Complaints and Investigations Procedure

1. Introduction

1.1 This procedure establishes the administrative processes for receiving, assessing, investigating, resolving and closing complaints under the Building Officials' Association Act, the Bylaws and the Complaints and Investigations Policy.

1.2 This procedure is intended to promote consistency, efficiency, accountability and procedural fairness in the administration of complaints.

2. Definitions

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

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

2.3 Section 25 of the Interpretation Act governs the calculation of time or days under the *Bylaws* and this procedure.

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

2.5 "*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.

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

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

2.8 "*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*.

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

2.10 "*Discipline Committee*" means a designated committee of the *Association* pursuant to sections 13 and 14 of the *Act*.

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

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

2.13 "*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*.

2.14 "*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*.

2.15 "*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*.

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

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

2.18 "*Notice*" means a written communication issued by the *Association* that takes effect on the date specified in the communication as the date of the *Notice*.

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

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*.

2.22 "*Resolution Agreement*" means a document that is agreed to and signed by the *Parties* and sets out terms and conditions to resolve a *Complaint*.

2.23 "*Serve*" means delivery of documents by registered mail, courier, personal delivery or *Electronic Means* to the most recent physical or electronic address provided to the *Association* by the person or entity to be served, in a manner that provides confirmation or evidence of delivery.

2.24 "*Written Notice*" means information delivered to a person*,* local authority or the authority having jurisdiction at the most recent physical address or electronic email address provided to the *Association* for the purposes of receiving information, in accordance with the applicable provisions of the *Bylaws*.

3. Objective

3.1 The objectives of this procedure are to:

3.1.1 establish consistent administrative processes for the management of *Complaint* files;

3.1.2 assign administrative responsibilities throughout the *Complaint* process;

3.1.3 establish service standards and internal timelines;

3.1.4 identify the forms, templates and records required throughout the *Complaint* process;

3.1.5 promote consistent record management and communications; and

3.1.6 support the implementation of the Complaints and Investigations Policy.

4. Authority

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

5. Scope

5.1 This procedure applies to the administration of all *Complaints* received by the *Association* under the *Act* and the *Bylaws*.

5.2 This procedure applies to the *Registrar*, the *Executive Director*, the *Investigation Committee*, *Investigation Panels, Investigators* and any other person responsible for administering *Complaints* on behalf of the *Association*.

5.3 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*.

6. Procedure

Complaint Intake

6.1 Anyone may submit a *Complaint* to the *Association* respecting the professional competence or professional conduct of a *Member* or former *Member* using the *Association's* complaint submission form and, in the manner, established by the *Association*, including by electronic mail or mail.

6.2 The *Association* should acknowledge receipt of the *Complaint* within 5 days of after receiving the *Complaint.*

6.3 Where the *Investigation Committee* determines that a matter should proceed pursuant to section 52.4 of the *Bylaws*, the *Association* shall create a *Complaint* file and record the information giving rise to the *Complaint* in the same manner as any other *Complaint*.

6.4 The *Association* shall establish and maintain appropriate records respecting each *Complaint* received in accordance with the *Act*, the *Bylaws* and *Policy*.

6.5 Where the *Complainant* requests confidentiality, the *Association* shall document the request in the *Complaint* file and advise the *Complainant* that the *Association* will consider the request but cannot guarantee confidentiality where disclosure is required by law, is 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.*

Registrar Screening and Referral

6.6 Within 60 days of the *Association* receiving a *Complaint*, the *Registrar* shall assess the *Complaint* in accordance with sections 52.3 and 52.7 of the *Bylaws* and shall do one or more of the following:

6.6.1 close all or part of the *Complaint* without an *Investigation* where the *Registrar* reasonably believes that one or more of the criteria set out in section 52.7.1 of the *Bylaws* applies; or

6.6.2 refer the *Complaint* and supporting documentation to the *Investigation Committee* for consideration pursuant to section 53 of the *Bylaws*.

