COMPLAINTS AND DISCIPLINARY MEASURES

Prepared by:	Approved by the Board of Directors on
Chief Executive Officer	AQVE Secretary

The masculine gender includes the feminine and is used solely for brevity.

1. PURPOSE

1) To ensure that AQVE-accredited professionals act with integrity and comply with the provisions of *the* AQVE *Code of Best Practices*.

2) To establish a process for filing and handling complaints submitted by an interested party regarding the conduct of AQVE-certified individuals, as provided in Section 10.3 of the Procedure *entitled "Managing the Personnel Certification System"*.

2. NORMATIVE REFERENCES

This procedure meets the normative requirements contained in the following documents as they apply to complaints and disciplinary actions:

- ISO/IEC 17024:2012(F) Conformity assessment — General requirements for bodies operating certification of persons,
- SCC: the most current version of the Overview of Accreditation Programs (SCC).

3. DEFINITIONS

For the purposes of this procedure, the terms and definitions given in the normative references listed above apply, as well as the following:

AQVE	Quebec Association of Environmental Auditing
Board	AQVE Board of Directors and its officers (President, Vice President, Secretary, or Treasurer)
CAG	Certification Commission (Commission d'agrément)

CEO	AQVE's Chief executive Officer (DG in French)
Certification	Term used by the AQVE since it began operating a SCP (1997) to reference the concept of certification as defined by the ISO/IEC 17024:2012(F) Standard
Certified	A professional holding a certification issued by the AQVE
Certified Junior	A professional holding a junior certification issued by the AQVE who must take an exam at the end of their mentorship period to obtain full certification
Complainant	Stakeholder who has formally filed a complaint against the certified person with the secretariat
Complaint	An expression of dissatisfaction, submitted by an interested party, regarding the activities of a certified person
DC	Ad Hoc Disciplinary Committee
Defendant	Certified individual against whom a complaint is filed
DMD	Director of Disciplinary Measures
Interested Party	Any person, group, or organization affected by the AQVE's activities or by the performance of a certified person
SCC	Canadian Standards Council
SCP	AQVE's Personnel Certification System
Secretariat	Firm providing secretarial and administrative services to AQVE
Website	AQVE's website
Title	Another term used by the AQVE since it has been operating a personnel certification system (1997) to designate the accreditation (or certification) of a certified professional.

4. INDEXED DOCUMENTS

This procedure refers to several documents indexed as part of the AQVE's personnel certification system. For these documents:

- Titles are italicized and capitalized.

The *Personnel Certification System*'s *Documentation Registry* lists all indexed AQVE documents and provides guidelines for their coding, formatting, and review.

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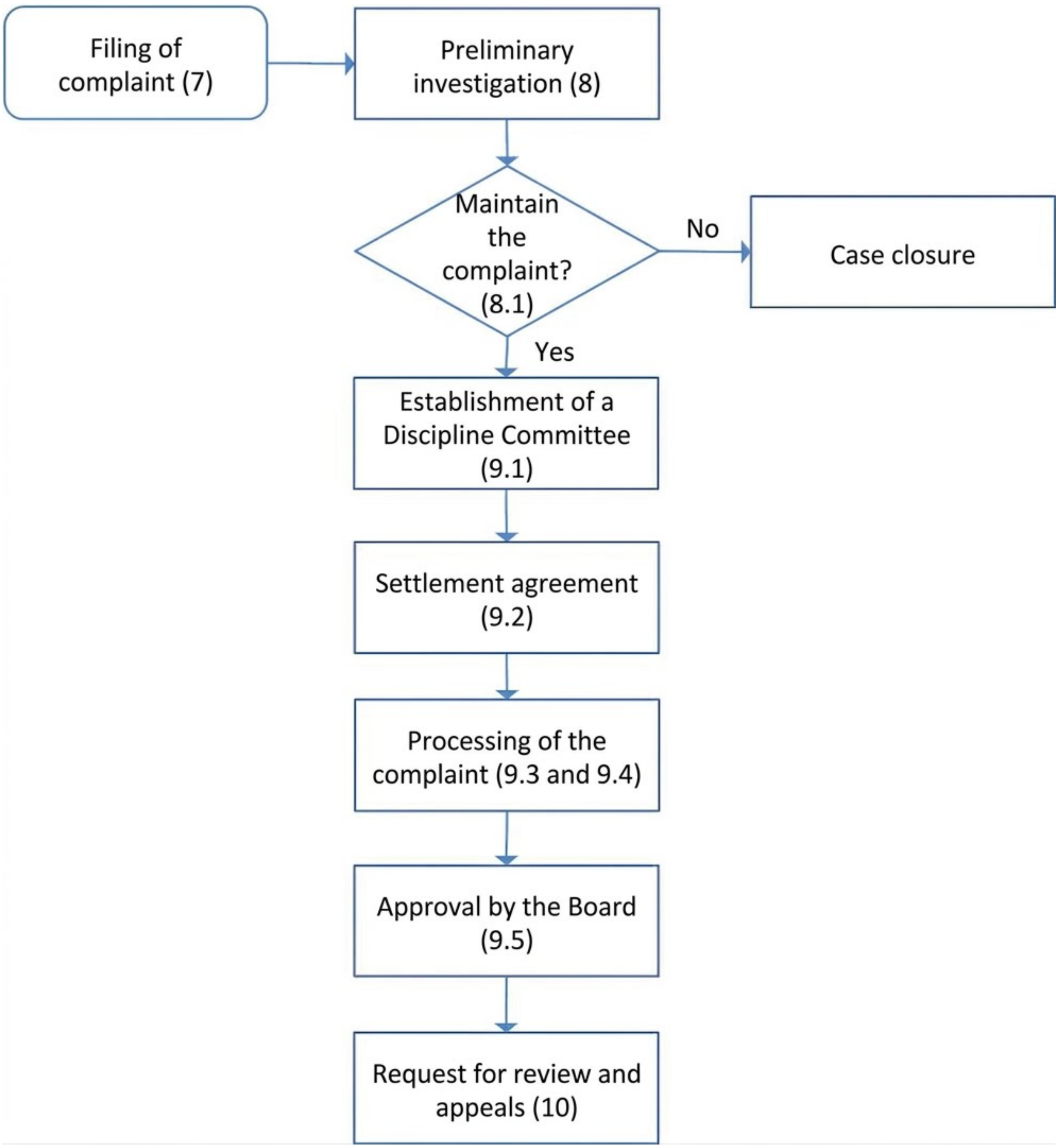
5. GENERAL OUTLINE OF THE COMPLAINT HANDLING PROCESS BY AN INTERESTED PARTY



