



### **3.08 Discipline**

Approved: 2017-11-21

Latest Revision Date: 2018-03-08

Review required: 2022

#### **Intent**

To describe how discipline of a member is handled.

#### **Policy and Procedures**

SBOA will take appropriate steps to discipline a member when:

- Recommended by the Complaint Subcommittee and directed by the Board of Directors, following an investigation under [3.07 Complaints](#).
- Recommended by the Certification Committee following a member's breach of maintenance requirements for a BCQ or CBO Designation under [6.03 Continuing Professional Development Program](#).

The Board of Directors appoints an ad hoc Discipline Committee composed of a Past President, who will serve as Chair, and two other members who each have at least ten years experience. None of the members of the Complaint Subcommittee nor of the Board of Directors are eligible to be members of the Discipline Committee.

The Discipline Committee hears and determines validity of allegations of breach of [1.02 Code of Ethics](#) or **Code of Conduct** (see [2.01 Volunteers Qualifications and Responsibilities](#)) or [6.02 Certification Program](#). The Discipline Committee conducts a hearing with the purpose of outlining pertinent facts.

#### **General Hearing Rules**

- The Association and the member complained against are parties to the hearing before the Discipline Committee. The hearing is closed to the public. The member has the right to attend and make submissions in person or through a representative. If a member is unwilling to cooperate in the setting of a hearing date or refuses to appear at or send a representative to a hearing, the hearing may proceed in the absence of the member.
- The Discipline Committee shall determine the practice, procedures and rules of evidence to be followed at the hearing. The Discipline Committee is not bound by the rules of evidence or any other law applicable to court proceedings and has the power to determine admissibility, relevance and weight of any evidence.
- The member is offered an opportunity, at least 10 days prior to the hearing, to examine any written or documentary evidence that will be produced at the hearing. The Discipline Committee may seek legal advice from an advisor independent from the parties and the nature of the advice shall be known to the parties.
- The proceedings of the hearing are recorded , but no transcript is prepared.
- The decision of the Discipline Committee is based exclusively on evidence before it.

- Notice of the hearing and decision(s) are sent to the member complained against through a service that can provide proof of delivery.
- The Chair of the Discipline Committee may, from time-to-time, adjourn the hearing.

### General Hearing Process

- The Chair calls the hearing to order and introduces himself or herself and requests all other parties to the hearing to identify themselves for the record.
- The Chair advises those present that each party shall have an opportunity to present his or her views. The Chair shall require that only one person speak at a time.
- The Chair shall describe the manner in which the hearing will be conducted. While the Discipline Committee determines its own procedure and there may be some variation, the procedure is generally as follows:
  1. To hear evidence from witnesses for each of the parties regarding the allegations:
    - (a) The Association presents its case first to establish the allegations against the member. Each witness is sworn in by the Chair. Association witnesses give their testimony and documents are entered as exhibits, if allowed by the Chair.
    - (b) The member or his or her counsel may cross-examine each witness presented by the Association. The Discipline Committee members may then ask questions of each of the Association's witnesses.
    - (c) The member may then call witnesses to give testimony at his or her choice, and documents are entered as exhibits, if allowed by the Chair. Each witness is sworn in by the Chair.
    - (d) The Association may cross-examine each of the member's witnesses. The Discipline Committee members then may ask questions of each of the member's witnesses.
  2. To hear argument from each of the parties:
    - (a) The Association and the member or his or her counsel make their closing summaries and arguments.
  3. To adjourn the hearing.
  4. To consider all evidence and reach a decision.
  5. To send a copy of the decision to the parties.

### Sanctions

If satisfactory evidence of a breach is heard, the Discipline Committee will send the member and the complainant a copy of the decision, and has the ability, in its sole discretion, to impose one or more of the following sanctions:

- reprimand the member or former member,
- suspend the member,
- impose limitations or conditions on the continuance or resumption of membership,
- revoke the BCQ or CBO designation of the member,
- expel the member,
- impose a fine that the member or former member must pay to the Association,
- require that the member or former member pay to the Association, within a specified period of time, the costs of the inquiry, including costs incurred by a complainant or witness, and
- cause the decision to be published, with or without reasons, in the SBOA Newsletter.

The decision takes effect 30 days after notification of the member, except when the member applies in writing to the Board of Directors within 15 days for a review of the decision before the Board.

If satisfactory evidence of a breach is not heard and it is determined that the allegation was unfounded, the Discipline Committee will send the member and the complainant a copy of the decision, and may upon the request of the member or former member, cause the decision to be published in the SBOA Newsletter.

The Discipline Committee will endeavour to complete its hearing and submit a decision to the Board of Directors within 120 days after the Discipline Committee is empowered.

When the Board of Directors agrees to an application from the member for a review of the decision by the Discipline Committee, the review will be completed as soon as practical. The member has the right to appear before the Board. The review will confirm or modify the Discipline Committee's decision and the resulting decision takes effect 30 days after notification of the member. No further appeal is allowed.

When the member fails to comply with the Discipline Committee's decision or, when reviewed by the Board of Directors, the Board's decision, the Board may expel the member.

### **Application**

SBOA members, Board of Directors, and Discipline Committee.

### **Notes**

Based on information from BOABC, MBOA, NBBOA and NSBOA bylaws and policies.