



INTRODUCTION

Situations may arise from time to time where individuals certified or appointed by the Society fail to adhere to standards which the Lifesaving Society expects. The integrity of our program depends upon maintenance of its standards. The confidence of our public demands consistency. The primary objective of our training --- saving lives --- cannot tolerate sub-standard behaviour.

The Society will always support the actions or decisions of its volunteers and award-holders where it determines that a complainant is unreasonable or, in its belief, has wrongly construed a situation. Appropriate volunteer and staff in every Branch are experienced in investigating complaints and assessing conduct. In many cases a committee chairperson in conjunction with the Branch Executive Director may work out an appropriate, remedial course of action. However, the Society will proceed with thorough and formal review when the complaint warrants further attention.

Addressing the problem will likely involve two responses:

- (1) a plan of action to deal with the complaint from an affiliate, a government body, a member of the public or a candidate, in a professional manner with an eye to good public relations. The Society has never been known to sweep things under the carpet.
- (2) internal measures for remediation and rehabilitation.

This policy addresses the second, internal response. It is designed to help each provincial Branch deal fairly with a certification review situation knowing that its actions are consistent with those of other Branches. The policy should also assist a Branch in handling these situations efficiently with minimum disruption or use of precious staff and volunteer resources.

The policy deals with:

- A. To Whom the Policy Applies
- B. Principles to be Applied
- C. Available Sanctions
- D. Procedure
- E. Conducting Hearings and Appeals
- F. Records
- G. Lifesaving Society Resources

A - To Whom The Policy Applies

The policy will generally apply to holders of Lifesaving Society leadership appointments: the instructors, examiners and instructor trainers who deliver the Society's programs to others. On occasion, however, the policy may apply to other award-holders who fail to maintain or reflect the Society's standards and image, e.g. lifeguards and instructors.

B - Principles To Be Applied

The Society recognizes that individuals work long and hard to earn their awards and/or appointments and that any decision which alters or revokes that status is a serious matter. The Society also knows that deviations from expected conduct or the lowering of standards could ultimately endanger lives.

The procedures set out are based upon the following policy considerations:

1. The review body considering a complaint must listen to all sides of the story.
2. A person taking part in the review process must not be biased.
3. There must be consistency with past decisions. Similarly the sanction applied must match that applied in like circumstances.
4. Avoid surprises. Communicate to candidates and volunteers what the Society expects or requires in order to avoid arguments about whether the conduct in question warrants discipline.
5. The Society must keep the public interest uppermost. Because the Lifesaving Society is a leader in the lifesaving field and has earned the recognition of government bodies, it has a responsibility to protect a public interest by overseeing the quality of its programs and the character or behaviour of its volunteers, appointees and award-holders.

C - Available Sanctions

The sanctions or disciplinary procedures which the Society will apply are as follows:

- **Reprimand:** - may be issued by a committee chairperson without calling the Review Committee and which should be written for insertion in the party's file.
- **Probation:** - remedial action designed to correct a deficiency, upgrade behaviour or allow for ongoing assessment of the party's conduct.
- **Suspension:** - more serious, designed to remove the party from his/her role as an Lifesaving Society representative and to protect the public but anticipating reinstatement, likely upon compliance with specified conditions.

- **Revocation of Appointment or Decertification:** - most serious, designed to protect the public, necessary to enable the Society to maintain its integrity.

These sanctions are not cumulative. The choice of a particular sanction will be governed by the severity of the complaint. In addition, where the party's behaviour may endanger public safety or compromise the Society, a suspension should be imposed immediately pending investigation.

D - Procedure

1. The Review Committee

Each provincial Branch of the Society should establish a standing Certification Review Committee composed of 4 to 5 board members. In any given situation some of the committee members (e.g. three) will consider the results of the investigation following a serious complaint. A committee chairperson directly involved or any members having a working relationship, friendship or "past history" with the party under scrutiny or the complainant should not sit on the committee considering the particular complaint. Staff should not sit on the committee: their role is to present material to and advise the committee. This committee may conduct meetings by telephone conference call.

