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1. INTRODUCTION

The Discipline Committee is established by the Board of Directors (Board) of the Society of Contaminated Sites Approved Professionals of BC (CSAP Society or the Society) under the Bylaws. The chair of the Discipline Committee is a Board member and reports to the Board.

The Discipline Committee is responsible for determining appropriate remedial measures for submissions found “Deficient” through the performance assessment (PA) process and addressing complaints concerning a member that arise outside the PA process.

These Guidelines are supplementary to, and subject to, the Bylaws and Rules of CSAP Society. In the event of any conflict, the Bylaws and Rules prevail.

2. MEASURES RESULTING FROM A PERFORMANCE ASSESSMENT DEFICIENT FINDING

2.1. Notification

The Performance Assessment Committee (PAC) will notify the Discipline Committee when a PA has been deemed “Deficient”. In addition, the PAC may refer a matter to the Discipline Committee where it has reason to believe the submitting Approved Professional (AP) may have deliberately attempted to circumvent regulatory requirements (whether fraudulent or not) or may have provided false, inaccurate, misleading, or otherwise materially incomplete information.

Any such referral by the PAC is intended to bring potential professional conduct concerns to the attention of the Discipline Committee for consideration in accordance with the [CSAP Bylaws](#) and applicable Rules.

2.2. Documents for review

The Discipline Committee will review the following materials, as applicable:

- (a) PA Stage 1 Reports
- (b) Additional Information Addendum submitted by AP
- (c) PA Final Findings Reports
- (d) PAC Delegated Member letter(s)
- (e) AP’s PA history
- (f) Input from the Delegated Member

2.3. Disciplinary measures

The Discipline Committee will, as part of any decision described in Rule 36 of the [CSAP Rules](#), and Section 7.10 of the CSAP Bylaws, evaluate whether remedial measures are warranted.

The Discipline Committee will determine appropriate measures based on:

- (a) the issues identified during the PA,
- (b) the overall competence of the submission as assessed by the Discipline Committee,
- (c) the submitting AP’s PA history, and
- (d) remedial measures assigned to recent and similar “Deficient” submissions.

The process for assigning disciplinary measures following a “Deficient” finding in a PA is outlined in Appendix 1.

Remedial measures may include one or more of the following, depending on the nature, severity, and circumstances of the deficiency:

- (a) No remedial actions are warranted.
- (b) Relevant education (e.g., webinar, course) at AP's discretion.
- (c) Relevant education (e.g., webinar, course) as directed by Discipline Committee.
- (d) Oversight of next submission by another AP in good standing for a specified number of hours.
- (e) Review of the next submission by a delegated member of the PAC.
- (f) Next submission will be subjected to a non-random PA.
- (g) One of the next three submissions will be subjected to a non-random PA.
- (h) Re-write and pass the CSAP technical and/or regulatory examination.
- (i) Recommendation to the Board to suspend membership for a specified period of time.
- (j) Recommendation to the Board to revoke membership.

2.4. Timeline for assigning measures

The Discipline Committee will make reasonable efforts to determine and assign any disciplinary measures arising from a "Deficient" PA within 15 working days of receiving the notification from the PAC delegated member regarding the "Deficient" submission.

3. COMPLAINTS

Any person may make a complaint in writing to CSAP Society's Executive Director regarding the conduct of a Member while conducting CSAP Work¹, as follows:

- (a) incompetent performance of CSAP work;
- (b) professional misconduct, unprofessional conduct, or conduct unbecoming of a member as defined in the Code of Ethics of the AP's Parent Organization.

A person making a complaint must comply with procedures prescribed by Rule 19 of the CSAP Rules. A complaint must be filed within six (6) months of the complainant becoming aware of (or having ought to have known of), the grounds for the complaint. The CSAP Complaint Form is included as Appendix 2.

Once a complaint is received, the Executive Director reviews it to confirm that it is complete and meets the requirements set out in the CSAP Rules and Bylaws. If the complaint satisfies these requirements, the Executive Director refers the matter to an investigator in accordance with Section 6.3 of the CSAP Bylaws.

¹ CSAP work is defined in the CSAP Bylaws ([CSAP Bylaws](#)).

