



**TITLE:** CONDUCT REVIEW PROCEDURE

**DATE ISSUED/APPROVED:** April 2014 **DATE LAST REVISED:**

**CREATED BY:** Tracey Stock, Treasurer and Cathy Miller, CEO

**OBJECTIVE:** CAPLA builds excellence within land asset management disciplines by promoting, maintaining and requiring high standards of professional conduct and fair and honest dealings on the part of each CAPLA member. CAPLA strives to continually improve and educate its members to maintain the standards and principles set out in this Code of Conduct.

The Code of Conduct is the basis of conduct, business principles, and ideals for CAPLA members. Conduct of any member that is inconsistent with this Code of Conduct is considered unethical and the individual's membership status may be subject to review and possible cancellation.

*The Board of Directors is working with the Certification Committee to announce a policy on how CAPLA certifications are affected by a decision to cancel membership.*

This process sets out the steps followed on receipt of a complaint.

**RESPONSIBILITY:** CEO, Executive Committee, Investigator appointed by the Executive Committee

**PROCEDURES:**

1. CAPLA requires that members agree to the Code of Conduct every year as they renew their membership. The Code of Conduct is available on the CAPLA website in the Membership section.
2. Privacy is maintained throughout this process. If a member is found to be in violation of the Code of Conduct, membership may be cancelled, but this fact will not be published except to the extent that the individual will no longer appear on the CAPLA roster.
3. In January of 2014, CAPLA launched the CAPLA Ethics Program that was developed and designed by Dr. Gary Lepine. Dr. Lepine, a Calgary-based clinical ethicist and organizational consultant, designed a two-part program for CAPLA. Part I is an overview

of professional ethics. Part II is a practical application of professional ethics in the workplace using land asset management situations and scenarios. The ethics course is a requirement for all new CAPLA members and is recommended to all members registered prior to January 1, 2014. During CAPLA's 20<sup>th</sup> anniversary year (2014) the Ethics Program is being provided to CAPLA members free of charge.

4. The Membership Review Procedure diagram is attached to this document as **Appendix A**. When anyone has a concern about the conduct of a CAPLA member they may complete the Code of Conduct Complaint Form and deliver it, in confidence, to the CAPLA CEO. The Complaint Form is located on the CAPLA website in the membership section and is attached to this document as **Appendix B**. The CEO will bring all complaints to the attention of the CAPLA Board of Directors.
5. The CAPLA CEO will complete an initial review of the complaint to determine if there appear to be grounds for a potential breach of the Code of Conduct that requires investigation. If the CEO determines that there is no basis or not enough information to be considered a potential breach, the complaint will be dismissed and the complainant will be advised of the decision. If the CEO determines that there may be a potential breach, they will bring the complaint to the attention of the CAPLA Executive Committee (EC) for further action. The CEO notifies the member that there is a complaint against them for potential breach of Code of Conduct.
6. The EC will review the complaint to determine whether they believe there is a potential breach. If the EC determines that there is no basis or not enough information to be considered a potential breach then the complaint will be dismissed and both the complainant and the subject member will be advised of the decision. If the EC determines that there may be a potential breach the EC will appoint an investigator(s) to investigate the complaint and provide findings and make recommendations to the EC about the subject member's conduct.
7. The investigator(s) will conduct an investigation based on established parameters and will report findings to the EC. The investigator will make a recommendation to the EC to dismiss the complaint or to cancel the individual's membership. The EC reviews the report from the investigator and may: (i) dismiss the complaint; (ii) specify conditions for the subject member's continuation as a member of CAPLA; or (iii) cancel the individual's membership. Further details are included in **Appendix C**.
8. The CEO notifies the subject member of the EC decision using the Membership Review Procedure Results Form that is included with this document as **Appendix D**. To respect member privacy, the complainant is advised that the investigation has concluded, but is not provided with any information about the investigation or the subject member's

status.

9. If the complaint is dismissed there is no further action required.
10. If the EC recommends remedial action by the member it is the member's obligation to advise the CEO when the conditions have been satisfied.
11. If the EC terminates membership, the CEO institutes operational procedures to cancel the individual's membership and remove them from the roster. CAPLA will not make any information about the cancellation public.
12. Information on the appeal requirements are attached to this document as **Appendix E**. If membership is cancelled the individual will have 30 days to appeal the decision by completing the appeal form. Thereafter, the individual may appeal for reinstatement once every two years. The appeal form is included in the document as **Appendix E**.
13. When an appeal is filed the CEO will review the rationale and either uphold the former decision or begin the Conduct Review Procedure again based on the new information.
14. The Membership Reinstatement Procedure diagram is attached to this document as **Appendix F**. When an appeal is filed the CEO will review the rationale to determine if there is sufficient new or updated information for consideration. The CEO will either dismiss the appeal or refer it to the Executive Committee for review. If the Executive Committee determines that the appeal is warranted they will appoint an investigator. The investigator will make a recommendation to the Executive Committee based on the new or updated information to either dismiss the appeal or to reinstate the membership. The CEO privately informs the member and begins the operational reinstatement procedures.

