



## Discipline: Process and Expectations

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The *College of Applied Biology Act* provides the legal authority to investigate allegations that a member has fallen below the standards of practice set by the College and, where warranted, to take disciplinary action against the member. The College's discipline process sets out how a complaint is filed and the investigation and subsequent discipline procedures. The process is set out under Part 4 of the Act (Protection of the Public Interest) and in Rule 15 (Investigation and Discipline). The process is summarized in the graphic following this article.

A person who believes that a member of the College has practiced applied biology in an incompetent manner, or been guilty of professional misconduct, conduct unbecoming a practicing member, or a breach of the Act or the Rules, may submit a complaint to the College. A member cannot resign to avoid the disciplinary process as the Act declares that the member remains subject to the jurisdiction of the College. Another important point to note in this process is that the College may, in its own name, initiate a complaint by referring a matter in writing to the Registrar.

When a member or non-member wishes to lodge a complaint against a member of the College, it is important to check whether that person was a member of the College at the time of the alleged infraction. To do this, contact the office via email at [registrar@cab-bc.org](mailto:registrar@cab-bc.org) or phone at 250-383-3306. To check out the list of current members in good standing go to the College members' database on the [website](#). If you have determined that the person you wish to file a complaint against is a member in good standing, please include the following information:

- Your name and address
- Member name
- Quote the section from the Code of Ethics, the Act or the Rules which you feel the member has contravened
- Provide documentation that clearly substantiates your specific complaint
- Send it to the Registrar at the College office



Timelines are prescribed in the Rules to ensure a fair and consistent process. Once the Registrar confirms that the complaint meets the test for completeness, it is forwarded to the Discipline Committee within 7 days. The Discipline Committee reviews the complaint to confirm it falls within the jurisdiction of the College and contains sufficient particulars to refer the matter for investigation. If the answer is no to either of these two criteria, the complaint is dismissed. The Discipline Committee may, within 30 business days of receipt of the complaint, ask the Executive Director to request further information or clarification as required by the Committee from the Complainant. If the complaint proceeds, the Subject Member (whose practice is under question) is contacted with a request for a written response within 30 days. The Subject Member may provide at this time any information or records relevant to the complaint.

Within 7 business days of receipt of the Subject Member's response, or no later than 3 business days after the time for receiving comments from the Subject Member, the Discipline Committee will request that the Executive Director forward the information to the Complainant. The Complainant may choose to reply to the Member's response. If satisfied with the Member's response to the complaint, they may choose to withdraw the complaint. All information is to be received by the Executive Director within 30 business days of receipt of the material. In rare cases, the identity of the Complainant may be withheld from the Subject Member during the information collection and investigation procedures to protect the identity of the Complainant. If the complaint is not withdrawn and comments are provided, the Discipline Committee will review all documents and may request additional information from either party. The Discipline Committee, based on their review, will:

- (i) Conclude there is not sufficient basis to proceed and the complaint is dismissed. A written report is prepared by the Discipline Committee and forwarded to the Complainant and Subject Member.
- (ii) Or decide that the complaint has sufficient basis to proceed. In this case, a citation would be issued against the Subject Member in the name of the College and proceed to a Discipline Hearing.



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It is important to note that at any time during this process a Subject Member can make a Conditional Admission. The criteria for a Conditional Admission are:

- The Conditional Admission must be clear as to whether it is intended to address all or only some of the matters which are the subject of the inquiry
- In presenting a Conditional Admission, the Subject Member is admitting to having engaged in the matters which are so named.

The Discipline Committee will review the Conditional Admission, and if it is acceptable to the Committee, shall suggest a penalty appropriate to the Committee.

The Subject Member will be advised of the decision of the Discipline Committee; where the decision is to not accept the Conditional Admission, the hearing will proceed.

Where the decision is to accept the Admission and a penalty is suggested, the Subject Member will have an opportunity to accept or reject the penalty.

Where a penalty is suggested following acceptance of a Conditional Admission, and the Subject Member:

- does not accept the penalty, the hearing will proceed,
- accepts the penalty, the Conditional Admission and penalty will be published in a publication of the College and/or any other means deemed satisfactory to the Discipline Committee.