3.1. Investigation stage of a complaint

3.1.1 Appointment of an investigator

The Executive Director assigns an investigator who is responsible for conducting a fair, impartial, and thorough review and investigation of the complaint.

3.1.2 Collection and review of information

The investigator gathers all relevant information, which may include:

- (a) the written complaint and supporting documentation,
- (b) correspondence or records related to the matter,
- (c) information from the subject member who is the subject of the complaint, and
- (d) any additional materials from other sources, including the PAC and the Ministry of Environment and Parks (Ministry), as deemed necessary to fully understand the circumstances.

3.1.3 Opportunity for the subject member to respond

The subject member is provided an opportunity to respond to the allegations and to supply any information they believe is relevant to the investigation.

The complainant is likewise given an opportunity to provide evidence and make submissions to the investigator, in accordance with Section 6.3(3) of the CSAP Bylaws.

3.1.4. Preparation of the Investigation Report

After reviewing all available information, the investigator prepares a written report summarizing:

- (a) the facts established during the investigation,
- (b) the subject member's response,
- (c) any relevant contextual information, and
- (d) findings whether the complaint appears to have been substantiated.

As part of preparing the report, the investigator will assess the facts respecting the complaint to determine, on the balance of probabilities, whether the complaint:

- (a) is reasonably accurate; and
- (b) is pertinent to the grounds cited in Bylaw Section 6.2(1).

3.1.5. Submission to the Discipline Committee

On completion of the investigation, the investigator determines whether the complaint satisfies conditions (a) and (b) outlined above. If the complaint meets these conditions, the investigator prepares the investigation report and refers the matter to the Discipline Committee, providing reasons for the referral, along with the investigation report. A copy of the investigation report is provided to the Executive Director. Notice of the referral is given to both the subject member and the complainant. The investigation report is not provided to the either party.

If the complaint does not satisfy conditions (a) and (b), the investigator does not refer the matter to the Discipline Committee and instead provides notice of this determination to the subject member and the complainant. The investigator must also not refer the matter to the Discipline

Committee if the investigator concludes that the complaint is frivolous or vexatious (Section 6.3(5) of the CSAP Bylaws).

The Discipline Committee is responsible for determining whether disciplinary or remedial measures are warranted under the CSAP Bylaws and Rules.

3.2. Discipline hearings

Discipline hearings are conducted in accordance with Section 6.5 of the CSAP Bylaws:

- (a) The Discipline Committee must attempt to schedule a discipline hearing within 15 working days of receiving either:
 - i. an investigator's referral under Bylaw Section 6.3(4), or
 - ii. a complaint and PA report from the Executive Director under Bylaw Section 6.3(8).
- (b) The Discipline Committee must provide the subject member with an opportunity to be heard, either in person or by another method the Discipline Committee considers appropriate.
- (c) A complainant whose complaint has been referred under Bylaw Section 6.3(8), as well as the subject member, may make submissions to the Discipline Committee.
- (d) The Discipline Committee may request the attendance of the complainant, the subject member, or the investigator at the discipline hearing. They may be asked to answer questions or provide submissions or a presentation to the Discipline Committee, the subject member, and the complainant.
- (e) After conducting a discipline hearing, the Discipline Committee must:
 - i. prepare a written report of its findings;
 - ii. issue its decision, with reasons, including any sanctions described in Bylaw Section 6.7; and
 - iii. provide a copy to the subject Member and the Executive Director.
- (f) Members have a duty to:
 - i. cooperate and truthfully and completely answer questions;
 - ii. produce files, records, or other evidence in their possession or control; and
 - iii. provide explanations upon request.

If a member fails to cooperate, the Discipline Committee may recommend to the Board that the member be suspended. If the member continues to be non-compliant following suspension, the Board may rescind the member's membership.

Additional Provisions

- (a) All discipline hearings and related materials are confidential and must be handled in accordance with CSAP Society's confidentiality requirements.
- (b) Discipline hearings are not open to the public.
- (c) The Discipline Committee must conduct the hearing in a manner that ensures procedural fairness for all parties.
- (d) The Executive Director may attend discipline hearings to provide administrative support to the Discipline Committee.
- (e) Records of discipline hearings must be retained in accordance with the Society's recordkeeping policies.