**This process is reviewed by the CAPLA Board of Directors annually.**

**Appendix A – Membership Review Procedure Diagram**

**Appendix B – Complaint Form**

**Appendix C – Investigator's Report**

**Appendix D – Membership Review Procedure Results Form**

**Appendix E – Appeal Requirements**

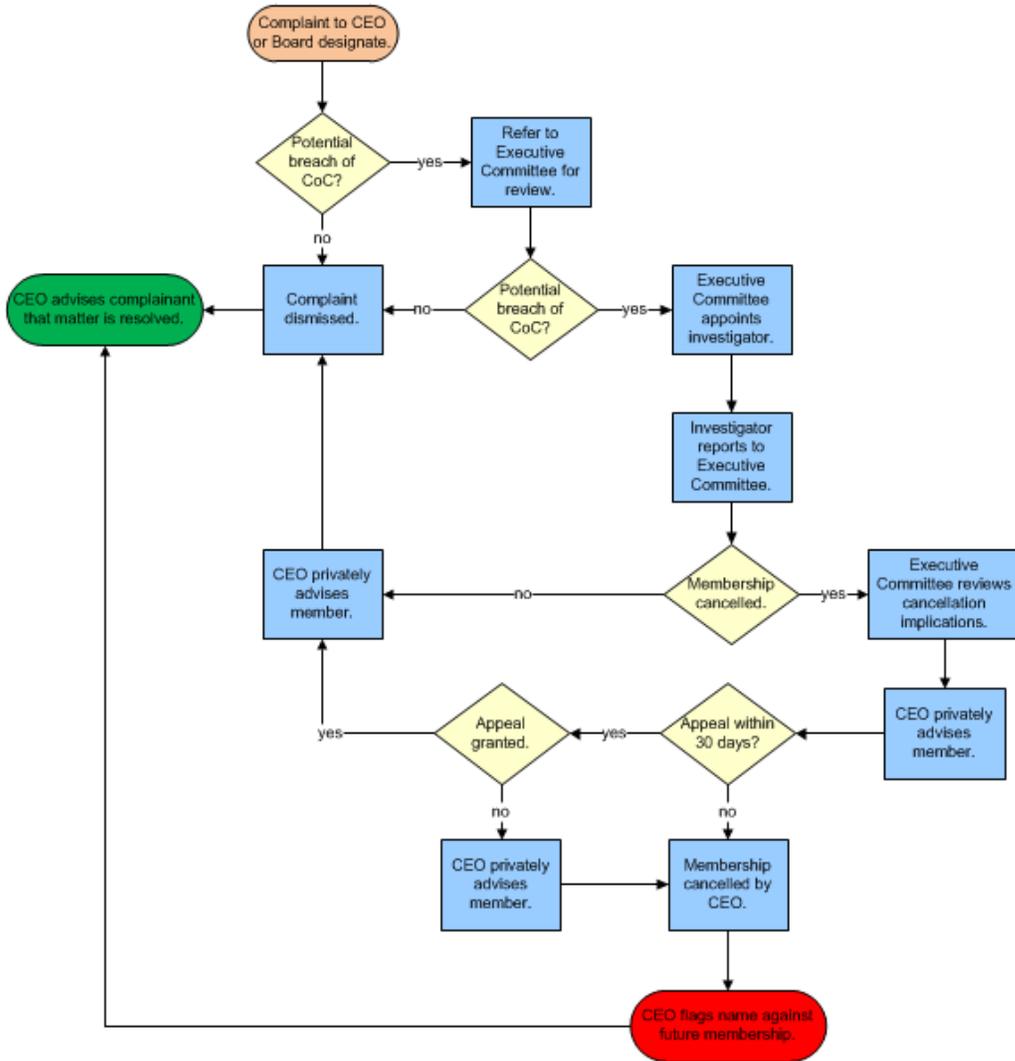
**Appendix F – Membership Reinstatement Procedure Diagram**



