

Administrative Procedure		
<p>AP-330</p> <p>Complaint Against a LEADS Member</p>	<p>References: <i>The LEADS Act, 1991, S.34-55</i> LEADS Bylaws, S.19, S.21 LEADS Policy 9, 10</p> <p>Related:</p>	<p>Tracking:</p> <p>Received by Board: Approved APC 2003</p> <p>Updated: November 2019 – Creation of LEADS Administrative Procedures Manual May 2021</p>
	<p>Status:</p>	

Background

The Professional Relations Committee shall deal with complaints against LEADS members. The Committee shall review the events surrounding a complaint, conduct an investigation, analyze the facts and make a recommendation to dismiss or refer the complaint for a hearing before the Discipline Committee.

Procedures

1. The Complaint

Any person may submit a complaint regarding the alleged professional misconduct, or professional incompetence of a LEADS member to the LEADS Executive Director.

Upon receipt of a complaint by the LEADS Executive Director:

- (a) The Executive Director shall receive the complaint and, if the complaint is not already in the required form, inform the complainant that they must submit their complaint in writing using F 330.1 – Complaint Against a LEADS Member Form.
- (b) The Executive Director will ensure that the complainant is about a person over whom the League has jurisdiction.
- (c) Upon receiving a complaint of professional misconduct or professional incompetence, accompanied by F 330.1 – Complaint Against a LEADS Member Form, the Executive Director shall inform the LEADS Executive Board table officers, followed by informing the Executive Board.
- (d) Following informing the Executive Board, the Executive Director may, where appropriate:
 - i) encourage the complainant and the investigated person (hereinafter the “member under investigation”) to communicate with each other and resolve the complaint;
 - ii) with the agreement of the complainant and member under investigation, attempt to conciliate the complaint; and,

- iii) with the agreement of the complainant and the member under investigation, make a referral to an “Alternative Resolution Process” under Section 2 as set out below.
- (e) If the Executive Director determines none of the options outlined in 1(d) are possible, the Executive Director will review the complaint and determine if any of the alleged actions by the LEADS member would constitute a breach of the LEADS Professional Code of Conduct or *The LEADS Act, 1991*.
 - i) If the Executive Director determines the complaint is frivolous, vexatious or without merit, or that the alleged conduct, if determined to have taken place, would not constitute a breach of the LEADS Professional Code of Conduct or *The LEADS Act, 1991*, the Executive Director shall:
 - report the decision to the Executive Board, anonymizing the information in the report to the Board; and,
 - inform the complainant and the member under investigation that the complaint is dismissed.
 - ii) If the Executive Director determines the alleged conduct, if determined to have taken place, would constitute a breach of the LEADS Professional Code of Conduct or *The LEADS Act, 1991*, the Executive Director shall, within 30 operational days, refer the complaint to the Professional Relations Committee to assess and provide a written report to the Discipline Committee on the subject matter relating the investigation into the complaint.
- (f) The complaint shall be treated in a strictly confidential manner by members of the Executive Board and the Executive Director.

2. Alternative Resolution Process

- (a) The Executive Director may, after consideration of the nature of the complaint, with the agreement of the complainant and the member under investigation, refer the complainant and the member under investigation to an alternative complaint resolution process, at any time before the referral to the Professional Relations Committee defined in this AP.
- (b) The Executive Director may appoint a member or a non-member to serve as the person who conducts the alternative resolution process.
- (c) The person who conducts the alternative resolution process must set out the process in writing and include a statement that the complainant or the member under investigation both may cease participating in the alternative resolution process at any time.
- (d) The complainant and the member under investigation shall agree to the process as written under subsection AP-330 S.2 before the alternative resolution process may begin.
- (e) A person who conducts an alternative resolution process must be impartial and must act impartially.

- (f) If a report has been prepared with respect to the subject matter of the complaint, the Executive Director may submit an anonymized copy of the report to the person conducting the alternative resolution process.
- (g) The person conducting the alternative resolution process may, if necessary, request an expert to assess and submit a written report on the subject matter of the complaint or matters arising during the alternative resolution process.
- (h) A person who conducts an alternative resolution process shall, if in the opinion of that person a settlement is not likely to occur, notify the Executive Director.
- (i) If during the alternative resolution process information is introduced that causes the person conducting the alternative resolution process to believe that the matter is substantially different from the original complaint, the person shall forthwith notify the Executive Director, and the Executive Director shall decide whether the alternative resolution process may continue or whether the matter shall be processed under the procedures of AP-334 – Professional Relations Standing Committee.
- (j) On terminating or being notified that a settlement has not been concluded, the Executive Director shall:
 - i) if an investigation has not been commenced, commence an investigation as outlined in AP-334; or,
 - ii) request the Chair of the Professional Relations Committee convene a meeting.

3. Evidence In Alternative Resolution Process

- (a) A person who conducts an alternative resolution process shall keep any records relating to the process separate from the LEADS records, except a ratified settlement.
- (b) Any documents prepared or generated for the purposes of an alternative resolution process belong to the person who prepared or generated the documents, but a report belongs to LEADS.

4. Settlement

- (a) If the complainant and the member under investigation agree, in writing, to a proposed settlement of a complaint in an alternative resolution process, the person conducting the alternative resolution process shall report the settlement to the Executive Director.
- (b) After reviewing the report and proposed settlement, the Executive Director may:
 - i) ratify the proposed settlement; or
 - ii) ratify the proposed settlement, subject to any terms or conditions required by the Executive Director, which shall then be subject to confirmation by the complainant and the member under investigation; or,
 - iii) refuse to ratify the proposed settlement and refer the matter to the Professional Relations Committee.

- (c) If the Executive Director becomes aware the member under investigation is not in compliance with the terms of the ratified settlement, the Executive Director shall:
 - i) investigate the circumstance of non-compliance and attempt to resolve the matter; or,
 - ii) refer the matter to the Professional Relations Committee.
- (d) LEADS must retain a copy of the ratified settlement.
- (e) Subject to subsection (2) if a proposed settlement:
 - i) relates to all the matters complained of, no further proceedings under this process may be taken with respect to those matters; or,
 - ii) relates to only some of the matters in the complaint, the Executive Director must refer the matter to the Professional Relations Committee.

5. Confidentiality

- (a) Subject to the terms of any ratified settlement agreement, the outcome of the alternative resolution process is confidential, and shall not be disclosed by LEADS or by any of the parties thereto, except as may be required by law.
- (b) Notwithstanding the foregoing, in the event that the ratified settlement agreement provides for restrictions upon the professional practice of any member, those restrictions shall be considered public and may be communicated by LEADS.