The Review Committee should first coordinate an investigation of the complaint. It is important that this process move quickly and be managed carefully. Where possible, a Branch's Executive Director should take direct responsibility with the assistance of the appropriate committee chairperson. Upon completing its investigation - which should involve talking with the appointee or award-holder - the Review Committee should decide on the appropriate sanction. The sanction should be implemented either after a 15-day notice period (during which the individual may decide to appeal) or, if there is an appeal, after the appeal is heard. The meeting should be held in camera to maintain confidentiality.

A reprimand, probation or suspension decision should be referred to the Branch board of directors for ratification. The meeting should be held in camera to maintain confidentiality. For any presentation, members of the Appeal Committee (see below) or other board member having any interest in the proceedings or a relationship with the party under scrutiny should leave the meeting. A revocation/decertification requires a hearing conducted by the Review Committee before any recommendation is made to the Board of Directors.

The Branch President and, where appropriate, the related committee chairperson (e.g. Leadership Chair, NLS Chair) should then inform the parties in writing of:

- (1) the conduct on which the complaint is based
- (2) the decision of the Review Committee
- (3) the right to appeal (where applicable)

The Review Committee should decide and state whether or not the party may apply for reinstatement and if so, after what period of time. The notice should also be disseminated to other affected Branch personnel (such as staff or Committee Chairs), the Canadian Red Cross, any affiliate connected to the matter and the appropriate area chairperson or local representative.

2. Appeals

Any party subject to a suspension or a revocation/decertification is entitled to an appeal hearing if he or she so desires. The notification should inform them of their right.

Each Branch should establish a standing Appeals Committee composed of 4 or 5 discerning people. The Society recommends that this committee comprise

- (1) the Branch Past President
- (2) the Branch Governor
- (3) 2 or 3 people at arm's length to the operation and decision-making of the Society who should understand the Society's aims and objectives as well as its structure, awards and procedures. From this group, a panel of 3 should be chosen to hear an appeal.

3. Completion

The disciplinary process will be complete when:

- the Board of Directors has notified the party of a decision of the Review Committee and no appeal hearing (where available) has been requested; or
- the Appeals Committee has notified the party that the appeal has been allowed, or refused, or a decision modified.

E - Conducting Hearings and Appeals

The party under scrutiny must at some point have the opportunity to be heard. By letter, the Branch should inform the person that, if requested, the Review or Appeals Committee will consider a submission by that party at an appointed time. *Note: In the case where a revocation/decertification is under consideration, a hearing by the Review Committee is a necessary first step.*

At this meeting, the party under scrutiny has the opportunity to be represented. In these types of situations, people often have trouble presenting their position; another person may do a better job. The representative may, but need not be, a lawyer.

The meeting should be conducted seriously and formally. The Branch Executive Director and the appropriate Committee Chair should be present. No person having any connection with the party under review should sit on the review or appeal panel. It may be necessary to invite witnesses. Avoid surprises (and therefore adjournments) and let the party under scrutiny or his/her representative know if witnesses will be present. The party may also want to invite his/her own witness.

If a point in the investigation is crucial or there exists some controversy over a fact, invite the best witness to explain that matter. Do not depend upon the investigation report of the Executive Director or others to establish this point. The party under scrutiny should have the opportunity to question this witness directly at the hearing. In a court this kind of evidence would be excluded as "hearsay" unless the witness presents it under oath and may be cross-examined.

Witnesses should not be drawn into any arguments. Treat them courteously. They are donating time and the Society wants them to leave with a favourable impression of how it conducts its business.

The Appeals Committee should not come to a decision at the time of the hearing. It should deliberate and:

- (1) agree with the decision
- (2) allow the appeal
- (3) recommend a modified course of action, inform the appellant (in writing) of its decision and make a report to the Board of Directors.

F - Records

The staff performing an investigation, the Review Committee and the Appeal Committee must maintain written records in a closed file accessible to the Executive Director, the Legal Chair, and the National Legal Chair. It is especially important that original correspondence with the complainant and with the party under scrutiny is kept on file.

This documentary record will serve the Branch if the National Office of the Lifesaving Society requires information or if the disciplined party chooses to challenge the Branch's decision in court.

G - Lifesaving Society Resources

This policy is the joint responsibility of the Society's Executive Director and the Branch Legal Advisor. Either may be consulted on matters covered by the policy.

Each Branch should ensure that its Executive Director and the legal chairperson are involved in implementing the structure and carrying out the procedures required by the policy.