

CAGP Code of Ethics Investigation and Discipline Policy

1. PREAMBLE/BACKGROUND

CAGP is an organization that brings together professionals from various fields. As a voluntary association, CAGP has set standards of conduct in its Code of Ethics that all members are required to adhere to, and which protect members and the Association as a whole. A member who violates or disregards these standards is accountable to accept the consequences of their actions.

This policy is established to provide a clear and fair process of investigating and considering alleged misconduct, and to give transparency to the CAGP membership on the standards and process by which complaints will be processed.

This policy will be reviewed regularly by the CAGP Board of Directors and may be updated from time to time.

Certain terms used in this Policy are defined and explained in the Glossary found at the end of the document.

2. MISCONDUCT

2.1 Any member of CAGP who violates, disregards or otherwise does not comply with the CAGP Code of Ethics may be subject to investigation and discipline by the CAGP Board of Directors in accordance with this Policy.

3. COMPLAINT

3.1 Any person (whether or not themselves a member) may submit a Complaint to CAGP in relation to any misconduct by a member.

3.2 Complaints must be set out in writing, and must include:

- a) the first and last name of the person submitting the Complaint;
- b) the first and last name of the member or members who are the subject of the Complaint;
- c) the member(s) employer or occupation, or details necessary to identify them;
- d) the date of the incident or incidents in question; and
- e) a detailed description of the alleged misconduct and any other relevant information.

3.3 Complaints must be submitted by email, post or hand delivered to the CEO for review and investigation.

3.4 A Complaint should not be submitted for any ulterior purpose other than to honestly and in good faith uphold the standards of CAGP. Reports of misconduct that are found to be frivolous or malicious will be dismissed, and multiple inappropriate Complaints by a Member may be grounds for discipline of such Member.

3.5 The CEO will bring all Complaints to the attention of the Board Chair and Vice-Chair for initial review.

4. CONFLICTS OF INTEREST

4.1 If a Complaint relates to conduct of the Board Chair, Vice-Chair, or a director of CAGP, then that individual (or individuals, as the case may be) has a conflict of interest and, notwithstanding reference to such person in this policy, will not participate in the review or any subsequent discussion or decision-making on the Complaint.

4.2 Similarly, any director who submits a Complaint has a conflict of interest and will not participate in the review or any subsequent decision-making on the Complaint.

4.3 A director who, because of a close relationship with the member(s) who are the subject of a Complaint or the individual who submitted the Complaint, or due to other relevant circumstances, has an actual, potential or reasonably perceived conflict of interest in a Complaint will comply with CAGP's conflict of interest policies and procedures.

5. REVIEW AND NOTICE

5.1 CEO will acknowledge receipt of each Complaint within 5 business days, and will, in consultation with the Board Chair and Vice-Chair, review every Complaint as it arises to determine if the matter complained of warrants a formal disciplinary process. Where a Complaint involves allegations of racism, discrimination, bias or harassment, the CEO, Chair and Vice-Chair may of their own initiative, and will on the request of the Complainant, seek further consultation and perspective to assist in the review.

5.2 Wherever possible, the CEO will review a report of misconduct within 4 weeks of the acknowledged date of receipt the Complaint.

5.3 The CEO, with approval from the Board Chair, may try to resolve matters informally where appropriate, by good faith discussion, education and voluntary corrective action. In pursuing an informal resolution, the CEO may gather information relevant to the Complaint and its resolution. The CEO will regularly report to the Board of directors regarding Complaints received and dealt with informally.

5.4 If the CEO, in consultation with the Board Chair and Vice-Chair determines the conduct under Complaint warrants a formal process, or where attempted informal resolution is unsuccessful or unsatisfactory, the CEO will:

- a) contact the Member(s) whose conduct is the subject of the Complaint and describe the nature of the alleged misconduct and the process underway for an investigation and formal hearing;
- b) invite the Member(s) to provide, in writing, further information, response or submission for the investigation and for the Board's consideration at the hearing;
- c) determine a date and time when the Board of Directors will hold a hearing to review and determine the Complaint; and

- d) provide notice in writing of the date and time of the hearing, as well as the means of participation, to all Directors and to the Member(s) who are the subject of the Complaint.

5.5 Date of a hearing must be at least 21 days and not more than 60 days from the date notice is provided.

5.6 To minimize risk of bias or communication between the parties, notice of a hearing will not include the Complaint or any description thereof, the name(s) of the Member(s) whose conduct is the subject of the Complaint, the name of the party who submitted the complaint, or other details of the investigation or process.

5.7 In order to allow directors to determine if they have a conflict of interest in the matter, the CEO will inform the directors (other than any who are a subject of the Complaint) of:

- a) the name(s) of the Member(s) whose conduct is the subject of the Complaint; and
- b) the name of the party who submitted the Complaint.

Directors must not take any action to independently investigate the matters described in a Complaint prior to the hearing, including communication regarding the Complaint with any of: the party making the Complaint, the member(s) who are subject of the Complaint, or one another.

6. INVESTIGATION AND CONSENT TO DISCIPLINE

6.1 Prior to a hearing, the CEO will investigate the allegations set out in a Complaint by reasonable methods, including interviewing and requesting written statements from relevant persons.

6.2 The CEO will provide a summary of any evidence to be presented at the hearing, including copies of any written statements received, and names of witnesses or other parties who will provide evidence, to the Member(s) who are the subject of a Complaint not less than 7 days prior to the date of hearing.

6.3 The CEO may, in consultation with the Board Chair and Vice-Chair, refer or report the details of a Complaint to any third-party that has a legal or regulatory authority over the Member(s) in question, including without limitation, professional authorities, credentialing bodies, or law enforcement.

