

## **Ethics and Compliance Complaint Resolution Process**

As defined in the bylaws, CAZA's Accreditation Commission is responsible for adjudicating all matters related to the Accreditation Standards in the first instance: initial accreditation inspection, interim inspections, and subsequent, regularly scheduled five-year inspections.

### **Ethics and Compliance Committee**

The Ethics and Compliance Committee (ECC) is responsible for addressing complaints from members, the public or government and regulatory agencies concerning a CAZA member's alleged failure to adhere to the organization's Accreditation Standards, Code of Professional Ethics and/or policies.

#### Composition of the ECC

The ECC consists of five members. Two of these are permanent, a Chair and a Vice Chair who are members of the Board of Directors. Three Professional Fellow members, who are not members of the Board of Directors, are appointed by the Board President when a formal investigation is launched. If the President cannot perform these duties due to a conflict of interest or for other reasons, the Board will assign these duties to another officer.

The ECC Chair and Vice Chair preside over ECC proceedings and liaise with the National Office on matters related to the complaint process. Should a Chair or Vice Chair have a conflict of interest, they must advise the President and withdraw from involvement in the complaint. The President will then replace these members with other Board members.

#### Multiple investigations

Should an additional unrelated complaint require a concurrent investigation, the ECC Vice Chair will lead that process. If the investigation of the first complaint is in the early stages, a Professional Fellow who is not a member of the Board of Directors will replace the Vice Chair. If the investigation is well advanced, the committee will continue with four members. The President will establish a five-member ECC by appointing four Professional Fellow Members. In the event of a tie vote, the ECC Chair will cast the tie-breaking vote.

## **The Complaint Process**

Complaints regarding an individual or institutional member's actions or activities should be made in writing to the CAZA National Office. Complaints should be signed by the complainant; provide appropriate contact information; and contain a full statement of the matter for review. The complainant will be advised by the National Office that if the complaint proceeds to the ECC for adjudication, the identity of the complainant and the substance of the complaint will be made public. At that time, the complainant may choose to withdraw the complaint, in which case the matter may be deemed closed.

If the complainant is an employee of a CAZA institution or a vendor/supplier to a CAZA institution and wishes to remain anonymous, he/she must provide reasonable evidence to National Office that disclosing his/her identity could lead to repercussions. National Office must balance such requests with ensuring the affected institution has all the relevant/necessary information to fully and effectively respond to the complaint.

However, if the alleged issues are sufficiently serious and the complaint appears credible, the National Office may decide to pursue the complaint on its own. In that event, the National Office will bring the complaint to the ECC.

### Mediation

If the ECC Chair deems the issues alleged in a complaint to be minor or the result of a misunderstanding, the National Office may undertake to mediate a resolution of the complaint. In this confidential process, the National Office contacts the member, explains the complaint, and seeks to clarify the issues and any actions needed to remedy the issues. If this process satisfies the complainant, the matter will be deemed closed. If the complainant is not satisfied, but the ECC Chair finds no grounds for further investigation, the ECC Chair may terminate the complaint proceedings.

### Investigative panel

If the ECC Chair finds grounds for proceeding with an investigation, the Chair will ask the President to appoint additional members to an investigative panel. These members will be selected from Professional Fellow members in good standing. CAZA National Office staff will provide the panel with organizational and secretarial support.

### Confidentiality

All parties to an investigation will maintain strict confidentiality regarding the details of the investigation. Any comments or questions by an inspection team will be held in confidence by the investigative panel, by any witnesses or consultants they engage or make use of, and by the member. If the action is

initiated as a result of an external complaint, CAZA will encourage the complainant to maintain strict confidentiality.