Appendix A



Membership Review Procedure



Appendix B



CONFIDENTIAL

CODE OF CONDUCT				
MEMBER CONDUCT COMPLAINT FORM				
Date (mm/dd/yyyy):	<input type="text"/>	File No. (office use only)	<input type="text"/>	
Complainant	Surname:	<input type="text"/>		
	Given Name(s):	<input type="text"/>		
	Address:	Suite	<input type="text"/>	
		Street	<input type="text"/>	
		Prov	<input type="text"/>	Code <input type="text"/>
	Telephone:	<input type="text"/>		
	Email:	<input type="text"/>		
Subject of Complaint	Surname:	<input type="text"/>		
	Given Name(s):	<input type="text"/>		
<b>Describe Complaint:</b> (Accurate and detailed. Include dates. Attach extra pages or materials as necessary.)				
<input type="text"/>				
<input type="text"/>				
<input type="text"/>				
Signature:	<input type="text"/>	Date (mm/dd/yyyy):	<input type="text"/>	

## **Appendix C – Investigator’s Report**

The investigation process is the foundation of the conduct review procedure. A thorough and appropriate investigation is essential to CAPLA’s role in promoting professionalism among its members.

Once a formal complaint has been assigned to an Investigator, the Investigator will review the complaint to determine whether the complaint is within the association’s mandate, and if so, which principles from our Code of Conduct are relevant to the case.

The role of the Investigator, under the Board’s direction, is to collect all information that is relevant to a case from anyone concerned. Confidentiality and privacy must be maintained as much as possible.

An effective investigation will:

- Create confidence in the process;
- Allow both parties to tell their side of the story;
- Minimize the risk of legal challenges; and
- Provide the EC with sufficient information to determine which of the 3 available outcomes should be pursued.

The investigation process begins with a plan that:

- Identifies the specific conduct at issue and maintains focus on that issue;
- Identifies the specific term of the Code of Conduct at issue and maintains focus on the standard of professionalism expected by that specific term;
- Identifies the key pieces of evidence required to substantiate the complaint;
- Identifies key witnesses; and
- Establishes reasonable timelines for completion of investigation tasks.

When the Investigator has completed their inquiry they will prepare a report that sets out the facts of the complaint and a summary of the evidence gathered. The investigator will analyze and consider all of the gathered information in order to make a recommendation to the Executive Committee.

After reviewing the Investigator’s Report, the Executive Committee may find that sufficient information exists to come to a decision, or may direct the Investigator to gather more information or, in the rare event that the complaint is of sufficient severity, direct the CEO to cancel the individual’s membership and to inform the member about the appeal process.

## Sample Report

Investigation Report  
Complaint by Jane Doe against Sally Smith  
CAPLA File #

### **BACKGROUND:**

On March 15, 2013, Jane Doe submitted a complaint to Cathy Miller, CAPLA CEO, (Tab 1) alleging that Sally Smith was rude and unprofessional in her dealings with her and that she charged for consulting hours that she did not actually work.

On March 30, 2013, Cathy Miller provided a letter to Ms. Jane Doe confirming receipt of the complaint.

On March 31, 2013, Cathy Miller reviewed the complaint and determined that it may indicate a breach of the Code of Conduct.

On April 7, 2013, at a regular meeting of the Executive Committee ("EC"), Cathy Miller provided notification of the complaint by delivering a copy of Smith's original letter and a statement summarizing her analysis that the complaint represented a potential breach of the Code of Conduct. The EC appointed Abigail Adams as Investigator.

On April 10, 2013, Cathy Miller notified Sally Smith that a complaint had been received and requested a response to the complaint.

On April 27, 2013, Cathy Miller received Sally Smith's response to the complaint and delivered same to Investigator, Abigail Adams.

May 2 – 16, 2013, an investigation was conducted that included interviews with four witnesses:

- Jane Doe;
- Sally Smith;
- Kate Beckett; and
- Tuppence Beresford.

The following additional documentation was obtained:

- Tab 2: contract for land consulting services between Huge Energy Inc. and Sally Smith;
- Tab 3: invoice of Sally Smith to Huge Energy Inc. dated February 23, 2013; and
- Tab 4: email correspondence between Jane Doe, Kate Beckett, and Sally Smith.

### **ISSUES FOR INVESTIGATION:**

The issues that were investigated were:

1. yelling and swearing in a business office during core hours; and
2. fraudulent billing.

**RELEVANT PROVISIONS OF CODE OF CONDUCT:**

1. Yelling and swearing in a business during core hours office violates Code of Conduct Clause 2 for offensive or harassing behaviour that brings disrespect or a lack of confidence to the profession.
2. Fraudulent billing violates Code of Conduct Clause 4 for not dealing honestly.
3. Fraudulent billing violates Code of Conduct Clause 5 for not dealing honestly and betraying trust.
4. Fraudulent billing violates Code of Conduct Clause 6 for participating in conduct that may cause conviction of an offense involving fraud.

