Complaints and Investigations Policy

1. Introduction

1.1 The Building Officials' Association of British Columbia is committed to administering complaints and investigations in a manner that protects the public interest and promotes confidence in the regulation of its Members.

1.2 This Policy establishes the governance principles and requirements governing the administration of complaints and investigations under the Act and the Bylaws.

1.3 Administrative processes, operational requirements and service standards are established in the Complaints and Investigations Procedure.

1.4 This Policy shall be read together with the Act, the Bylaws, the Complaints and Investigations Procedure and any other applicable Association Policies.

2. Definitions

2.1 Unless otherwise defined in this *Policy*, terms defined in the *Bylaws* have the same meaning when used in this *Policy*.

2.2 Underlined words in this *Policy* denote the title of legislation or regulation.

2.3 "*Act*" means the *Building Officials' Association Act*, S.B.C. 1997, c. 16, and its regulations, as amended from time to time.

2.4 "*ADR*" means alternative dispute resolution, which is a voluntary process in which an independent mediator assists the *Parties* with developing a mutually acceptable resolution to a *Complaint* about a *Member* or former *Member* that is submitted to the *Association*.

2.5 "*Association*" means the Building Officials' Association of British Columbia (B.C.).

2.6 "*Bylaws*" has the same meaning as set out in section 1 of the *Act*.

2.7 "*Complaint*" means information received by the *Association* alleging that a *Member* or former *Member* may have engaged in conduct, incompetence, incapacity, or non-compliance that falls within the jurisdiction of the *Association*.

2.8 "*Complainant*" means anyone who submits a written *Complaint* to the *Association* about the professional conduct or competency of a *Member* or former *Member*.

2.9 "*Executive*" means the Executive Committee as set out in section 1 of the *Act*.

2.10 "*Executive Code of Conduct*" means the Code of Conduct that governs the conduct of members of the *Executive* and committees.

2.11 "*Executive Director*" means the Executive Director of the *Association* as appointed by the *Executive*.

2.12 "*Investigation*" means all activities undertaken by or on behalf of the *Investigation Committee* or an *Investigation Panel* to gather, review and assess information relevant to a *Complaint*.

2.13 "*Investigation Committee*" means the committee established pursuant to section 10(2)(y) of the *Act*, to inquire into the conduct and competence of *Members,* or former *Members*, and to perform the duties assigned to it under the *Act* and the *Bylaws*.

2.14 "*Investigation Panel*" means a panel of *Investigation Committee* members appointed by the chair of the *Investigation Committee* to investigate a *Complaint* about a *Member* or former *Member*.

2.15 "*Investigator*" means a *Person* appointed by an *Investigation Panel* to conduct all or part of an *Investigation*.

2.16 "*Member*" means the same as set out under section 1 of the *Act*.

2.17 "*Parties*" means the *Complainant* and *Respondent* to a *Complaint* that is submitted to the *Association*.

2.18 "*Person*" means an individual human being and does not include a corporation, partnership, or other entity when referring to a *Building Official*, *Plumbing Official*, *Member*, *RBO*, *RPO*, *BCQ*, *PCQ*, the *Registrar* or *Deputy Registrar* in the *Bylaws*.

2.19 "*Policy*" means a written policy, procedure, standard, guideline or directive that relates to the governance, programs, certifications, designations or operations of the *Association* and is approved by the *Executive*.

2.20 "*Registrar*" means the *Person* appointed by the *Executive* as set out in section 5 of the *Act*.

2.21 "*Respondent*" means a *Member* or former *Member* whose professional competence or professional conduct is the subject of a *Complaint*, *Investigation* or discipline proceeding under these *Bylaws*.

3. Objective

3.1 The objectives of this *Policy* are to:

3.1.1 establish the governance framework for administering *Complaints* and *Investigations* under the *Act* and the *Bylaws*;

3.1.2 define the responsibilities of the *Executive*, *Registrar, Executive Director*, *Investigation Committee*, *Investigation Panels* and *Investigators*;

3.1.3 establish the policy framework supporting the Complaints and Investigations Procedure; and

3.1.4 support the *Association* in fulfilling its regulatory responsibilities under the *Act*.

4. Authority

4.1 This *Policy* is established pursuant to section 10 of the *Act* and section 48.5 of the *Bylaws*.

5. Scope

5.1 This *Policy* applies to every *Complaint* received or initiated by the *Association* respecting the professional competence or professional conduct of a *Member* or former *Member* where the *Association* has authority under the *Act* or the *Bylaws* to consider the matter.

5.2 This *Policy* applies throughout the administration of a *Complaint*, including any preliminary assessment, *Investigation*, *ADR*, consent order, extraordinary action, citation, and closure of a *Complaint*.