3.3. Discipline Committee sanctions

Pursuant to sections 6.2(4) and 6.7 of the CSAP Bylaws, the Discipline Committee may impose sanctions where the Discipline Committee has determined that a breach of Section 6.2(1) of the CSAP Bylaws has occurred. Sanctions are intended to protect the public interest and address deficiencies in a member's conduct or practice.

In determining an appropriate sanction, the Discipline Committee considers the seriousness of the misconduct, the potential impact on the public, human health and the environment, the member's disciplinary history, the member's cooperation during the disciplinary process, and any mitigating or corrective actions taken.

In accordance with section 6.7 of the Bylaws, the Discipline Committee may sanction a member by one or both of the following:

- (a) imposing conditions on the member's membership or CSAP Work; and/or
- (b) requiring additional training for the Member.

Where the Discipline Committee determines that more serious sanctions may be warranted, it may recommend that the Board consider further action. Under section 6.7(2) of the Bylaws, the Board may, by ordinary resolution:

- (a) suspend a member for a specified period or indefinitely, with conditions for reinstatement, including requirements to complete remedial courses or pass a special examination to the satisfaction of the Membership Committee;
- (b) rescind a member's membership; and/or
- (c) impose such other measures as the Board considers appropriate.

All sanctions imposed by the Discipline Committee shall be documented in the Committee's written decision, together with the reasons for the decision and any conditions, requirements, or timelines for compliance. Failure to comply with an imposed sanction may result in further disciplinary action.

4. APPEALS OF DISCIPLINE COMMITTEE DECISIONS

In accordance with Section 6.6 of the CSAP Bylaws, the Board will consider appeals of Discipline Committee decisions as follows:

- (a) The subject member may appeal a decision of the Discipline Committee by filing an appeal with the Executive Director within 15 working days of receiving the Discipline Committee's report or notification of suspension.
- (b) Upon receipt of an appeal, the Executive Director will provide the Board with a copy of the appeal. The Board may hear the appeal directly or appoint an appeal committee chaired by a Director (in accordance with Rule 22(1)(a) of the CSAP Rules).
- (c) The appellant has the right to present evidence and make submissions to the Board or the appointed appeal committee. The Chair of the Discipline Committee must provide a written report in the presence of the appellant and may be required to respond to questions. The complainant and the appellant may also present evidence and make submissions during the appeal process.
- (d) Following its review, the Board or appointed committee may confirm the Discipline Committee's decision (with written reasons), allow the appeal, or refer the matter back to the Discipline Committee for reconsideration.

Members who appeal a Discipline Committee decision may continue to perform CSAP Work pending the outcome of the appeal, provided that their work is supervised by another CSAP member until a final appeal decision has been made.

5. NOTIFICATION TO PARENT ORGANIZATION AND MINISTRY DIRECTOR

In accordance with Section 6.8 of the CSAP Bylaws, notice to the Ministry Director of any suspension or rescission decision is mandatory and is provided by the Chair of the Discipline Committee under Section 6.8(2) of the Bylaws. Whether notice of the sanction is also provided to the member's Parent Organization (and to any other person or body) is determined by the Board under Section 6.8(1) of the Bylaws.

Where a member is subject to a suspension or rescission of membership, the Board may, by ordinary resolution and where it considers such notification to be in the best interests of the Society and the public, direct that notice of the sanction be provided to the member's Parent Organization and any other person or body deemed appropriate.

Such notification shall not occur until the later of:

- (a) The expiry of the appeal period established under Section 6.6(2) of the Bylaws; or
- (b) The issuance of a final decision on any appeal brought under Section 6.6.

