

Paper Number: 2146

A Review of International Disciplinary Measures in Professional Geoscience - both Procedures and Actions

Bonham, O.¹, Abbott, D.² and Waltho, A.³

¹ Geoscientists Canada, Burnaby, BC, Canada.

²American Institute of Professional Geologists, Denver, CO, USA

³ Australian Institute of Geoscientists, Brisbane, QLD, Australia

Legal settings and procedural structures for the self-regulation of geoscience practice differ around the world; nevertheless all systems are rooted in the concept of assuring the public that those who violate codes of professional ethical conduct will be appropriately sanctioned.

This paper will summarize disciplinary procedures in use in professional geoscience around the world, using the member organizations of the IUGS' Task Group on Global Geoscience Professionalism as a basis. In addition, it will point out recent changes to some procedures to ensure they serve the public interest and are legally defensible, while at the same time carrying all necessary provisions to safeguard the individual and accommodate principles of natural justice and procedural fairness.

The paper will also examine disciplinary actions against violators in recent years which have come to the attention of the authors.

Inquiries into allegations of misconduct, including breaches of codes of ethics, by geoscientists involve several distinct steps. The allegation must be formally received, or identified, by the organization. The allegation must then be reviewed to determine if sufficient information is available, or can be obtained, to allow for further inquiry. At this stage the allegation is usually turned over to an investigator, investigating panel or investigating committee and the alleged offender is notified of the initiation of the inquiry and invited to respond. Further investigation is usually required to clarify important facts and to develop sufficient evidence on which to base formal charges, if warranted, that will be the subject of a formal hearing before a disciplinary panel.

The formal hearing allows both the organization and the respondent to present evidence and explain their cases. The disciplinary panel then determines findings of fact, reaches a verdict with respect to the charges and, as necessary, sets down the penalties or sanctions to apply to the violator. In some settings, the formal hearing stage may be avoided, by mutual agreement or mediated resolution between the parties beforehand, where admission of fault and acceptance of appropriate penalty are formally settled upon. Decisions of a disciplinary panel are subject to appeal, either at a higher level within the organization itself, or in a court of law. Differences in procedures will be illustrated and recent evolving changes of some organizations' processes will be highlighted.

Disciplinary actions by professional organizations are generally, either matters of full public record or they are reported upon publicly in generic terms. Learnings from disciplinary actions also frequently form the basis of cautionary advice and corrective practice guidance published for the benefit of all geoscientists. Based on actions on record or reported upon, this paper will summarize both findings and penalties against geoscientists during recent years. The majority of actions reviewed concern minor

infractions that resulted in commensurate penalties. However there have been several serious violations of late that have led to geoscientists facing significant sanctions. The most serious cases involve the behaviour of geoscientist members of organizations in Australia and in Canada who were fulfilling roles as Qualified Persons under Canada's national mining industry securities reporting code National Instrument 43-101. In certain of these instances, not only were the individuals sanctioned by their profession, they were also separately sanctioned by securities regulators.

