



## POLICY BCRSP-0119

Title: <b>Professional Conduct Review</b>	Approved by: Governing Board
Version No: 1.02	Approved: October 2010
Effective: January 2011	Supersedes: 1.01

### **PURPOSE**

To establish and administer a professional conduct review procedure for addressing complaints against CRSP<sup>®</sup>/PSAC<sup>®</sup> certificate holders and CRSP applicants.

### **SCOPE**

The scope of this policy and procedure is to address complaints, which allege a violation of the *Code of Ethics* or a violation listed in Article 13.01 of the Bylaws.

### **DEFINITIONS**

*Applicant* – A person applying to the Board of Canadian Registered Safety Professionals for certification.

*Certificate holder* – A Canadian Registered Safety Professional (CRSP)<sup>®</sup>/Professionnel en sécurité agréé du Canada (PSAC)<sup>®</sup>.

*Complainant* – The person who files a complaint against a CRSP<sup>®</sup>/PSCA<sup>®</sup> certificate holder or a CRSP applicant. A complainant may be a member of the general public, a certificate holder, a CRSP applicant or an employer.

*Respondent* – A certificate holder or CRSP applicant who is the subject of a formal complaint.

*Days* – Working days.

### **PROCEDURE**

#### *Committee Make Up*

1. The Professional Conduct Committee (PCC) shall consist of a minimum three (3) members of the Governing Board, one of whom shall be the Public Member.

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## *Receipt of Complaint*

2. The PCC expectation is that the complainant and the respondent communicate directly to attempt to resolve the concerns before a complaint is lodged.
3. All complaints against an applicant or a certificate holder alleging a violation of the *Code of Ethics* or any violation listed in Article 13.01 of the Bylaws must be submitted in writing using the BCRSP Complaint Form (Doc.058), including supporting documentation, and be addressed to the Executive Director.

The Executive Director will not act on the basis of an anonymous complaint.

4. The Executive Director shall forward complaints regarding alleged violation of the *Code of Ethics* or alleged violation items covered under Article 13.01 to the PCC within fifteen (15) days of receipt.
5. All complaints will be tracked using a distinct reference number assigned by the Executive Director (eg. "Case 11-001 with "11" being the year and "001" representing sequential numbering of complaints).

## *Evaluation of Complaint*

6. Within fifteen (15) days of receipt of a complaint, the PCC will conduct a review of the complaint to determine if the complaint falls within the scope of this policy.
7. The PCC may determine the complaint be stayed, redirected, or dismissed when the complaint:
  - a) Would be more appropriately handled by a different forum, or
  - b) Is found to be untrue, or
  - c) Would cause a conflict of interest if reviewed by the BCRSP, or
  - d) Would interfere substantially with any municipal, provincial or federal government investigation or prosecution.
8. When it is determined the complaint is not a violation of the *Code of Ethics* or Article 13.01, the PCC will not investigate the case. The PCC Chair will notify both the complainant and respondent within fifteen (15) days of the committee's decision.
9. When the PCC determines a complaint requires an investigation, the committee will inform the complainant and respondent, via registered mail, that the complaint has been received and will be investigated.
  - a) These communications will include a copy of the complaint, a copy of the *Code of Ethics* and a copy of Article 13.01 referencing the specific violation alleged to have been made.
  - b) The respondent will be requested to reply, in writing, to the complaint. The respondent is to be advised to include any relevant information or documentation in the written reply which will be used in defense to the complaint.

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- c) Once received, the respondent has fifteen (15) days to reply, via registered mail, to the PCC. The proceedings will continue once the fifteen (15) days have passed unless the PCC has heard from the respondent and provided additional time.

## *Investigation of Complaint*

10. When the PCC finds sufficient evidence that a violation of the *Code of Ethics* or Article 13.01 has occurred, the committee will conduct an investigation within fifteen (15) days of the decision to investigate.
11. When, during the course of the investigation, the PCC finds it necessary to conduct interviews with the complainant, the respondent or others, all persons interviewed are to be advised that statements may be shared with the complainant and the respondent.
12. The PCC will ensure the Reasons and Recommendations Report is reviewed by legal counsel.

## *Decision and Recommendations of the Professional Conduct Committee*

13. Within fifteen (15) days of the completion of the investigation and review by legal counsel, the PCC the written Reasons and Recommendations Report to the Governing Board.

The PCC may recommend:

- a) a stay of proceedings,
- b) a redirection of proceedings,
- c) a dismissal of action, or
- d) any disciplinary action consistent with Article 13.03.

## *Ruling*

14. The Chair of the Governing Board will call a meeting within sixty (60) days of receipt of the Reasons and Recommendations Report. The Board will make a ruling at that meeting.
  - a) The recommendation(s) of the PCC requires the support of a two-thirds ( $\frac{2}{3}$ ) majority of the Governing Board for action to proceed.
  - b) Rulings may include any disciplinary action consistent with Article 13.03.
15. The Executive Director will ensure the written ruling of the Governing Board will be provided to the respondent and the complainant, via registered mail, within fifteen (15) days of the Board's decision. The Executive Director will include a copy of the Professional Conduct Appeals Form (Doc.065) with this communication.

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## *Appeals Process*

16. Any applicant or certificate holder who has been disciplined under Article 13.03 may appeal following the process in the Professional Conduct Appeals Policy (BCRSP-1025).
17. In the event of a suspension of the respondent's certification, the respondent will be requested, via registered mail, to return his/her certificate and seal(s) to the BCRSP office within thirty (30) days of notification being sent.
  - a) The certificate and seal(s) will be returned within fifteen (15) days of the end of the suspension.
  - b) Once all appeals or time limits have been exhausted, the Chair of the Professional Conduct Committee will direct the Executive Director to publish the names of any applicant or certificate holder who has had their certification or application suspended. Names will be published on the website for the duration of the suspension and the suspension will be posted in the next issue of the *Governor's Table*.

## **REFERENCE DOCUMENTS**

- *Constitution and Bylaws-2010* (Doc.002)
- *Code of Ethics* (Doc.017)
- *Professional Conduct Committee (PCC)-Complaint Form* (Doc.058)
- *Professional Conduct Committee (PCC)-Reasons and Recommendations Report Form* (Doc.095)
- *Professional Conduct Committee (PCC)-Notice of Disciplinary Action Form* (Doc.099)
- *Professional Conduct Committee (PCC)-Appeals Form* (Doc.065)
- *Professional Conduct Committee (PCC)-Flow Chart* (Doc.110)