6.7 Where the *Registrar* considers that a *Complaint* contains a mix of *Complaint*, argument, evidence or testimony, the *Registrar* may, with the consent of the *Complainant*, identify and state the specific allegations forming the *Complaint* in accordance with section 52.3 of the *Bylaws*.

6.8 Where a *Complaint* lacks identified and specific allegations or is not supported by evidence to the reasonable satisfaction of the *Registrar*, the *Registrar* may:

6.8.1 determine that the *Complaint* is not complete to file; or

6.8.2 file the *Complaint* notwithstanding any issues identified to the *Complainant*, in accordance with section 52.3 of the *Bylaws*.

6.9 Upon making a decision pursuant to section 52.7 of the *Bylaws*, the *Registrar* shall provide *Written Notice* of the decision to the *Parties* and the *Investigation Committee* in accordance with section 52.8 of the *Bylaws*. Where the *Registrar* closes all or part of a *Complaint* pursuant to section 52.7.1 of the *Bylaws*, the *Written Notice* shall include the reasons for the decision.

Investigation Committee Preliminary Assessment

6.10 At the next scheduled meeting following receipt of the *Complaint* from the *Registrar*, the *Investigation Committee* shall conduct a preliminary assessment of the *Complaint* in accordance with the *Act*, the *Bylaws* and this procedure.

6.10.1 Before conducting the preliminary assessment, the chair of the *Investigation Committee* shall confirm quorum, address any actual, potential or perceived conflicts of interest, and proceed with consideration of the *Complaint*.

6.11 During its preliminary assessment, the *Investigation Committee* shall review the *Complaint* file and may:

6.11.1 consider any information provided by the *Complainant* or the *Respondent*;

6.11.2 request additional information where required; and

6.11.3 review any other information it considers relevant to the administration of the *Complaint*.

6.12 Where the *Investigation Committee* requires additional information before making a decision, the chair of the *Investigation Committee* shall, on behalf of the *Investigation Committee*, obtain additional information from the *Complainant*, the *Respondent* or any other *Person*.

6.13 Before making a decision to order extraordinary action, defer an *Investigation*, establish an *Investigation Panel* or propose alternative dispute resolution, the *Investigation Committee* shall provide the *Respondent* with *Written Notice* of the *Complaint* and an opportunity to submit an initial written response within 30 days of the date of *Notice*. The *Investigation Committee* may grant a reasonable extension, having regard to its obligation to meet the timelines established by the *Bylaws*.

6.14 The *Investigation Committee* should complete its preliminary assessment and make a decision within 120 days of receiving the *Complaint* from the *Registrar*, in accordance with the *Bylaws*.

6.15 Following completion of its preliminary assessment, the *Investigation Committee* shall make one of the decisions authorized by the *Bylaws*, including:

6.15.1 declining to authorize an *Investigation* and closing the *Complaint*;

6.15.2 ordering extraordinary action;

6.15.3 deferring the *Investigation*;

6.15.4 establishing an *Investigation Panel* and referring the *Complaint* for *Investigation*; or

6.15.5 proposing that the *Parties* participate in alternative dispute resolution.

6.16 As soon as practicable, the chair of the *Investigation Committee* shall provide *Written Notice* of the decision to the *Parties*. Where the *Investigation Committee* closes the *Complaint*, the *Written Notice* shall include the reasons for the decision.

6.17 Where the *Investigation Committee* determines that no further action will be taken in respect of the *Complaint*, it shall close the *Complaint* file.

Extraordinary Action

6.18 Where information received by the *Association* indicates that immediate action may be required to protect the public, the *Registrar* shall immediately notify the chair of the *Investigation Committee* and prepare the information available for the *Investigation Committee's* consideration.

6.19 Where the *Investigation Committee* determines that extraordinary action is necessary and issues a written order under the *Bylaws*, the order shall be implemented and the associated records maintained in accordance with the directions of the *Investigation Committee.*

6.20 The chair of the *Investigation Committee* shall provide *Written Notice* of the order and accompanying documentation to the *Respondent* as soon as practicable.

