

POLICY BCRSP-01 19

Title: Professional Conduct Review	Approved by: Governing Board
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PURPOSE

To establish and administer a professional conduct review procedure for addressing complaints against Canadian Registered Safety Professional (CRSP)[®] / Professionnel en sécurité agréé du Canada (PSAC)[®] Certificants or Applicants.

SCOPE

The scope of this policy and procedure is to investigate complaints, which allege a violation of the *Rules of Professional Conduct* or an act of professional misconduct as described in the bylaws.

DEFINITIONS

Applicant and/or Candidate – an individual who has submitted an application for certification

Certificant – a Practicing or Non-Practicing member of the BCRSP.

Complainant – The person who files a complaint against a Certificant or Applicant. A Complainant may be a member of the general public, a Certificant, an Applicant, a candidate or an employer.

Business Days – Working days.

“Professional Misconduct” means, an act or omission:

- that is inconsistent with the Rules of Professional Conduct,
- that is described as Professional Misconduct in the bylaws,
- that constitutes a failure to comply with an obligation in the bylaws or a direction or order made by a committee under the bylaws,
- that, without the express approval of the Board, results in the Certificant retaining, occupying office space with, using the services of, or employing in any capacity having to do with the profession, any person who:
 - has had his or her Certification revoked as a result of disciplinary proceedings; or
 - has resigned as a Certificant in the BCRSP while a matter involving him or her is in the process of being brought before, or is before the Professional Conduct Committee or Discipline Committee,
- relevant to the practise of the profession that would reasonably be regarded by Certificants as disgraceful, dishonourable or unprofessional, or
- that is unbecoming a Certificant;

Respondent – A Certificant who is the subject of a formal complaint.

Rules of Professional Conduct may also mean the Code of Ethics of the BCRSP, as published on the BCRSP website.

Committee Make Up

The Professional Conduct Committee may sit in panels appointed by the Chair or Vice-Chair. Three members of the Professional Conduct Committee constitute quorum.

Procedure

Submission of Complaints:

The expectation of the Professional Conduct Committee (PCC) is that the Complainant and the Respondent have communicated directly to attempt to resolve the concerns before a complaint is lodged.

All complaints against a Certificant or Applicant alleging a violation of the *Rules of Professional Conduct* or any violation as listed in the bylaws must be submitted in writing using the prescribed complaint form (Doc.058), including sufficient and relevant supporting documentation, and be addressed to the Executive Director.

Practicing Certificants who do not complete their certification maintenance submission by the prescribed deadline may, after being given at least 60 days notice of the failure to comply, be referred to the Professional Conduct Committee. If for any other reason, the Certification Maintenance Committee believes that the Certificant may have engaged in Professional Misconduct, the Certificant may be referred to the Professional Conduct Committee.

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

Receipt of Complaints:

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).

Acknowledgement of receipt of the complaint will be sent to the Complainant within fifteen (15) days of receipt.

Notice of the receipt of a complaint will be sent to the Respondent(s), usually within fifteen (15) days of receipt of the complaint. The notice will include:

- the complaint or a summary of the allegations
- a copy of the Rules of Professional Conduct
- a copy of the relevant provisions of Part 4 of the bylaws (Complaints and Discipline)

The Executive Director shall promptly forward complaints to the PCC.

PCC Review:

The PCC will conduct a review of the complaint to determine if the complaint falls within the scope of this policy. The PCC shall consider, and if necessary, investigate all complaints made to the BCRSP about its Certificants and Applicants.

The PCC may do any of the following:

- 1) The PCC may request additional documentation/information from the Complainant regarding the complaint before a decision to investigate is made.
- 2) If the PCC concludes that:
 - a) The complaint would better be dealt with by another regulatory body or the courts, it must, absent exceptional circumstances, postpone its investigation of the complaint until the other regulatory body or the court has dealt with the matter. The PCC need not give reasons for this decision.
 - b) The complaint is deemed to be frivolous or vexatious or otherwise inappropriate to investigate, the PCC may decide not to investigate or continue to investigate the complaint. The PCC shall give reasons for this decision.
 - c) The PCC may decide not to continue to investigate a complaint that is withdrawn. However, the withdrawal of the complaint does not affect the PCC's authority to continue to deal with it.
- 3) The PCC may determine an investigation is warranted.

Communication regarding the initial PCC review and next steps/action to be taken (including if an investigation is to commence) will be sent to the Complainant and Respondent.

Investigation

If a decision to investigate is made by the PCC, an investigation will commence.

The PCC may appoint investigators, including persons employed by the BCRSP, for the purposes of investigation of complaints. Every investigator who exercises powers under the Bylaws shall, on request, produce written proof of his or her appointment.

Investigators Powers

Unless it is not permitted by law, while conducting an investigation under this section an investigator may,

- at any reasonable time, enter and inspect the business premises of the Respondent, other than any part of the premises used as a dwelling;
- question and require the Respondent to provide information that the investigator believes is relevant to the investigation;
- require the production from the Respondent of and examine any document or thing that the investigator believes is relevant to the investigation under the Respondent's control;
- on giving a receipt for it, remove any document or thing under the Respondent's control that the investigator believes is relevant to the investigation for the purposes of making copies or extracts of any document or information, but the making of the copies or extracts shall be carried out with reasonable dispatch, taking into account the scope and complexity of the work involved in making the copies or extracts, and the document or thing shall afterwards be returned promptly to the Respondent from whom it was taken;

- use any data storage, processing or retrieval device or system used in carrying on business on the premises that is under the control of the Respondent in order to produce a document in readable form; and
- after notifying the Respondent first, request information from other regulatory bodies.

PCC Decision:

Upon completion of the investigative process, the PCC shall notify the Respondent of the investigation findings.

The Respondent will be given thirty (30) days to respond to the investigation findings in writing.

After notifying the Respondent and giving the Respondent thirty (30) days to respond to the complaint in writing, the Professional Conduct Committee may do one or more of the following:

- direct that the matter be referred, in whole or in part, to the Discipline Committee;
- direct that the matter not be referred to the Discipline Committee;
- provide written recommendations to the Respondent; or
- take any action that it considers appropriate in the circumstances that is not inconsistent with the bylaws.

Timeline for Disposing of Complaints:

The PCC will endeavour to dispose of all complaints within 150 days. If the PCC is unable to do so, the PCC will notify the Complainant and Respondent of that fact, of the reasons for the delay, and of the expected disposition date.

REFERENCE DOCUMENTS

Constitution and Bylaws (Doc.002)

Code of Ethics (Doc.017)

Professional Conduct Committee (PCC)-Complaint Form (Doc.058)

Professional Conduct Committee (PCC)-Flow Chart (Doc.110)

CHANGE HISTORY

Approval Date	Change details	Rationale
October 21, 2012	Added item 7(e) More information is required for the PCC to review the case. Committee structure change, pending bylaw approval.	Allows for committee to request additional information. Allow for greater participation of CRSPs.
November 2013	Policy redrafted to support bylaw changes	Bylaw revisions.
September 2015	Policy revision to include applicants	Applicant complaints re code of ethics was identified as a policy gap