

## Opportunity Description

The Discipline Committee members will

- Review and investigate complaints received;
- Determine if a violation of CPHR Alberta’s Code of Ethics and Standards of Professional Conduct has been committed by a member; and,
- Determine the appropriate remedies to be taken based on the nature of the allegation or violation.
- Hear appeals of Discipline Committee decisions (Role of Appeals Sub-Committee – see TOR)

## Requirements/Qualifications

- Be a Chartered Professional in Human Resources (CPHR)
- Demonstrated dedication to the profession and the Association
- Familiarity with HR professional standards, CPHR Alberta Code of Ethics and Standards of Professional Conduct, CPHR Alberta Complaint Review and Discipline Process, Powers and Procedures considered an asset

## Meetings/Time Commitment

Committee members may be appointed for terms of up to three (3) years in duration. Time commitment depends on the number of complaints received, but at the minimum includes a one- to two-hour Committee meeting once per quarter and possibly one day of training. Depending on the number of complaints, the nature of the complaints and the depth of investigation required, individuals could be asked to give up to 80 hours of volunteer time in a year. Some travel may also be required for investigations or hearings.

## Role of the Committee

Managing a Discipline Committee is one of the necessary functions of a self-regulated profession. CPHR Alberta’s Discipline Committee is responsible for the adjudication, investigation, and, when necessary, the subsequent discipline of any member found to be in violation of the CPHR Alberta Code of Ethics and Standards of Professional Conduct.

## Mandate of the Committee

The Committee is tasked with receiving complaints from the general public or members of CPHR Alberta. The Committee may also initiate a complaint of its own accord or receive one from the CPHR Alberta Board of Directors.

The appointment of Committee members is delegated to the Registrar by the CPHR Alberta Board of Directors. The Committee investigates complaints and determine the appropriate remedies to be taken based on the nature of the allegation or infraction. Committee members are expected to adhere to principles of natural justice and the balance of probabilities in when adjudicating matters before the Committee.

The Discipline Committee’s overarching purpose is to protect the public from unethical, unskilled, and unprofessional human resources practices.

### **Reporting Relationship**

The Discipline Committee reports to CPHR Alberta’s Registrar. The Committee will fulfill its obligations to the public while maintaining an arm’s length relationship from the Board.

The Discipline Committee shall submit a report to the CPHR Alberta Board on the resolution of every complaint formally accepted, including information on the nature of the complaints, the proceedings, findings, recommendations (if any), and the disciplinary decisions (if any). It shall submit the report through the Registrar.

### **Membership**

- Members of the Discipline Committee shall be appointed by the CPHR Alberta Registrar with oversight by the CPHR Alberta Board of Directors.
- The Registrar must appoint a minimum of three (3) members and no more than 30 members.
- The members shall select a Chair and a Vice-Chair.
- The Vice-Chair shall have all the powers of the Chair in his or her absence.
- No member of the CPHR Alberta Board of Directors or the Appeals Committee shall serve on the Discipline Committee, and any member elected to the Board shall immediately be considered to have vacated his or her position on the Committee.
- Members are appointed to terms of no more than three (3) years and may be re-appointed at the discretion of the Registrar.
- The Registrar or designate shall be considered the Clerk of the Committee and shall act as Committee secretary for all administrative matters.

### **Responsibilities of the Chair**

- The Chair shall serve notice of the complaint on the Chartered Member, including the nature of the complaint, and request a response in writing within 30 days of finding the complaint sound and complete.
- Within 30 days of receiving the complaint, the Chair shall determine whether to drop the complaint and take no further action or refer the matter to the Committee.
- A complaint referred to the Discipline Committee by the Chair shall be heard by a panel of no less than three (3) members selected by the Chair to act as the Investigation Panel.
- The Chair shall be responsible for issuing notices to persons involved in a hearing including, but not limited to, witnesses, the production of documents, hearing dates, and all other administrative matters.

- If an Investigation Panel, acting on behalf of the Discipline Committee, is satisfied that a complaint is valid, it may direct the Chair to establish a Disciplinary Panel consisting of no less than three (3) Committee members who will determine the appropriate penalty up to and including revocation of the CPHR designation.

### **Committee Responsibilities**

- All Committee members are expected to conform to the mandatory confidentiality agreement required upon their appointment to the Committee by the Registrar.
- Members sitting on a hearing panel are expected to keep all matters confidential and are barred from discussing confidential matters with other members of the Discipline Committee who are not members of the hearing panel, other than the Registrar.
- Members of the Investigation Panel and Disciplinary Panel are expected to recuse themselves in cases of a conflict of interest and should do so before appointed to sit on a hearing, or at the earliest possible time when the conflict is discovered.
- Members are expected to inform the Chair and the Registrar immediately upon discovering a conflict of interest and to not communicate with either the complainant or the investigated person on the matter.
- In accepting evidence, members are not bound by the rules of law respecting evidence applicable to judicial proceedings.
- Decisions rendered will be made by majority votes with a recorded vote taken by the Registrar.
- For offenses of a quasi-criminal or fraudulent nature, the Committee will use the standard of clear and convincing evidence. For other offences, the Committee will use the 'balance of probabilities' standard.
- The Committee shall ensure the results of discipline cases are made public in a format designed to deter future infractions and to educate the membership.
- Members shall follow the Discipline Committee's CPHR Alberta Complaint Review and Discipline Process, Powers and Procedures for the conduct of hearings.
- The Committee shall be held accountable for its internal processes and administration by the Registrar.
- A quorum at a meeting of the Discipline Committee shall be three (3) members.

### **Budgetary Authority**

- The Registrar shall be advised of any costs to be incurred by Committee members, complainants, and investigated persons.
- The Registrar, in consultation with the Chair, will be responsible for ensuring the Committee remains within CPHR Alberta approved expense guidelines.

- The budget for the Committee is approved by the Registrar.
- The Committee is to advise the Registrar of any budgetary requirements expected from a disciplinary process.