

## 12 **Discipline procedure: complaints**

- (1) An authorized designated body shall establish a process under which a complaint of professional misconduct made against a licensee or partnership, once received by the authorized designated body, shall be investigated until it has been determined whether or not to refer a charge or charges of professional misconduct to an adjudicative committee.
- (2) An authorized designated body shall require that, once a complaint of professional misconduct is made and until the complaint has been fully addressed and any charges or allegations relating to the complaint have been finally disposed of:
  - (a) the individual licensee shall not be permitted to resign from membership in the authorized designated body;
  - (b) the partnership or professional corporation shall not be able to withdraw or terminate its registration with the authorized designated body;
  - (c) the licensee or partnership shall not be able to make an arrangement with the complainant whereby the complainant would withdraw the complaint or agree not to testify.
- (3) The complaint investigation process shall be overseen by an investigating committee appointed by the board of directors or governing council of the authorized designated body that shall include individual licensees and public representatives. A quorum of not fewer than three drawn from the members of the investigating committee may make decisions in accordance with 12(7), provided that such quorum includes a minimum of one public representative and one individual licensee.
- (4) The complaint shall be investigated in a timely manner and such investigation shall be carried out by staff of the authorized designated body or by investigators appointed by the authorized designated body who shall report to the investigating committee.
- (5) The complaint investigation process of an authorized designated body shall provide the investigating committee, through enactment of by-laws or regulations, with the power to compel a licensee or partnership to produce working paper files, books, documents or other materials in paper or electronic form, provided that only documents and information that are compellable by law are producible (e.g. documents and information subject to legal privilege of the licensee, partnership or the licensee's or partnership's client are not producible, unless privilege is waived by the licensee, partnership or the client, respectively).
- (6) An authorized designated body shall ensure that the members of the investigating committee and the investigators have, and are provided with, ongoing appropriate training.
- (7) When the investigation of a complaint regarding the professional conduct of the licensee or partnership is complete, the investigating committee shall decide whether to:
  - (a) refer a charge or charges of professional misconduct to the adjudicative committee;

- (b) admonish the licensee or partnership; or
  - (c) dismiss the complaint.
- (8) The investigating committee shall provide each party with notice of its decision within 30 days of being rendered. In the event there is a charge, each party shall be given a copy of the charge, and when the date for adjudication is set each party shall be advised of that date. In the event that the investigating committee decides to admonish the licensee or dismiss the complaint, it shall notify the complainant of the complainant's right to request an independent review.
- (9) A complainant may make a written request to the authorized designated body to have a complaint that was dismissed in the investigative process, or dealt with by admonishing the licensee reviewed by an independent reviewer. Such requests shall be granted by the authorized designated body provided that the request is received within 30 days following the original notification to the complainant that the complaint was dismissed, or the licensee was admonished. The complainant shall be notified in writing of the outcome of the review and this notification shall inform the complainant that if the complainant is unsatisfied with the manner in which the complaint was handled, the complainant may request that the Council review the authorized designated body's handling of the complaint.