

APPENDIX H

Complaints against the CEO

The process for review of a complaint against the CEO is transparent, fair, impartial and respectful of all parties involved, in keeping with CPATA's Regulatory Objectives, Standards and Principles.

In this policy,

- i. "Chair" means the Chair of the Board,
- ii. "CEO" means both the CEO and Registrar.

1. Overview

This policy prohibits any person from taking any action that adversely affects the employment (including working conditions) of an employee because the employee has made a disclosure of alleged wrongdoing. Other individuals, including those involved in an investigation of alleged wrongdoing (i.e., witnesses), are also protected against reprisal.

'Reprisal' includes, but is not limited to, ending or threatening to end employment, discipline, threat of discipline or penalty, and coercion or intimidation. However, a complainant who does not act in good faith in reporting a suspected violation may be subject to disciplinary action up to and including termination of employment or their relationship with CPATA.

Any employee found to be in violation of this policy when dealing with a complainant may be subject to disciplinary action up to and including termination of employment. Similarly, any Board Member, contractor or Investigator found to be in violation of this policy when dealing with a complainant may have their relationship with CPATA terminated.

The complainant will be provided the opportunity to remain anonymous, except in those circumstances where the nature of the disclosure and/or the resulting investigation necessitate the disclosure of the identity of the complainant. In such cases, all reasonable steps will be taken to protect the complainant from harm as a result of having made a disclosure.

2. Referral of Issue

- 2.1 A person who has concerns with the conduct of the CEO in relation to the performance of their duties as CEO or adherence to their duties under the Code, may refer the information orally or in writing to the Chair.
- 2.2 The Chair will notify the CEO of the concerns and provide them with the information, which may or may not include the name of the individual expressing the concern, as noted above.
- 2.3 The CEO will be given the opportunity to provide an oral or written response to the issue to the Chair.

3. Role of the Chair

- 3.1 At any point in time, the Chair may discuss with the parties whether an informal resolution of the concerns would be possible. If so, the Chair will take such steps as appropriate to achieve an informal resolution and will document the discussions and resolution achieved.
- 3.2 Should informal resolution not be possible nor appropriate, on receiving the response from the CEO under 2.3, or if no response is provided, the Chair will determine the appropriate action and may:
- 3.2.1 conclude a review of the issue and:
- i. take no action;
 - ii. caution the CEO about the issue;
 - iii. require an undertaking from the CEO with respect to the conduct;
 - iv. advise the CEO on any other steps that should be taken to remedy or resolve the issue; or
 - v. refer the issue to an independent third-party investigator for review and investigation with appropriate terms of engagement for the investigation, where the Chair reasonably believes that it is in the interests of fairness and the integrity of CPATA governance process to do so.

4. Chair's Report to the Board

Where the Chair concludes their review with any of the steps set out in 3.2.1, the Chair will report the matter to the Board. This report will be addressed in-camera.

5. Investigator's Report

- 5.1 Where the Chair refers the issue to an investigator, the investigator will provide a written report to the Chair once the investigation is complete.

Based on the investigator's report, the Chair may:

- 5.1.1 conclude the review of the issue and provide a report to the Board as described above;
- or
- 5.1.2 determine that the issue should be referred to the Board for the purpose of determining whether the CEO engaged in conduct contrary to the duties and responsibilities of their position, or contrary to the provisions of the Code.

6. Referral to the Board

- 6.1 When making a referral to the Board under 5.1.2, the Chair will make the referral in writing and the issue will be considered and determined by at least a quorum of the Board in-camera.

- 6.2 After considering the issue, the Board will determine whether or not the CEO has engaged in conduct contrary to the duties and responsibilities of their position, or contrary to the provisions of the Code and will prepare written reasons for its decision.
- 6.3 Where the Board determines that the CEO has engaged in conduct contrary to the duties and responsibilities of their position, or contrary to the provisions of the Code, the Board may:
 - 6.3.1 caution the CEO about the issue;
 - 6.3.2 require an undertaking from the CEO with respect to the conduct;
 - 6.3.3 advise the CEO of any other steps that should be taken to remedy or resolve the issue;
 - 6.3.4 reprimand the CEO; or
 - 6.3.5 take such other action as deemed appropriate under the circumstances.
- 6.4 A copy of the Board's decision and reasons will be provided to the CEO.
- 6.5 The Board's decision is final and will be communicated to the complainant in writing.