Numbers indicated in parentheses refer to Sections of this procedure.

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6. GENERAL PRINCIPLES

The AQVE has made it its mission to provide the public and the clients of its accredited members with a mechanism to ensure that AQVE-certified members comply with the *Code of Best Practices* to which they have adhered. This will be achieved in part through the integrity of the accreditation, maintenance, and renewal process. However, certification alone does not guarantee adherence to personal or professional ethical standards. For this reason, the AQVE has established a disciplinary process to address complaints regarding the conduct of its certified members.

6.1. Who can file a complaint, and on what grounds?

Any interested party who believes that an AQVE-accredited professional has violated the *Code of Best Practices* may file a complaint against that member.

By virtue of its status and mandate, the AQVE can only handle complaints related to its *Code of Best Practices*. It cannot:

- **Settle disputes** between a client and a certified professional regarding fees;
- **Obtain compensation** from a certified professional for a financial loss suffered by an interested party;
- **Provide advice** on auditing or choosing an auditor on behalf of a potential user of auditing services;
- **Arbitrate a dispute** between a certified professional and an interested party dissatisfied with the findings of a site audit or assessment conducted according to industry standards.

Even if no formal complaint has been filed, the DMD may investigate any certified professional and, following such an investigation, file one or more formal complaints on behalf of the Association.

6.2. Who handles the complaint?

The Director of Disciplinary Measures (DMD) processes all complaints received by the AQVE confidentially.

The Board of Directors selects the DMD from among its members, excluding the Board Chair, the Secretary, and the PCAG (Certification Commission Chair). The DMD is appointed for the duration of their term as a Board member and must therefore be reappointed or, if necessary, replaced every two years.

The DMD also chairs the Disciplinary Committee when required.

6.3. Steps in the Complaint Handling Process

The complaint handling process consists of four steps:

1) Filing the complaint with the secretariat;
2) Preliminary investigation by the DMD;
3) Establishment of a Disciplinary Committee and handling of the complaint;
4) Approval of the Disciplinary Committee's recommendations by the Board of Directors.

7. FILING THE COMPLAINT

To file a complaint against a certified professional, the interested party must first contact the AQVE secretariat to learn about the process and obtain a copy of the relevant documents[1] .

The complaint must be a dated and signed written letter. The Interested Party (Complainant) must detail the circumstances, grounds, and specific violations of the Code of Best Practices, ideally attaching all supporting documents

The secretariat must forward the complaint letter to the CEO and DMD as soon as it is received. The Director of Disciplinary Measures must then implement the next steps of this procedure.

7.1. Recording the Complaint

The Chief Executive Officer records the complaint in the *Register of Requests and Complaints from Interested Parties* (*Registre des demandes et des plaintes des parties intéressées)*.

