- b. Pre-hearing Conference: If a Pre-hearing Conference is scheduled, the member will receive disclosure of evidence collected during the investigation.
- c. Discipline Hearing: If a Formal Complaint is recommended to the Discipline Committee, the Investigation Committee will certify the Member has received all relevant evidence in the possession of the Investigation Committee. If any new relevant evidence is obtained

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after the Pre-hearing Conference, the Investigation Committee will provide disclosure of the evidence prior to a Discipline Hearing.

## **8. CONFIDENTIALITY**

### **8.1 Disclosure**

All information or evidence acquired during an investigation is presumed confidential and will not be divulged by the Investigation Committee except as required to carry out its mandate under the Act, or where disclosure is otherwise permitted or required by law.

### **8.2 Notice of Discipline Hearing**

If, at the conclusion of the investigation, the Investigation Committee recommends that the Discipline Committee hear and determine a Formal Complaint, a Notice of Discipline Hearing will be posted on the APEGS website. The Discipline Hearing is presumed to be open to the public to attend.

### **8.3 Order of the Discipline Committee**

If the Discipline Committee determines that a member's conduct constitutes professional misconduct or professional incompetence, the written decision and order of the Discipline Committee will be made public on the APEGS website.

## **9. CONTACT WITH COMPLAINANTS**

### **9.1 Communication with the Complainant**

APEGS will communicate with the complainant to ensure transparency and foster public confidence in APEGS' ability to regulate its members. The complainant will also be contacted during the investigation to collect and clarify evidence regarding the complaint. While Complainants may not always be satisfied with the outcome of the investigation, each complaint received by APEGS is carefully examined to ensure a fair and just result is achieved in the public interest.

## **10. REPORTING CRIMINAL OFFENSES**

### **10.1 Notify Deputy Minister of Justice**

In accordance with Section 37 of the Act, if the Investigation Committee believes that the conduct of a member may be a criminal offence, the Investigation Committee will notify the APEGS President and the Deputy Minister of Justice.

## **11. FURTHER INFORMATION**

For further information or clarification regarding this document, members should contact the APEGS office at [apegs@apegs.ca](mailto:apegs@apegs.ca) or call 306-525-9547 (Regina), 1 800 500-9547 (Toll Free).

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## 12. OTHER RESOURCES

### 12.1 Legislation

*The Engineering and Geoscience Professions Act*

*Engineering and Geoscience Professions Regulatory Bylaws*

<https://www.apegs.ca/about/about-apegs>