6.21 Where directed by the *Investigation Committee*, the chair of the *Investigation Committee* shall invite the *Respondent* to provide written submissions or additional evidence within a timeframe established by the *Investigation Committee*. The *Investigation Committee* shall consider any written submissions or additional evidence received before making its decision.

6.22 Following reconsideration of the matter, where the *Investigation Committee* confirms, varies or rescinds the order, it shall provide *Written Notice* of the decision to the *Respondent* within 15 days.

Complaint Deferral

6.23 Where the *Investigation Committee* determines, in accordance with the *Bylaws*, that the consideration or *Investigation* of a *Complaint* should be deferred, suspended or closed because the matters raised in the *Complaint* have been or are being considered by a court, administrative tribunal or other entity, having regard its responsibility to protect the public interest, it shall administer the decision in accordance with sections 6.24 to 6.27 below.

6.24 As soon as practicable after the *Investigation Committee* decides to close, defer, suspend or resume consideration of a *Complaint*, the chair of the *Investigation Committee* shall provide *Written Notice* of the decision, including the reasons, to the *Parties*.

6.25 Where the *Investigation Committee* determines that a *Complaint* is to be deferred or suspended, the *Association* shall, where directed by the *Investigation Committee*, obtain and maintain any available information respecting the related court, administrative tribunal or other proceeding that may assist the *Investigation Committee* in determining whether the *Complaint* should remain deferred or suspended.

6.26 Where there is a final decision or other material development in the related proceeding, the matter shall return to the *Investigation Committee* for further consideration.

6.27 Where the *Investigation Committee* determines to resume consideration of a *Complaint* that has been deferred or suspended, the *Complaint* shall be considered at the next *Investigation Committee* meeting.

Investigation Panel

6.28 Where the *Investigation Committee* determines that a *Complaint* should be investigated by an *Investigation Panel*, the *Complaint* shall be administered in accordance with sections 6.29 to 6.32.

6.29 The *Investigation Panel* shall conduct, direct or supervise the *Investigation* in accordance with the *Bylaws* and any directions provided by the *Investigation Committee*.

6.30 Before participating in the *Investigation*, each *Investigation Panel* member shall disclose any actual, potential or perceived conflict of interest.

6.31 The chair of the *Investigation Panel* shall ensure that quorum is maintained throughout the *Investigation* and notify the chair of the *Investigation Committee* where a replacement member is required under the *Bylaws*.

6.32 Where directed by the *Investigation Panel*, the *Association* shall engage an *Investigator* to assist with the *Investigation* of a *Complaint* in accordance with the directions of the *Investigation Panel*.

Alternative Dispute Resolution (ADR)

6.33 Where the *Investigation Committee* or an *Investigation Panel* proposes *ADR* in accordance with the *Bylaws*, the *ADR* process shall be administered in accordance with the *Bylaws*, the directions of the *Recommending Body,* and sections 6.34 to 6.38.

6.34 Where the *Recommending Body* determines to propose *ADR* pursuant to section 58.1 of the *Bylaws*, the chair of the *Recommending Body* shall provide *Written Notice* to the *Parties* proposing that they resolve the *Complaint* through *ADR* and requesting that they advise, in writing, whether they agree to participate.

6.35 Upon receiving *Written Notice* from the mediator respecting the termination of *ADR*, a *Resolution Agreement*, or a recommendation to extend *ADR*, the matter shall be placed before the *Recommending Body* for its consideration and direction.

6.36 Where the *Recommending Body* is satisfied that the *Parties* have entered into a *Resolution Agreement*, it shall obtain the executed *Resolution Agreement* from the *Parties and* provide *Written Notice* to the *Parties* confirming that the *Complaint* is closed in accordance with section 58.11 of the *Bylaws*.

6.37 Where *ADR* terminates without a *Resolution Agreement* and the *Investigation Committee* is the *Recommending Body*, the chair of the *Investigation Committee* shall:

6.37.1 establish an I*nvestigation Panel* in accordance with the *Bylaws*; and

6.37.2 provide *Written Notice* to the *Parties* as soon as practicable that the *Complaint* has been referred to an *Investigation Panel* for *Investigation*.