Important: If the interested party does not proceed with their intention to file a complaint after reviewing the documents obtained from the Secretariat (1st paragraph of Section 7), the Chief Executive Officer must still record this request in the *Register of Requests and Complaints from Interested Parties*.

7.2. Confidentiality

Once the complaint is recorded in the *Register of Requests and Complaints from Interested Parties*, the DMD, the Secretariat, the Chief Executive Officer, and the members of the DC (Section 9.1) are subject to strict confidentiality rules until the end of the process.

[1] These are primarily this procedure, the *Code of Best Practices*, and the DMD's contact information.

To this end, the entry in the *Register of Requests and Complaints from Interested Parties* must show only the date and the nature ("complaint") until a final decision is rendered. Personal information (Complainant and Defendant) and details of a complaint dismissed by the DMD (Section 8.1) during the preliminary investigation must never appear in the registry.

7.3. Complaint Filed Against a Member of the Board of Directors

Under Section 5.3 of the AQVE General Bylaws (French only - *Règlements généraux de l'AQVE*), a complaint against a board member triggers their immediate suspension. However, the position is not considered vacant and cannot be filled until the complaint process is complete.

If, at the conclusion of the complaint process, the director is found to be at fault, they will be removed from office in accordance with Section 5.8 of the AQVE General Bylaw.

If the process outlasts the board member's remaining term, they cannot request a mandate renewal under Section 5.2 of the AQVE General Bylaws.

8. PRELIMINARY INVESTIGATION

The DMD must first notify the certified professional (the Defendant) of the complaint using the most appropriate method based on the nature and severity of the allegations (in person, by phone, by email, or by formal letter.

8.1. Complaint Admissibility

The DMD must then determine the admissibility of the complaint and dismiss it if it is vexatious[2] , unfounded, or outside the scope of the disciplinary process.

If dismissed, the DMD must notify both parties (Defendant and Complainant) with the reasons for the decision and close the file.

8.2. DMD Report and Defendant's Response

In all other cases, the DMD must draft a report summarizing the complaint and send a copy of this report to the Defendant within ten (10) business days following the filing of the complaint with the secretariat. To draft this report, the DMD may interview the Complainant solely to clarify certain points; they cannot request additional documents at this stage.

The Defendant must respond in writing to the DMD within twenty (20) days of receiving the report and attach all necessary supporting documents.

[2] A complaint is considered vexatious when the Complainant's sole purpose is to harm the Defendant.

If the Defendant fails to respond, the DMD must proceed to the next stage of the process.

Based on the Defendant's response, the DMD may:

a) advise the Defendant on how to better comply with its commitment to the *Code of Best Practices*; or
b) issue a warning.

The DMD may then close the case if these actions are sufficient. The DMD must immediately inform the Defendant and the Complainant of this decision and provide a rationale for it. The DMD must also report to the Board of Directors.

In serious cases requiring immediate action[3] , and notwithstanding the fact that the complaint has not been referred to a Disciplinary Committee (DC), the DMD may recommend to the Board of Directors that the Defendant's accreditation be revoked or its scope restricted pending the conclusion of the process and the DC's decision.

If, at the conclusion of the preliminary investigation, the complaint is upheld, the DMD must initiate the next stage of the process to reach a decision.

9. ESTABLISHMENT OF A DISCIPLINARY COMMITTEE AND HANDLING OF THE COMPLAINT

9.1. Establishment of a Disciplinary Committee (DC)

A DC is an ad hoc committee established specifically to handle each complaint. It is chaired by the DMD.

A DC consists of three individuals selected from among AQVE-certified members. With the exception of the DMD, members of the Board of Directors and the Certification Commission (CAG) may not serve in a DC, nor may the Chief Executive Officer (CEO).

Given the small number of complaints received by AQVE since its founding, it does not appear necessary at this time to establish a permanent list of individuals eligible to serve on a DC. Should this situation change, the DMD may recommend that the Board of Directors implement the necessary mechanisms to create and update such a permanent list.

The DMD selects DC members by sending an email request for applications to AQVE-accredited members, specifying the following criteria:

- AQVE-certified for at least 6 years;

[3] Examples: misuse of a title, evidence of a conflict of interest, dishonesty, accepting undue benefits to distort the conclusions of a report, etc.

- Relevant experience related to the complaint;
- Reputation for honesty, rigor, and respect for others;
- Has never been the subject of a complaint.

Interested certified members must submit a statement of interest to the secretariat via email, outlining their qualifications in accordance with the criteria listed above. The DMD selects the members of the DC from among these applicants, after first verifying, in confidence, that these individuals are not in a conflict of interest (see Appendix A).

The DMD must establish the DC within thirty (30) business days of receiving the Defendant's response (Section 8.2).

Once the DC is established and operational, the DMD forwards to its members the complaint, its report, the Defendant's response, and all supporting documents submitted by the Complainant and the Defendant.

