

STATEMENT of POLICY and PROCEDURE			
Manual:	Canadian Fire Alarm Association	SPP No.	GV-020
Section:	Governance	Issued:	2021-10-05
Subject:	Discipline Policy	Effective:	2021-10-05
Issue to:	All Manual Holders	Page:	1 of 5
		Replaces:	2021-06-03
Issued by:	CFAA Board of Directors	Dated:	2021-10-05

POLICY

- 1.1. The Canadian Fire Alarm Association (CFAA), is a federally incorporated not-for-profit industry association managed and overseen by a single national board of directors (“National Board”). The National Board, including its appointed Officers, have sole legal responsibility for governing and managing the affairs of the CFAA across the country.

PURPOSE

- 2.1. This Statement of Policy and Procedure defines the legal status and the disciplinary relationship between the CFAA National Board and its Technicians, Members and Employees, and forms the basis for determining the disciplinary methods and measures.

SCOPE

- 3.1. This policy applies to the Technicians, Membership, Employees and the National Board of Directors across Canada.

RESPONSIBILITIES

- 4.1. It is the responsibility of the President and Chair of the National Board, to ensure that the disciplinary methods and measures are well communicated to and understood by all CFAA Technicians, Members and Employees.
- 4.2. Disciplinary reviews can be initiated by the CFAA:
 - 4.2.1. as a result of a fully documented official complaint,
 - 4.2.2. by the CFAA President, the Executive Director or a member of the Board of Directors becoming aware of the actions of a member or technician that seriously breaches the CFAA Code of Ethics and/or,
 - 4.2.3. where the CFAA is aware that legal action has been initiated and/or found against a CFAA member or a technician.
- 4.3. It is the responsibility of the President or Chair of the National Board in conjunction with the Executive Director, to appoint the required committee members when determined as appropriate, for investigation of all complaints and when the CFAA is aware of a serious breach of conduct or where legal action has been initiated against a member of technician.
- 4.4. Once a discipline committee is initiated it is their responsibility to convene and resolve all complaints or disciplinary actions within the established timeline.

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4.5. It is the responsibility of the Discipline Committee to provide the written decision and reasons to all parties in the complaint, the Executive Director, President and National Board.

5. DEFINITIONS

- 5.1. Technician – any person registered by the CFAA as a technician in any jurisdiction, or any person registered as a student, trainee.
- 5.2. Member – as defined by the CFAA Membership Policy.
- 5.3. Employee – any person in the direct or indirect employment of the CFAA, including but not limited to the Executive Director, office staff and subcontractors.
- 5.4. Complainant – any person who has filed a complaint.
- 5.5. AHJ – Authority Having Jurisdiction.
- 5.6. Discipline Committee – minimum of three (3) individuals selected from a pool of knowledgeable CFAA stakeholders representing Technicians, AHJ's, Service Providers, Engineers/Consultants, Manufacturer, Building Management or others as may be appropriate to evaluate the complaint.
- 5.7. Disciplinary Action – the action taken by the Discipline Committee against the member or technician as a result of the investigation.

6. REFERENCES

- 6.1. The Canadian Fire Alarm Association (CFAA) Making a Complaint including Appendices A to D.

7. PROCEDURES

- 7.1. Complaints are to be made in writing and addressed to CFAA Executive Director marked "CONFIDENTIAL" in the subject line and submitted electronically or in hard copy.
- 7.2. Complaints are to include a completed copy of CFAA Member/Registered Technician Complaint Form (Appendix B) of Canadian Fire Alarm Association (CFAA) Making a Complaint
- 7.3. Complaints to include copies of any documents or other information pertinent to the complaint.
- 7.4. Once a complaint is filed it must follow the process and cannot be withdrawn except in the event of the death of the person whom the complaint has been filed against.
- 7.5. A disciplinary review can be initiated by the CFAA President as a result of the Executive Director or a member of the Board of Directors becoming aware of a

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serious breach of the Code of Ethics or criminal proceeding against a member or technician.

7.6. Once a complaint is filed, or an internal disciplinary investigation is to be initiated, the CFAA Executive Director notifies the CFAA National President. The CFAA Executive Director and CFAA National President review the complaint and determine if further action is required. The CFAA Executive Director and CFAA National President may make decisions about complaints of a minor or procedural nature such as whether a person has completed their Continuing Education Credits.

7.7. The CFAA National President in conjunction with the CFAA Executive Director shall appoint a Discipline Committee if further action is required and provide them with the complaint or details of an internal disciplinary investigation. .