6.4 If the CEO determines from the investigation that the Complaint should not proceed, the CEO may, with approval of the Board Chair, cancel the scheduled hearing and give notice of cancellation to the Directors and the Member(s) who are the subject of the Complaint.

6.5 Where the results of investigation clearly indicate a violation or non-compliance with the Code, the CEO may, in consultation with the Board Chair and Vice-Chair, propose an appropriate disciplinary action to the Member(s) in question, who may, in their own discretion, consent to the disciplinary action. If a consent to discipline is achieved and if the consented disciplinary action is fully completed in accordance with

the terms proposed, the matter is resolved and the CEO will report such to the Board of Directors and cancel the scheduled hearing.

6.6 If consent to discipline is not achieved the matter will proceed to the scheduled hearing. If consent to discipline is achieved, but the consented disciplinary action is not fully completed in accordance with its terms, the CEO will promptly reschedule a hearing with notice in writing to all parties and the matter will proceed to hearing.

7. HEARING

7.1 A disciplinary hearing for a Member may be held as a standalone meeting or as part of a regular meeting of the Board of Directors, but in every case will be held in-camera, with only the Directors, the CEO and a designated minute taker present throughout. Members who are the subject of the Complaint are entitled to be present at the disciplinary hearing until deliberations. The meeting may be held in person, by electronic means, or by combination, provided that all participants must be able to speak and hear one another clearly.

7.2 Quorum for a disciplinary hearing is a majority of the current number of Directors in office and entitled to be present at the hearing (which excludes any Director who is the subject of the Complaint).

7.3 At the hearing, the CEO will review the Complaint and present such other relevant evidence as has been gathered, including any written statement or response provided by the Member(s) who are the subject of the Complaint. Witnesses may be called to provide oral evidence, at the discretion of the CEO. Any party providing evidence will leave the hearing after provision of evidence and questions, subject to recall as necessary.

7.4 Each Member whose conduct is the subject of the Complaint will be provided an opportunity to address the Board of Directors to respond to the Complaint and to provide any further evidence or submissions relevant to the Complaint.

7.5 Any Director present may ask questions of the CEO, or to any party present and providing evidence or submission, including the Member(s) subject to the Complaint. A Member who is the subject of the Complaint is not required to answer questions if he or she does not wish, but the refusal to answer questions may result in an adverse inference by the Directors present.

7.6 No party will have legal counsel present at a hearing.

7.7 Following the presentation of evidence and any questioning, the Member(s) who are the subject of the Complaint will leave the hearing room and the Directors will:

- discuss the matter;
- determine whether discipline is warranted and, if warranted, what kind discipline is appropriate in the circumstances;
- prepare and consider a motion to discipline the Member(s) in question;
- hold a vote on the motion.

7.8 The Board may take into account any credible evidence that is relevant to the alleged violation or non-compliance with the Code, including past discipline of the Member(s) in question. The Board of Directors may assess one or more of the following disciplinary actions against a Member for violation or non-compliance with the Code:

- warning;
- formal censure;
- requirement to participate in appropriate education seminars; and
- prohibition against participating as speaker/panelist/moderator in CAGP education programs, including without limitation the annual conference;
- removal from and/or prohibition against serving on CAGP committees or working groups;
- removal from the Board of Directors (if applicable);
- suspension of membership rights and privileges for a period of up to 24 months;
- expulsion from membership and restrictions on reapplication for membership.

7.9 Following the determination, the decisions of the Board will be conveyed to the Member(s) in question, including the wording of the disciplinary motion, the result of the vote and the disciplinary action to be imposed, if any.

7.10 Except in exceptional circumstances, the determination of a hearing will not be adjourned or deferred to a subsequent meeting.

8. DISCLOSURE AND CONFIDENTIALITY

8.1 Minutes of the hearing will be recorded, but kept separate from minutes of regular meetings of the Board. Minutes of a disciplinary hearing, including the result and the disciplinary action imposed, if any, imposed, will be prepared and circulated to all Directors entitled to be present at the hearing. Minutes and files from the investigation will be kept by CAGP in a separate and secure manner.

8.2 Member discipline proceedings will be kept confidential, provided that the Board may publish a list of Members who have been disciplined by the Board on a website accessible by other members, including the name of each disciplined Member, the discipline imposed and the date of disciplinary decision.

9. GLOSSARY OF TERMS

The following descriptions of certain terms used in this policy are provided for reference:

“Board” means the CAGP board of directors.

“CEO” means the President and CEO of CAGP.

“Code” means the CAGP Code of Ethics.

“Complaint” means a formal report alleging misconduct by a member, provided in writing pursuant to this policy.

“discipline” means the process by which members of CAGP are held accountable to the standards set out in the Code, including review, investigation, hearing and potential enforcement of consequences for misconduct.

“hearing” means a meeting held in accordance with this policy to allow the board of directors to hear the evidence related to a Complaint, including the submission of the member(s) who are the subject of the complaint.

“investigation” means CAGP, led by the CEO, taking action to find evidence in relation to a complaint and the alleged misconduct reported. This can include speaking to potential witnesses, reviewing documents, and other reasonable methods to gather relevant information. Investigation includes the ability of the member(s) who are the subject of a complaint to provide their own evidence and information for consideration. The materials gathered during investigation will be presented during a hearing, if any, for the Board to come to a decision.

“legal counsel” means a lawyer, notary, or other legal professional or any third-party advocate.

“member” means a member of CAGP.

“misconduct” means a violation, disregard or non-compliance with the Code, whether intentional or inadvertent. Misconduct can vary from minor to serious. Where misconduct is found, the board can impose appropriate disciplinary consequences on the member(s) who have committed misconduct.

“Policy” means this investigation and discipline policy.