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All members of CMAC shall comply with the Code of Ethics of the Association which sets out the conduct expected of all members regardless of class. The Code shall be established by the Board of Directors and approved by the Members.

In accordance with CMAC By-laws, the Board of Directors has the authority to suspend or expel any Member from CMAC for reasons outlined in the By-laws. The process for addressing complaints received about members either by another member or an individual who is not a member shall follow the principles of natural justice and is outlined here.

Accordingly,

1. The Association takes complaints against its members very seriously and treats each complaint with sensitivity, discretion and confidentiality, to the extent possible. Individuals who participate, including the complainant and the respondent, are expected to keep the facts of the complaint confidential, as well as details of any investigation. In each case, people will be advised of the complaint on a “need to know” basis. The need to investigate and, in some circumstances, report incidents to the police, may make complete confidentiality impossible. Complete anonymity, privacy and confidentiality cannot be guaranteed.

This complaint procedure does not replace the reporting procedures found in either a harassment policy or workplace violence policy.

2. An individual that has a concern or complaint regarding a member of the Association (the “respondent”), which includes a member of the Board of Directors, may choose to file a complaint either under the *Informal Complaint Procedure* or the *Formal Complaint Procedure* as outlined below. The individual (the “complainant”) may choose to file under the Informal procedure prior to considering whether to file a formal complaint, or may proceed to file a formal complaint without proceeding under the *Informal Procedure*.

Proceeding under the Informal Complaint Procedure does not preclude the complainant from filing a formal complaint if the issue cannot be resolved under the *Informal Procedure*, or if the conduct persists after the *Informal Complaint Procedure* is followed.

3. All complaints that a member of the Association may be in violation of the Code of Ethics shall be directed to the Executive Director as the “Representative” of the Association. If the complaint involves the Executive Director, the complaint shall be directed to the immediate Past President as the other designated Representative.

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Complaints must be submitted in confidence in writing and include the date, contact information and signature of the complainant. Upon receipt of the complaint, the Representative shall advise the President of the Association and review the respondent's records to determine if there were any prior complaints against the member.

4. Informal Complaint Procedure

The Informal Complaint Procedure is designed to deal with a complaint of offending behavior without a complete investigation, in circumstances where the involvement of a representative of the Association (the "Representative") may assist in resolving the issue without the need for a formal investigation.

The Informal Complaint Procedure involves the complainant discussing his or her concerns with the Representative, who will act in a fair (without bias or appearance of bias) and timely manner. Depending on the nature of the conduct giving rise to the complaint, the Representative may undertake one or more of the following actions in the best interest of resolving the complaint:

- a) If the complainant and the Representative who has received the complaint agree that the conduct in question is not offensive or objectionable, the Representative will take no further action. In this case, the Representative does not need to contact the respondent at all.
- b) Meet with the respondent to gain his or her perspective on the issues underlying the complaint, and if appropriate, instruct the respondent on how his or her conduct must change. If the Representative is satisfied that this outcome will resolve the behavior that the complainant considered to be inappropriate or offensive, the Representative will report to the complainant that the matter has been discussed with the respondent, and that the matter has been resolved.
- c) Meet with the respondent to gain his or her perspective on the issues underlying the complaint and, if appropriate, arrange a meeting to permit a three-way discussion and attempt to mediate a resolution of the informal complaint.
- d) If the Representative considers that the Informal Complaint Procedure is not appropriate for handling the complaint, he or she shall advise the complainant that the matter should be addressed through the Formal Complaint Procedure.

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If the complaint is resolved under the Informal Complaint Procedure, and the respondent does not deny that there has been inappropriate conduct, appropriate remedial action will be taken. However, no member shall be expelled or suspended without being given an opportunity to be heard by the Board of Directors.

5. Formal Complaint Procedure

The Formal Complaint Procedure may be initiated under the following circumstances:

- The occurrence of inappropriate conduct is still unresolved after following the Informal Complaint Procedure;
- The Representative determines that the Informal Procedure is not appropriate for that complaint;
- The complainant does not wish to proceed by way of the Informal Procedure.

The Formal Complaint Procedure is initiated with a written, signed and dated formal complaint submitted by the complainant as soon as possible to the Representative. The written formal complaint should be as detailed as possible, including date(s), time(s), location of each occurrence, evidence to support the complaint, and identification of any witnesses to the conduct. The Association reserves the right to refer the matter to an external expert for review, depending on the nature of the complaint.

The Representative shall request the Board of Directors to appoint a Complaints Committee in accordance with the Terms of Reference laid out in Board Policy and the formal complaint will be forwarded to the Committee Chair. Once the Complaints Committee has been appointed, the key contact for both the complainant and the respondent shall be the Committee Chair.

The Complaints Committee Chair shall ensure that the respondent has been properly notified of the complaint at a time deemed to be appropriate by the Committee depending on the circumstances. The Committee has the right to recommend limitations on the respondent's involvement in CMAC or interim suspension* of the respondent's membership to the Board should it feel that such actions are warranted given the nature of the complaint. Otherwise, the respondent shall retain all rights and privileges of membership until a decision on the complaint has been made.

The Association shall investigate each complaint in a fair and timely manner through the Complaints Committee. Where it is deemed necessary at the Association's sole discretion, a third party may be called in to investigate the complaint. The Committee has the right to defer the investigation process as it deems appropriate to allow for the completion of legal proceedings. The Committee shall secure evidence so as to

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determine the accuracy and validity of the complaint and shall invite the respondent to present documentation and to make a statement of all appropriate facts. It will then determine whether or not a hearing before the Complaints Committee is warranted. The Committee has the right to defer the process pending the outcome of an ongoing legal process relevant to the complaint.