## Investigative procedures

The procedures for an investigation are:

1. The ECC Chair will communicate to the Institution or member, the details of the complaint and provide copies of the relevant CAZA disciplinary procedures as well as the relevant CAZA policies, Standards or Codes. The member under investigation will be provided with documentation setting out the Ethics and Compliance Complaint Resolution Process and clarifying the member's rights, including how to submit materials and information to the ECC.
2. The ECC Chair will distribute copies of the complaint to ECC members. This communication may take the form of electronic or hard copy distribution. All correspondence pertaining to the case must be marked "confidential." At the conclusion of the investigation, all communication held by committee members relating to the complaint must be destroyed.
3. The ECC Chair will remind ECC members that their deliberations and any information made available to them must be held in strict confidence both during and after the investigation.
4. If the member is under investigation by a regulatory body in relation to the same or a similar issue, the CAZA investigation may proceed. However, the ECC and the National Office will seek to avoid any interference in criminal and/or regulatory proceedings.
5. If the issue that led to the investigation is public when the investigation begins, or becomes public during the process, CAZA National Office may announce that an investigation has begun but will decline further comment pending resolution of the issue.
6. Once an investigation is initiated, the ECC will seek to determine whether a violation of the Code of Ethics, Accreditation Standards and/or policies has occurred. The ECC may consult legal counsel or experts and witnesses where appropriate.
7. At the ECC's first meeting regarding the complaint, the ECC Chair will caution members against potential conflicts of interest and confirm that no member has a conflict. Any member having a conflict of interest must inform the ECC Chair, who will ask the President to appoint a replacement.
8. The ECC Chair will also advise members that, if they find themselves in a conflict of interest during an investigation, they must immediately inform the ECC Chair and withdraw from the work of the committee. An ECC member who withdraws after an investigation is underway will not be

- replaced. The remainder of the ECC members will continue the process. In the event of a split decision, the ECC Chair will cast the tie-breaking vote.
9. The ECC Chair will initiate investigation activities, including but not limited to site visits and a meeting between the ECC and the member under investigation, either in person or by conference call. If a site visit is needed, the member must make relevant facilities and staff available to the ECC or their agents. Failing to do so will violate the Code of Ethics, and this violation will be considered by the ECC in making its decision.
  10. If a site visit is needed, the ECC may dispatch an inspection team made up of National Office staff and individuals with expertise in the specific issues under investigation. This team will assess the situation and prepare a report for the ECC. If the ECC determines that its members should visit the site, all ECC members must attend.
  11. If the ECC is unable to gather sufficient evidence to investigate a complaint because the member under investigation has failed to cooperate, the ECC may consider that lack of cooperation as material evidence in adjudicating the complaint.
  12. The ECC may dismiss a complaint after an investigation has been initiated if it finds insufficient justification for an investigation or no apparent violation of CAZA's Accreditation Standards, Code of Ethics and/or policies. The decision to dismiss a complaint must be confirmed by a majority vote of the ECC. The ECC, working with the National Office, will notify the complainant, defendant, and Board of Directors of the decision. If appropriate, the National Office may issue a public statement.
  13. The ECC will deliberate through meetings, correspondence and conference calls to determine whether a complaint under investigation has merit and whether the member is in violation of CAZA's Code of Ethics, Accreditation Standards and/or policies. ECC decisions require a majority vote of its members.
  14. If the ECC determines that a violation of the Accreditation Standards, Code of Ethics and/or policies has occurred, the CAZA Progressive Discipline Policy will serve as the basis for determining disciplinary measures.
  15. The ECC Chair will advise the member of the ECC's findings and decisions. If the ECC has determined that discipline is appropriate, the member will be notified of the decision. The complainant will not be notified until appeal options defined in the Progressive Discipline Policy and Appeal Panel Process have been concluded.

16. A member who is subject to an investigation may choose to communicate any final decision of the ECC. If the member chooses to make the decision public, the entire decision must be released. If that is not done, the National Office may release the entire decision.

### **Other communications**

If the Board of Directors deem that the issues resulting in a member's suspension or termination are sufficiently egregious, or that public communication of any disciplinary decision (including a finding of no fault) is in the interest of the public, CAZA or the affected member, it may, on advice of staff, instruct the National Office to issue a public statement, which may include the release of all or part of the decision.