

## The Complaints and Investigation Committee – Terms of Reference

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Approved by the Board of Directors: \_\_\_\_\_

Original Date: May 12, 2020

Revised Date:

Reviewed Date:

### Mandate and Purpose

The Complaints and Investigation Committee exists to hear and investigate complaints, attempts to resolve them informally, and make decisions as to whether there is a breach to the CPHR Code of Ethics & Rules of Professional Conduct. This may include a referral to the Discipline Committee.

### Responsibilities

- ❖ Review the complaint;
- ❖ Attempt to resolve the complaint informally;
- ❖ Gather additional facts through investigation;
- ❖ Provide guidance and support to either party;
- ❖ If necessary, obtain external resources to support the investigation and decision-making process (ie: mediation, legal counsel, etc.);
- ❖ Based upon the findings, the Committee may;
  - Dismiss the complaint if no evidence of breach of conduct has been found.
  - Caution and/or coach the member not to repeat the conduct: Where the Committee finds that there has been a breach of the Code, but the breach is merely technical or trivial.
  - Letter of Advice: Where a minor impropriety has occurred, and it is a first occurrence.
  - Reprimand: Where a contravention of the Code has occurred, but not of sufficient seriousness to warrant more than a reprimand.
  - Determine the conduct warrants a disciplinary response and refer the matter to the Discipline Committee.
- ❖ Annually prepare for the Board a summary of complaints and outcomes.

## Composition

**Chair:** CPHR from the membership. The Chair is appointed by the Board based on recommendations from the Nominating Committee.

**Committee:** CPHR members who maintain a good standing and have a minimum of 10 years of experience at a senior level are selected based on recommendations from the Nominating Committee. The committee consists of 4 CPHR members (includes the Chair) and 2 public representatives appointed by the Nomination Committee. The committee may meet and make decisions in panels.

**Panel:** A panel consists of the Committee Chair (or delegate) plus 1 CPHR member, and 1 public representative.

**Staff:** The Registrar (or delegate) will serve as staff support for this committee.

## Terms

Each member may serve up to two three-year terms. The Chair may serve an additional three-year term upon becoming the Chair. The terms of appointments may be staggered to provide continuity. If deemed necessary, upon approval of Nominating Committee, a member term may be extended.

## Frequency of Meetings

The Complaints Investigation Committee will meet annually. Panels will meet on an ad hoc basis.

## Conflict of Interest

A conflict exists at any time when an individual's judgement is impaired due to other factors. It is the responsibility of the individual to self-declare any potential conflicts. The potential for real and perceived conflict of interest exists in not only the Board, but with members who participate on committees. This policy applies to both board and committee members.

- Board and Committee Members must avoid conflict of interest with respect to their responsibility:
  - There must be no self-dealing or any conduct of private business or personal services between any Board member and the Association except as procedurally controlled to assure openness, competitive opportunity and equal access to "inside" information.
  - When the Board or a Committee is to decide on an issue, about which a member has an unavoidable conflict of interest, that member shall absent her or him without comment from not only the vote, but the deliberation as well.
  - Board and Committee Members must not use their positions to obtain employment for them, family members, or close associates. Should a member desire employment, he or she must first resign.

- Members will annually disclose their involvements with other organizations, with vendors, or any other associations which might produce a conflict.
- Any Board member or Committee member serving on an awards committee or any Board member where the Board is making the selection must remove themselves from the deliberation and the decision when the potential nominee or recipient is:
  - The owner, employer or the employee of the board or committee member;
  - A work colleague of the board or committee member;
  - A family member of the board or committee member; and
  - Any other situation identified by the Board or Committee where an individual's objectivity may be impaired.
- The above would apply in the following situations:
  - Choosing speakers
  - Awarding contracts/choosing service providers
  - Selecting award recipients
  - Member discipline, accreditation and assessment
  - Creating strategic partnerships
- It is incumbent on an individual board member or committee member to remove him or herself from any discussion and decision when he or she feels that objectivity is impaired; and
- Should it be unclear as to whether a real or perceived conflict of interest exists, the decision will be made by vote of the Board or Committee.