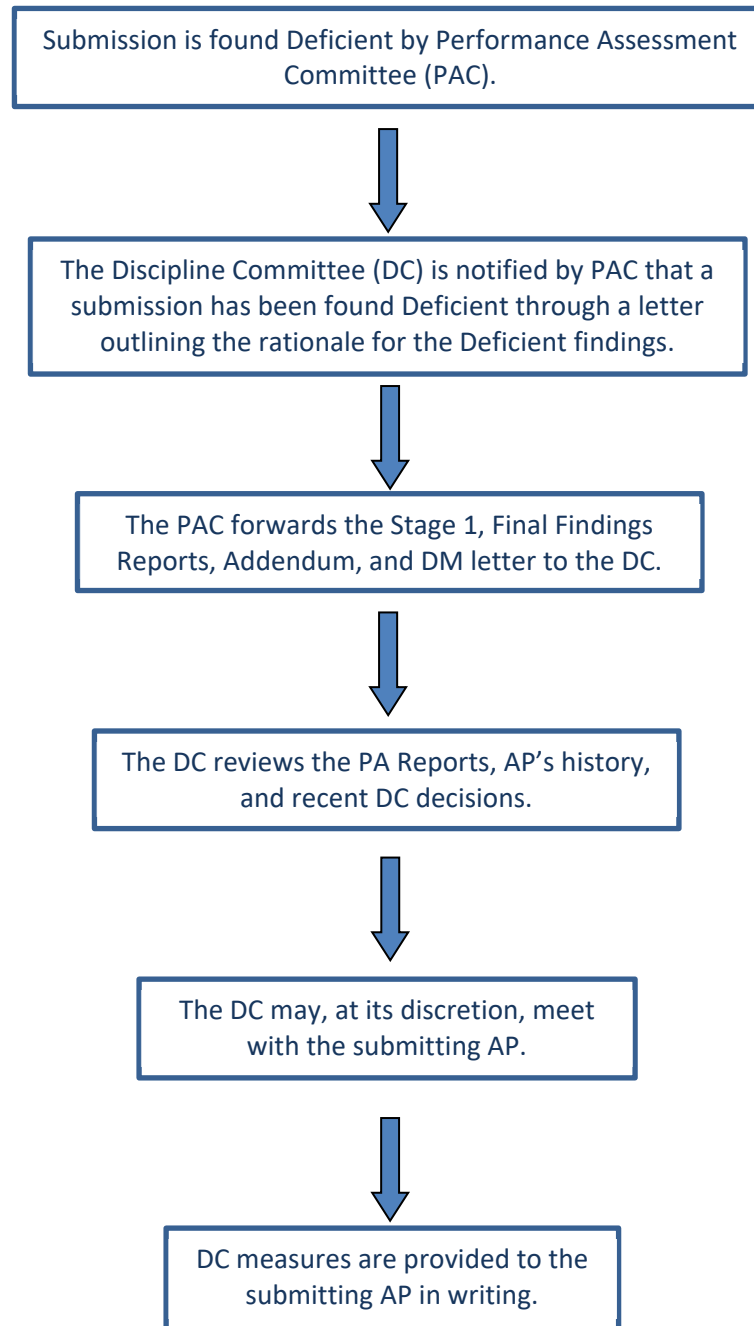
The Chair of the Discipline Committee is responsible for providing notice of any suspension or rescission decision to the Ministry Director, as required by Section 6.8 of the Bylaws.

The Board shall ensure that all notifications are documented and maintained as part of the official disciplinary record of the matter.

6. APPENDICES

See attached.

(a) Appendix 1: CSAP Performance Assessment Deficient Findings Measures Flow Chart



(b) Appendix 2: CSAP Complaint Form

Before completing this Complaint Form, please ensure that you have reviewed the Complaints & Discipline page and the relevant complaint and discipline provisions of the CSAP Bylaws and Rules, available on the CSAP Society website. The complaint must relate to a submission to the Ministry Director respecting work under Protocol 6, or to another matter specifically designated as “CSAP Work” under the CSAP Rules. A complaint must be filed within six (6) months of the complainant becoming aware of, or having ought to have known of, the grounds for the complaint. A separate complaint form must be completed and submitted for each CSAP Member named in the complaint.

Complainant Information

Name: _____

Company: _____ Address: _____

Telephone: _____ Email: _____

CSAP Member Information

Name: _____

Company: _____

Details

Location: _____

Date & Time: _____ Type of Work: _____

Nature of Complaint: _____

Description of Complaint: (Please provide factual information regarding the complaint, as per the criteria outlined in Section 3 of these Guidelines, including what has taken place, and on what dates the action occurred. Also, provide copies of all relevant documents.)

Complainant Signature

Date

Acknowledgement of Complaint

Executive Director Signature

Date Received