5.3 This *Policy* applies to:

5.3.1 the *Executive;*

5.3.2 the *Executive Director;*

5.3.3 *the Registrar;*

5.3.4 the *Investigation Committee;*

5.3.5 *Investigation Panels;*

5.3.6 *Investigator(s);*

5.3.7 *Complainant(s);*

5.3.8 *Respondent(s)*; and

5.3.9 any other *Person* participating in or assisting with the administration of a *Complaint* under the *Act* or the *Bylaws*, to the extent of their respective roles and responsibilities.

6. Guiding Principles

6.1 Protection of the public interest is the primary consideration in the administration and resolution of *Complaints.*

6.2 *Complaints* and *Investigations* shall be administered in accordance with the principles of procedural fairness and in a manner that is transparent, objective, impartial, fair, and allows for thorough, evidence-based and proportionate responses to *Complaints*.

6.3 Regulatory decisions shall be made based on the information available and after providing affected individuals an opportunity to participate in the process, in accordance with the *Act*, the *Bylaws* or the principles of procedural fairness.

6.4 Anyone responsible for administering or determining *Complaints* shall perform their duties independently, impartially and without bias. Decisions shall not be influenced by improper considerations, personal interests or external pressures, such as pressure from employers, colleagues, the *Executive*, the *Parties* or any other *Person* with an interest in the *Complaint*.

6.5 *Complaints* shall be administered consistently while recognizing that each *Complaint* must be determined on its own facts and circumstances.

6.6 *Complaints* should be administered without unnecessary delay while ensuring that *Investigations* are fair, thorough and proportionate.

7. Policy

Roles and Responsibilities

7.1 The *Executive* is responsible for:

7.1.1 establishing and periodically reviewing this *Policy*;

7.1.2 providing governance oversight respecting the administration of *Complaints* and *Investigations*;

7.1.3 ensuring that appropriate policies and procedures are established to support the administration of the *Act* and the *Bylaws*; and

7.1.4 receiving reports respecting the administration of *Complaints* and *Investigations*, as appropriate.

7.2 Pursuant to section 25.2.16 of the *Bylaws*, the *Executive* has delegated operational responsibilities and matters to the *Executive Director*, which includes the operational administration of *Complaints* and *Investigations*.

7.3 Without limiting the authority, discretion, power or duty expressly assigned by the *Act* or the *Bylaws* to the *Registrar*, *Investigation Committee* or *Investigation Panel*, the *Executive Director* shall:

7.3.1 provide administrative and operational support to the *Registrar*, *Investigation Committee* and *Investigation Panels*;

7.3.2 coordinate the administration of *Complaints* and *Investigations* in accordance with the *Act*, the *Bylaws* and applicable Policy;

7.3.3 maintain *Complaint* records in accordance with Policy;

7.3.4 prepare operational reports respecting *Complaints* and *Investigations*; and

7.3.5 perform any other responsibilities assigned by the *Executive* or under the *Bylaws* or Policy.

7.4 The *Executive Director* may delegate administrative functions respecting *Complaints* and *Investigations* to *Association* staff, contractors or consultants, subject to any limitations established by the *Bylaws*.

7.5 The *Registrar* is responsible for exercising the powers and performing the duties specifically assigned to the *Registrar* under the *Act* and the *Bylaws*.

7.6 Without limiting the authority of the *Investigation Committee* or *Investigation Panels*, the *Registrar* shall exercise those responsibilities assigned to the *Registrar* under the *Bylaws*, including:

7.6.1 assessing *Complaints* for completeness and sufficiency in accordance with section 52.3 of the *Bylaws*;

7.6.2 determining whether to close all or part of a *Complaint* without *Investigation* or refer a *Complaint* to the *Investigation Committee* pursuant to section 52.7 of the *Bylaws*;

7.6.3 issuing *Written Notices* of decisions made pursuant to 52.7 of the *Bylaws* in accordance with section 52.8 of the *Bylaws*;

7.6.4 receiving directions from the *Investigation Committee* respecting membership suspensions arising from non-compliance with consent orders pursuant to section 60.7 of the *Bylaws*; and

7.6.5 performing any other powers, duties or responsibilities assigned to the Registrar under the *Act* or the *Bylaws*.

7.7 The Registrar may obtain administrative and operational support from the *Executive Director* and *Association* staff in carrying out the *Registrar's* responsibilities, provided that the exercise of *Registrar* powers and discretion remains with the *Registrar* unless otherwise authorized by the *Act* or the *Bylaws*.

7.8 The *Investigation Committee* is responsible for exercising the powers and performing the duties assigned to it under the *Act* and the *Bylaws*.

7.9 In exercising its responsibilities, the *Investigation Committee* shall:

7.9.1 act independently and impartially;

7.9.2 consider the public interest;

7.9.3 apply the principles established by the *Bylaws* and this *Policy*;

7.9.4 exercise only those powers authorized by the *Act* and the *Bylaws*; and

7.9.5 provide reasons where required by the *Act*, the *Bylaws* or procedural fairness.