6. Complaint Hearing

Should a hearing be warranted, the complainant and the respondent shall be notified by registered letter and electronic means that a hearing has been scheduled.

The Chair of the Complaints Committee shall direct the preparation of the notification and the presentation of the allegations. The notification shall specify the allegations and indicate that the respondent may be present at the hearing, may be represented, and that the respondent or his or her counsel may examine documentation and evidence to be tendered before the Committee. It shall also specify the date and location of the hearing.

The hearing shall be commenced not less than sixty (60) days from the date the complainant and respondent are notified under the paragraph above, and shall normally be held in person in the province where the respondent resides. Should it not be possible for the hearing to be held in person, it may be held via conference call with the agreement of the complainant and the respondent.

If the respondent does not participate, the hearing may proceed in the absence of the member.

The hearing is not a judicial process. The principles of fairness and confidentiality shall characterize the hearing. Evidence may be given before the Committee members in any manner they consider appropriate. The Committee members are not bound by the rules of law respecting evidence applicable to judicial hearings.

The Board must approve any decision that impacts the respondent's membership in CMAC, including suspension or expulsion. Therefore the Committee must present any recommendation for suspension or expulsion to the Board in advance of notifying the respondent or complainant of the decision. See below.

The Committee shall issue a decision by registered mail and electronic means to the respondent and to the complainant within thirty (30) days of the completion of the hearing.

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7. Remedial Action

Should a complaint lead to remedial action, the complainant shall be advised in writing that the Association concluded that the complaint was proven in whole or in part, and that the Association took appropriate action. In order to respect the respondent's privacy and confidentiality, the complainant may not be advised of the specific remedial action that was taken.

Where a complaint has been substantiated through the investigation procedures, whereby the Complaints Committee finds that the respondent has contravened the Code of Ethics, one of the following actions may be taken:

a) *Warning*

Where a minor impropriety has occurred, and it is a first occurrence, the Committee may issue a letter of warning not to be retained in the official membership file of the respondent. However the letter would be kept in the Association's complaints file.

b) *Reprimand*

Where a contravention of the Code of Ethics has occurred, but it is not of sufficient gravity to warrant a change in the respondent's status as a member, then the Committee may issue a letter of reprimand which shall be retained in the official membership file of the respondent.

Should one of these options be chosen by the Committee, the decision will be final and the Committee shall file a report with the Board of Directors.

The following two options require that the Committee simply make a recommendation to the Board of Directors. Pursuant to Article 4.5 of the Association's By-laws, "no member shall be expelled or suspending without being given the opportunity to be heard by the Board of Directors."

c) *Suspension, Probation and Conditions*

Where a more serious contravention of the Code of Ethics has been found and expulsion is not warranted, the Committee may recommend a suspension* from membership, a probation for a time period, and terms, conditions and limitations as determined by the Complaints Committee.

d) *Expulsion*

For a more serious contravention of the Code of Ethics, the Committee may recommend expulsion from membership and recommend terms, conditions

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and limitations as determined by the Committee. This recommendation may also be made for repeated actions of a less serious nature when other disciplinary measures appear to be inadequate.

8. Communication

Communication between CMAC, the complainant and the respondent shall be via registered letter or electronic means. The respondent may opt for electronic communication only provided he/she signs a waiver that they agree to confirm receipt of the electronic message.

9. Records

The ruling of the Complaints Committee, other than a warning, shall be placed in the official file of the respondent and a report filed with the CMAC Board of Directors.

A record of all communication and proceedings shall be kept at the Association's National Office. All other records relating to the complaint held by the Complaints Committee shall be destroyed to protect the privacy of the respondent and the complainant.

10. Where an individual is a Association member and brings forth a complaint that is intentionally misrepresentative or in bad faith, such conduct may warrant suspension or expulsion from Association membership, depending on the circumstances. The Association reserves the right to charge the complainant fees to cover any expenses incurred in the process of investigating such complaints.

11. Appeals

The respondent may appeal the decision of the Board of Directors where the recommendation of the Committee is for suspension or expulsion of membership. The appeal shall be made to the Board of Directors of the Association, and such appeal must be received by the Association, in writing setting out the grounds for the appeal, within thirty (30) days of the decision. After due notice to all parties concerned, a quorum of the Board of Directors selected by the President shall meet in person or by telephone to hear the appeal by the respondent and make a decision. The decision of the Board of Directors is final and binding on the member without further right to appeal.

Discipline measures shall not be invoked until after the appeal option has been concluded, the appeal deadline has passed or the respondent has waived the right to appeal.

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12. Time Limits

Time limits specified in the Complaints process are guidelines only. Failure to comply with a timeline does not prevent continuation with disciplinary action.

*Suspension of Membership

Suspension of membership as a result of the violation of the Association's Code of Ethics or By-laws requires the approval of the Board of Directors and shall entail the removal of all member rights and privileges for a period of 3, 6 or 12 months as recommended by the Complaints Committee concerned. A 12 month suspension shall be reviewed at the 6 month point. In the situation where interim suspension had been recommended while awaiting the completion of legal proceedings or investigation, the interim period of suspension may be extended as necessary until the process is completed.

Removal of rights and privileges means removal of access to the member side of the web site, access to all national and branch activities and programs, and all other communication and services provided to members. Should the individual hold the CCM designation or higher, suspension would not affect the ability to continue using the designation for the period concerned. It could potentially have an impact on the individual's ability to meet the Certification Maintenance Requirement.

Expulsion of Membership

Expulsion of membership means the removal of all rights and privileges as outlined above, as well as the removal of the right to use the CCM, CCE or MCM designations.

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