**WITNESSES INTERVIEWED:**

1. Jane Doe, complainant, Team Lead, Huge Energy Inc.;  
[address]  
[phone]
2. Sally Smith, respondent;  
[address]  
[phone]
3. Kate Beckett, VP Land, Huge Energy Inc.  
[address]  
[phone]
4. Tuppence Beresford, co-worker of Sally Smith  
[address]  
[phone]

**INVESTIGATION SUMMARY**

Jane Doe was interviewed in person at the offices of Huge Energy Inc. on [date]. The interview was audio-recorded with her permission. The key points of the interview are as follows:

- Jane supervised Sally's work as a land consultant at Huge Energy Inc.
- With Jane's knowledge, Sally took a one-week vacation.
- On the next billing cycle Sally's vacation time appeared on her invoice as time worked.
- Jane suspected that Sally had made an error and visited Sally's office to clarify the issue.
- When asked about the billing irregularity, Sally erupted, yelling and swearing that her invoice was correct and that no one had a right to question it.

Sally Smith was interviewed in person at her home on [date]. The interview was audio-recorded with her permission. The key points of the interview are as follows:

- Sally was aware of the complaint made by Jane Doe.
- Sally agreed that her invoice reflected specific dates that she had not worked, but she explained that the Huge invoice template did not allow input of time outside core hours. Sally's work in A&D involved many hours outside core hours to meet closing deadlines. So, to capture the actual hours worked, Jane had told Sally to bill time on other dates and not worry about the apparent inconsistency.

- When Jane visited Sally's office to discuss the invoice issue, Sally reminded Jane of the unusual Huge policy and Jane denied it. Jane told Sally that she could not bill 40 hours of work.
- Sally admits that she lost her temper when told she could not bill 40 hours and admitted to raising her voice and repeatedly referring to Jane's position as bu\*\*s\*\*t.

Kate Beckett was interviewed in person at the offices of Huge Energy Inc. on [date]. The interview was audio-recorded with her permission. The key points of the interview are as follows:

- Kate was aware of the complaint made by Jane Doe.
- Kate was initially unaware of the limitations on recording billing hours at Huge, but after the complaint was made she investigated and found that the limitation existed.
- Kate implemented a change to the Huge billing process to ensure that all hours can be recorded correctly.

Tuppence Beresford was interviewed in person at her home on [date]. The interview was audio-recorded with her permission. The key points of the interview are as follows:

- Tuppence was aware of the complaint made by Jane Doe.
- Tuppence used the work station immediately adjacent to Sally Smith's station at Huge and overheard the confrontation between Jane Doe and Sally Smith in respect to the complaint.
- Tuppence believes that Sally raised her voice somewhat.
- Tuppence overheard one use of the word bu\*\*s\*\*t by Sally.

## **CONCLUSION**

[Generally, provide issue-by-issue analysis of the evidence regarding the allegation(s), including whether there is sufficient evidence that the conduct breaches the Code of Conduct.]

### **Issue 1. Whether or not Sally Smith was rude or unprofessional in her dealings with Jane Doe.**

Yes. However, there are mitigating circumstances concerning the confrontational manner used by Jane Doe and the substantial economic risk to Sally.

### **Issue 2. Whether or not Sally Smith fraudulently billed Huge Energy Inc.**

No. Although at face value Sally Smith's invoice appears fraudulent, the Huge time recording limitations and specific billing directions indicate that Sally Smith's invoicing procedure complied with Huge corporate policy.

## **RECOMMENDATION**

It is recommended that the EC take the following action:

1. That Sally Smith's continuing membership in CAPLA be conditional on completing an approved anger management course prior to December 30, 2013.

**Appendix D – Membership Review Procedure Results form**

**Membership Review Procedure Results**

**Date:**

**Member Name:**

**File No.**

The CAPLA Board of Directors wishes to advise you that the Membership Review investigation that was conducted as a result of a complaint we received has been completed.

The outcome is as follows:

The complaint has been dismissed.

The CAPLA Board of Directors has determined that there was a legitimate concern however your membership will not be cancelled provided you agree to the following conditions within the time frame indicated:

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The CAPLA Board of Directors has determined that there was a legitimate concern and your CAPLA membership will be cancelled immediately. Information about appealing this decision is included in the Membership Review Procedure document that can be located on the CAPLA website.

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If you require further information, please contact Cathy Miller, CEO, 403 452-6621

## Appendix E



**Membership Review - Appeal Procedure Requirements** The decision made by the CAPLA CEO, Board of Directors or specially appointed investigator may be appealed by the complainant to the Board of Directors. An appeal must:

- a) be in writing;
- b) set out the grounds for the appeal;
- c) provide new evidence to be considered by the CEO, Board, and investigator if applicable; and,
- d) be received at the CAPLA office within 30 days of the complainant having received written notice of the decision.

Appendix F



### Membership Reinstatement Procedure