7.10 *Investigation Panels* are responsible for conducting or directing *Investigations* referred to them under the *Bylaws*.

7.11 *Investigation Panels* shall exercise their responsibilities independently of any improper influence and in accordance with the *Act*, the *Bylaws* and this *Policy*.

7.12 *Investigators* shall conduct *Investigations* objectively, independently and in accordance with the directions provided by the *Investigation Committee* or *Investigation Panel*, as applicable.

Complaint Administration

7.13 Anyone may submit a *Complaint* in accordance with the *Bylaws* and the Complaints and Investigations Procedure.

7.14 The *Investigation Committee* may initiate a *Complaint* where authorized by the *Bylaws*, including pursuant to section 52.4 57.6 and 65.10 of the *Bylaws*, and where it considers doing so to be in the public interest.

7.15 Every *Complaint* shall be assessed in accordance with the *Act*, the *Bylaws*, this *Policy*, and the Complaints and Investigations Procedure.

7.16 *Complaints* shall be assessed based on the available information and without presuming that any allegation has been established.

7.17 *Complaints* may be addressed using any process authorized by the *Act*, the *Bylaws* and this *Policy*.

7.18 Determinations on *Complaints* should be proportionate to the circumstances of the *Complaint* and may include one or more measures authorized by the *Bylaws*, including:

7.18.1 dismissal of the *Complaint*;

7.18.2 requests for additional information;

7.18.3 extraordinary action;

7.18.4 *Complaint* deferral or suspension;

7.18.5 *Investigation*;

7.18.6 *ADR*;

7.18.7 letters of caution;

7.18.8 consent orders;

7.18.9 citations; or

7.18.10 any other action authorized under the *Act* or the *Bylaws*.

7.19 Nothing in this *Policy* requires the *Association* to pursue a citation or referral to the *Discipline Committee* in every *Complaint* where another determination authorized by the *Act* or the *Bylaws* adequately addresses the public interest.

7.20 The *Association* may continue to administer or investigate a *Complaint* where it considers doing so necessary to protect the public interest, notwithstanding that:

7.20.1 the *Complaint* has been withdrawn;

7.20.2 the *Parties* have otherwise resolved their dispute outside of the *Association's Complaints* resolution processes; or

7.20.3 the *Respondent* has ceased to be a *Member*, where jurisdiction continues under the *Act* or the *Bylaws*.

Investigations

7.21 *Investigations* shall be conducted in accordance with the *Act*, the *Bylaws*, this *Policy* and the Complaints and Investigations Procedure.

7.22 Every *Investigation* shall be conducted in a manner that is:

7.22.1 fair;

7.22.2 impartial;

7.22.3 objective;

7.22.4 proportionate to the circumstances of the *Complaint*; and

7.22.5 consistent with the public interest.

7.23 The scope of an *Investigation* shall be determined having regard to:

7.23.1 the allegations raised;

7.23.2 the information available;

7.23.3 the complexity of the matter; and

7.23.4 the potential risk to the public.

7.24 Information relevant to a *Complaint* may be obtained where necessary to administer or investigate the *Complaint* in accordance with the *Act* and the *Bylaws*.

7.25 A *Respondent* shall be provided an opportunity to respond as required by the *Act*, the *Bylaws* or the principles of procedural fairness.

7.26 *Members* and former *Members* are expected to cooperate with *Complaints* and *Investigations* conducted under the *Act* and the *Bylaws*. A failure to cooperate may be addressed in accordance with the *Act* and the *Bylaws*.

Alternative Dispute Resolution (*ADR*)

7.27 The *Association* recognizes that *ADR* may, where authorized by the *Bylaws*, provide an effective means of resolving *Complaints* while protecting the public interest.

7.28 In determining whether *ADR* is appropriate, consideration should be given to:

7.28.1 the requirements of the *Bylaws*;

7.28.2 the public interest;

7.28.3 the nature of the allegations;

7.28.4 the interests of the *Parties*;

7.28.5 the likelihood of achieving an appropriate resolution; and

7.28.6 any other relevant circumstances.

7.29 Nothing in this *Policy* requires the *Association* to continue or complete an *ADR* process where doing so would be inconsistent with the public interest or the *Bylaws*.

Confidentiality

7.30 The *Association* shall administer *Complaints* and *Investigations* in a manner that protects confidential information in accordance with the Freedom of Information and Protection of Privacy Act.

7.31 Information obtained through the administration and *Investigation* of a *Complaint* shall only be collected, used or disclosed:

7.31.1 as authorized or required by law;

7.31.2 for the purpose of administering or investigating the *Complaint*;

7.31.3 where necessary to protect the public interest; or

7.31.4 as otherwise authorized by *Policy.*

7.32 A request by a *Complainant* that their identity remain confidential shall be considered in accordance with:

7.32.1 the Freedom of Information and Protection of Privacy Act;

7.32.2 the *Act*;

7.32.3 the *Bylaws*;

7.32.4 the principles of procedural fairness; and

7.32.5 the public interest.