6.38 Where *ADR* terminates without a *Resolution Agreement* and the *Investigation Panel* is the *Recommending Body,* the chair of the *Investigation Panel* shall:

6.38.1 resume the *Investigation*; and

6.38.2 provide *Written Notice* to the *Parties* as soon as practicable that the *Investigation* has resumed.

Complaint Investigation

6.39 Where the *Investigation Committee* refers the *Complaint* to the *Investigation Panel* for *Investigation*, the *Investigation* shall be administered in accordance with the *Bylaws*, the directions of the *Investigation Panel*, and sections 6.39 to 6.50.

6.40 A *Complaint Investigation* formally commences when the *Investigation Committee* refers the *Complaint* to the *Investigation Panel*, whether or not an *Investigator* has been engaged.

6.41 The chair of the *Investigation Panel* shall provide *Written Notice* of the *Complaint* to the *Respondent* and request a written response within 30 days of the *Respondent* being notified, or within another timeframe established by the *Investigation Panel*.

6.42 The chair of the *Investigation Panel* may grant a reasonable extension of time, having regard to the efficient administration of the *Investigation* and any timelines established by the *Investigation Panel*.

6.43 Where an *Investigator* is appointed to assist with the *Investigation*, the *Investigator* shall conduct the *Investigation* in accordance with the directions of the *Investigation Panel*.

6.44 Unless otherwise directed by the *Investigation Panel,* the *Investigator* shall be the primary point of contact with the *Parties* and any other *Persons* involved in the *Investigation*, and may request information, communicate with the Parties and other *P*ersons, gather relevant evidence, and undertake any other investigative activities in accordance with the directions of the *Investigation Panel.*

6.45 The *Investigator* should keep the *Parties* reasonably informed of the status of the *Investigation*, subject to any directions of the *Investigation Panel* and any limitations necessary to protect the integrity of the *Investigation.*

6.46 The chair of the *Investigation Panel* shall inform the *Parties*, *Members* and former *Members* of their obligation to cooperate with the *Investigation,* including responding to requests or inquiries within any deadlines established by the *Investigation Panel*.

6.47 Where it appears that a *Member* or former *Member* has failed to cooperate with the *Investigation*, the *Investigation Panel* shall consider whether action should be taken under section 57.6 of the *Bylaws.*

6.48 Where an *Investigator* is appointed, the *Investigator* shall prepare a written *Investigation* report upon completion of the *Investigation*.

6.49 Upon preparing the *Investigation* report, the *Investigator* shall provide the report and any supporting documentation to the *Investigation Panel*.

6.50 An *Investigation Panel* is not required to provide the *Parties* or any other *Person* with an opportunity to make oral submissions during a *Complaint Investigation*. However, where the *Investigation Panel* considers it necessary for the purposes of the *Investigation*, it may, provide the *Parties* or any other person with an opportunity to make oral submissions.

Investigation Panel Decision

6.51 Following completion of the *Investigation*, the *Investigation Panel* shall review all available material related to the *Complaint* and determine the appropriate disposition of the *Complaint* in accordance with section 59.1 of the *Bylaws*.

6.52 The chair of the *Investigation Panel* shall prepare the *Investigation Panel's* written decision and any other required documentation in accordance with the directions of the *Investigation Panel*.

6.53 After the *Investigation Panel* makes its determination, the chair shall provide *Written Notice* of the decision to the *Parties* in accordance with the *Bylaws*.

6.54 Where the *Investigation Panel* determines that the *Complaint* is not substantiated, it shall close all or part of the *Complaint* in accordance with section 59.1.1 of the *Bylaws*.

6.55 Where the *Investigation Panel* issues a letter of caution, the chair shall prepare the letter in accordance with the directions of the *Investigation Panel* and retain a copy on the *Complaint* file.

6.56 Where the *Investigation Panel* proposes a consent order, the chair shall administer the consent order process in accordance with sections 6.58 to 6.69.