7.8. The CFAA Executive Director in conjunction with the Discipline Committee shall notify the complainant and the Member or Registered Technician that a Discipline Committee has been appointed to consider the complaint or internal disciplinary investigation.

7.9The Member or Registered Technician must respond within 15 business days of having received notice that the Discipline Committee is considering the complaint or internal disciplinary investigation and shall provide a formal response to the complaint or investigation and substantiate their response with any pertinent information that may help resolve the complaint or issue. Their response will be provided to the complainant and they shall have 10 days in which to provide a response to any new matters raised by the Member or Registered Technician. Should the Member or Registered Technician fail to respond within the timeline the complaint shall be resolved based on the information available.

7.10The Discipline Committee will conduct the investigation, interview all required parties and make a decision based on the information before them and the Schedule of Actions.

7.11 Where the AHJ filed the complaint, the Discipline Committee shall communicate with them to confirm if any provincial or criminal charges have been or will be initiated by the AHJ. If legal proceedings have or will be initiated, the Discipline Committee shall reserve their final decision until all prosecutions have concluded including appeals from any decisions. The AHJ shall provide the final decision from the prosecutions to the Discipline Committee for review.

7.12The Discipline Committee shall provide a written decision and reasons to the CFAA National President, Executive Director and the CFAA National Board of Directors.

7.13The Executive Director shall provide the written decision and reasons to the Complainant, AHJ, Member or Registered Technician.

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7.14 The anonymized decision shall be posted on the CFAA website with any details that would identify the parties removed unless the decision results in a suspension or revocation in which case the original decision will be posted.

TIMELINE

- 8.1 Timeline shall refer to business days unless otherwise stated.
- 8.2 The CFAA will endeavor to adhere to the timeline set out in this section as much as possible however, a failure to do so does not affect the validity of the process.
- 8.3 Complaint received at CFAA.
 - 8.3.1 Executive Director to notify CFAA National President and provide him/her a copy of the complaint or internal disciplinary review. CFAA National President and Executive Director to review and determine if a Discipline Committee is required. If so, members of the Committee, Member or Registered Technician and Complainant where appropriate to be notified that complaint/review proceeding to Discipline Committee within 10 days of the decision to proceed.
 - 8.3.2 Within 15 days of receiving notice of the complaint/disciplinary review, the Member or Registered Technician must send their response to the Executive Director and where the action is the result of a complaint a copy shall be sent to the Complainant.
 - 8.3.3 Where initiated by a complaint, within 10 days of receipt of the response, the Complainant shall respond to the Member's or Registered Technician's response.
 - 8.3.4 The Discipline Committee will endeavor to render their decision within 100 days of having received the complaint. The Committee shall postpone rendering their decision in the event of an ongoing criminal or provincial prosecution regarding the facts of the complaint until conclusion of that case, including any appeal. Parties to be notified of the postponement.
 - 8.3.5 Decision and Reasons shall be sent to all parties once it is finalized.
 - 8.3.6 The parties have 30 days from the date of receipt of the Decision and Reasons to appeal the decision and submit a Notice of Appeal and supporting documents
 - 8.3.7 If no Notice of Appeal is received the Decision is final and posted on the CFAA website as set out at 7.13, above. If there is an appeal, the CFAA Executive Director and CFAA National President appoint a new Discipline Committee to review and complete the Appeal. No members of the previous Committee shall be on the new Committee.
 - 8.3.8 Within 10 days of receipt of the Notice of Appeal, the opposing party shall be provided with the Notice of Appeal and documents submitted by the appealing party.
 - 8.3.9 Within 15 days of receipt of the Notice of Appeal and other documents from the appealing party, the responding party may submit a written response and provide any other materials that support their position.

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8.3.10 Within 15 days of receipt of any materials from the opposing party, the appealing party may provide a final written response to new issues raised by the opposing party

8.3.11 Within 100 days of receipt of the final response from the appealing party, the Discipline Committee proceeds to consider appeal and render a decision. The Committee can confirm the decision of the original Discipline Committee or take any one or more of the actions set out in the Schedule of Disciplinary Actions.

8.3.12 All parties shall be notified of the Decision on the Appeal which will be final and the Decision will be posted on the CFAA website as set out at 7.13, above.

9 ATTACHMENTS

- 9.3 The Canadian Fire Alarm Association (CFAA) Making a Complaint, including Appendices A and B.
- 9.4 Schedule of Disciplinary Actions.
- 9.5 Discipline Committee Confidentiality Agreement.