7.33 The *Association* shall make reasonable efforts to maintain confidentiality but cannot guarantee confidentiality where disclosure is required by law, necessary to ensure procedural fairness, or where the identity of an individual may reasonably be inferred from the nature of the allegations or surrounding circumstances of the *Complaint*.

Conflicts of Interest

7.34 Anyone participating in the administration, screening, *Investigation* or determination of a *Complaint* shall identify and disclose any actual, potential or perceived conflict of interest as soon as practicable.

7.35 Anyone involved in the administration or determination of a *Complaint* who has a conflict of interest shall not participate further in the matter unless the conflict is addressed in accordance with the *Act*, the *Bylaws* and applicable *Policy*.

7.36 *Investigation Committee* and *Investigation Panel* members are subject to the *Executive Code of Conduct* pursuant to section 31.3 of the *Bylaws*, including its confidentiality requirements.

7.37 The *Executive Director* shall carry out the operational administration of *Complaints* in a manner that promotes independent and impartial decision-making by the *Investigation Committee* and *Investigation Panels*.

Communications

7.38 The Registrar, *Executive Director*, chair of the *Investigation Committee* or chair of an *Investigation Panel*, as applicable, shall communicate, or ensure communications are made, with *Complainants* and *Respondents* in a professional, respectful, timely and impartial manner throughout the administration of a *Complaint*.

7.39 The *Executive Director* is responsible for coordinating administrative communications with the *Parties*. Notices and decisions assigned by the *Bylaws* to the Registrar, *Investigation Committee* or *Investigation Panel* shall be issued by, or on behalf of, the applicable decision-maker in accordance with the *Bylaws*.

7.40 Communications with the *Parties* shall:

7.40.1 promote transparency;

7.40.2 respect confidentiality requirements;

7.40.3 preserve the integrity of the *Complaint* process;

7.40.4 comply with procedural fairness; and

7.40.5 be conducted in accordance with the Complaints and Investigations Procedure.

7.41 Nothing in this *Policy* requires the *Association* to disclose information where disclosure would be inconsistent with the *Act*, the *Bylaws*, the Freedom of Information and Protection of Privacy Act, legal privilege or the principles of procedural fairness.

Administration

7.42 Nothing in the Complaints and Investigations Policy and Procedure shall be interpreted as limiting or restricting any authority, discretion, power or duty established by the *Act* or the *Bylaws*.

7.43 The *Executive Director* may establish administrative forms, templates, checklists, practice guides and other operational documents to support the consistent administration of *Complaints* and *Investigations*.

7.44 A minor administrative error, omission or procedural irregularity in administering a *Complaint* does not invalidate the *Complaint* or any decision made by the *Executive Director, the Registrar,* the *Investigation Committee* or an *Investigation Panel*, unless the error results in material unfairness or otherwise prejudices a *Party*.

7.45 Where an administrative error or omission is identified, the *Executive Director,* the *Registrar*, chair of the *Investigation Committee* or an *Investigation Panel*, as applicable, shall take reasonable steps to correct the error where appropriate.

Records and Reporting

7.46 The *Executive Director* shall ensure that the *Association* maintains records respecting *Complaints* and *Investigations* in accordance with:

7.46.1 the *Act*;

7.46.2 the *Bylaws*;

7.46.3 the Freedom of Information and Protection of Privacy Act; and

7.46.4 *Policy*.

7.47 *Complaint* records shall be maintained in a manner that protects their integrity, security and confidentiality.

7.48 The *Executive Director* shall prepare and provide to the *Executive*, as appropriate, reports respecting *Complaint* activities as part of the operational administration of *Complaints* and *Investigations*.

7.49 *Complaint* reporting should support:

7.49.1 governance oversight;

7.49.2 regulatory accountability;

7.49.3 identification of regulatory trends;

7.49.4 continuous improvement of the *Association's* regulatory programs; and

7.49.5 public confidence in the *Association's* regulatory processes.

Review of Policy

7.50 The *Executive* shall review this *Policy* at least every five (5) years to ensure that it remains consistent with the *Act*, the *Bylaws*, accepted principles of procedural fairness; and regulatory best practices.

8. Related Policies and Procedures

8.1 Complaints and Investigations Procedure.

8.2 Discipline Hearings Policy.

8.3 Discipline Hearings Procedure.

8.4 Investigation and Discipline Costs Policy.

9. Version History

DATE OF APPROVAL	EFFECTIVE DATE	DESCRIPTION
October 20, 2026	November 1, 2026	New policy approved by the *Executive*.