6.57 Where the *Investigation Panel* recommends that a citation be issued, the chair shall refer the recommendation to the *Investigation Committee* for consideration under section 61 of the *Bylaws* and in accordance with sections 6.70 to 6.72.

Consent Orders

6.58 Where the *Investigation Panel* proposes a consent order, the consent order process shall be administered in accordance with the *Bylaws*, the directions of the *Investigation Panel*, and sections 6.59 to 6.69.

6.59 Where directed by the *Investigation Panel*, the chair of the *Investigation Panel* shall prepare a proposed consent order in accordance with section 60 of the *Bylaws*. The proposed consent order shall include, as applicable:

6.59.1 the *Complaint* file number;

6.59.2 the name of the *Respondent*, their membership classification, the date they became a *Member*, and any professional designation or qualification they hold;

6.59.3 summary of the *Complaint*;

6.59.4 the findings or admissions forming the basis of the proposed consent order;

6.59.5 the proposed terms, conditions, penalties and costs;

6.59.6 any deadlines for complying with the proposed terms and conditions;

6.59.7 any deadlines for paying the proposed penalties and costs;

6.59.8 the consequences of failing to comply with the consent order; and

6.59.9 any other information or terms directed by the *Investigation Panel* or required under the *Bylaws*.

6.60 The chair of the *Investigation Panel* shall specify any deadline established by the *Investigation Panel* for the *Respondent* to accept or reject the proposed consent order.

6.61 Where the *Respondent* agrees to the proposed consent order, the chair of the *Investigation Panel* shall execute the consent order on behalf of the *Investigation Panel* and obtain the *Respondent's* signature.

6.62 Upon execution of the consent order, the *Registrar* may monitor the *Respondent's* compliance with its terms in accordance with section 72.1 of the *Bylaws*.

6.63 Following execution of a consent order, the chair of the *Investigation Panel* shall notify the *Complainant* that the *Complaint* has been resolved by way of a consent order and, where authorized by the *Respondent*, provide a copy of the consent order.

6.64 Where the *Respondent* rejects a proposed consent order, the chair of the *Investigation Panel* shall proceed in accordance with section 60.4 of the *Bylaws.*

6.65 Where an application or proposal to amend a consent order is received, it shall be referred to the *Investigation Committee* for consideration in accordance with the *Bylaws*.

6.66 Following amendment of a consent order, the chair of *the Investigation Committee* shall notify the *Complainant* that the consent order has been amended and, where authorized by the *Respondent*, provide a copy of the amended consent order.

6.67 Where the *Investigation Committee* determines that the *Respondent* has complied with all terms and conditions of the consent order, the *Investigation Committee* shall record completion of the consent order and close the *Complaint*.

6.68 Where it appears that a *Respondent* has failed to comply with a consent order, the *Registrar* may refer the matter to the *Investigation Committee* for consideration under section 60.7 of the *Bylaws*.

6.69 Where the *Investigation Committee* determines that suspension is warranted and directs the *Registrar* to suspend the *Respondent's* membership pursuant to section 60.7 of the *Bylaws*, the *Registrar* shall suspend the *Respondent's* membership and provide any *Written Notices* required under the *Act* or the *Bylaws*.

Citations

6.70 Where the *Investigation Panel* recommends that a citation be issued, the *Investigation Committee* shall consider the recommendation in accordance with section 61 of the *Bylaws.*

6.71 Where the *Investigation Committee* issues a citation under section 61 of the *Bylaws*, the chair of the *Investigation Committee* shall prepare, issue, and *Serve* the citation on the *Respondent* in accordance with the *Bylaws*. The *Association* shall retain proof of service.

6.72 Following service of the citation, the chair of the *Investigation Committee* shall refer the matter to the *Discipline Committee* in accordance with the *Bylaws*.

Review of Procedure

6.73 The *Executive* shall review this procedure 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.

7. Related Policies and Procedures

7.1 Complaints and Investigations Policy.

7.2 Discipline Hearings Policy.

7.3 Discipline Hearings Procedure.

7.4 Investigation and Discipline Costs Policy.

8. Version History

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