9.2. Negotiation of a Settlement Agreement

A Defendant is permitted to attempt to negotiate a settlement agreement for the complaint with the DMD. If applicable, the DMD must present this agreement to the DC for review.

Before reviewing a settlement agreement, the DC must invite the Complainant to comment on the proposed agreement, although the DC is not required to comply with any comments submitted.

<u>Acceptance or Rejection of the Settlement Agreement</u>

When the DMD submits a settlement agreement to the DC, the DC may either accept it, with or without conditions, or reject it.

If the agreement is rejected, the DC continues with the complaint resolution process.

<u>Effective Settlement Agreement</u>

A settlement agreement includes, among other things, the terms and sanctions agreed upon between the Defendant and the DMD. Upon acceptance by the DC, the terms of said agreement take effect as if they were a decision rendered by the DC.

The DC's decision must be approved by the Board of Directors, as indicated in Section 9.5 . In this case, only the Complainant retains the right to request a review.

Use of Admissions

If the DMD refuses to propose a settlement agreement, or if the DC refuses to accept it, any admission made in the agreement may not be used against the Defendant in the remainder of the proceedings.

9.3. Modalities

As DC chair, the DMD organizes its work, sets schedules based on prescribed deadlines, and plans working sessions, document distribution, and agendas.

The DC may review the complaint strictly on the case file or include a formal hearing.

In either case, the DC may request additional information and documents from the parties through the DMD before any formal hearing.

The DC must work diligently to present its decision to the Board for approval within one hundred and twenty (120) business days of the complaint's filing.

Formal Hearing

If the DC decides to hold a formal hearing, it must provide both parties with written notice of the date of the hearing, the allegations of misconduct, or the terms of the settlement agreement, if applicable. The latest possible hearing date is the one-hundredth (^{100th}) business day after the complaint is filed.

The notice must be served thirty (30) business days before the hearing date.

The hearing date may be postponed at the request of the DC or either party, provided that such a postponement does not cause undue prejudice to either party and that the prescribed time limits are adhered to as closely as possible.

The hearing must be conducted in accordance with the following rules:

a) The hearing must take place at the AQVE offices or via web conference.
b) The hearing is held in camera.
c) The hearing may last up to two hours, with each party having one hour to present its case.
d) Both parties represent themselves. If the Complainant is a company or a group of people, the representative must be duly authorized and must submit a document to that effect at the hearing.
e) The DMD presides over the hearing and manages the time allotted to each party.

f) The members of the DC may ask each party any relevant questions.
g) The Complainant has the privilege of speaking first during the hearing.
h) Each party may question the other to clarify certain points, but it must be remembered that the sole purpose of this hearing is to provide the DC with more information, and no verbal aggression or inappropriate comments will be tolerated.
i) No additional documents may be submitted.
j) The hearing may be recorded.
k) The Disciplinary Committee will not render its decision during the hearing.

9.4. Findings of the Disciplinary Committee

After reviewing the case file and conducting a hearing, if applicable, the Disciplinary Committee may take one of the following actions:

1) dismiss the complaint;

2) if the Defendant is found guilty of violating the *Code of Best Practices*, impose a sanction, which may include one or more of the following:
   a) suspension of the right to use the terms “certified,” “CEA™,” or “CESA™” for a specified period;
   b) revocation of the Defendant’s certification, including all associated rights and obligations; the Defendant must return the original certificate to the DMD upon receipt of the decision;
   c) the obligation to reimburse the AQVE for all costs associated with the review of the complaint in cases of gross misconduct;
   d) publication of the certified professional’s name and the Disciplinary Committee’s findings, including the penalty imposed, in the AQVE newsletter and in any other publication deemed relevant by the Disciplinary Committee;
   e) the requirement that the Defendant undergo examinations, courses, additional training, or supplementary supervision related to their professional competence;
   f) acceptance of the terms of the settlement agreement, if any.

9.5. Approval by the Board of Directors

The written decision, with detailed reasoning, must be submitted to the Board of Directors for approval in time for the first Board meeting following the one hundred and twentieth (120th) business day after the complaint was filed, and then to both parties within ten (10) business days after the Board meeting.

The Disciplinary Committee's decision, once approved by the Board of Directors, becomes enforceable thirty (30) business days after it is transmitted to the parties.

9.6. Change in Membership Status

The secretariat must ensure that any change in a Defendant's status or certification is recorded in the accredited party's file and update the register of accredited parties accordingly.

9.7. Timeline

The following table summarizes the prescribed deadlines for each section of this procedure.

SCHEDULE			
Steps	**Procedure Section**	**Prescribed time limits (business days)**	**Example**
Filing of the complaint	7	--	April 30, 2015
DMD Report to the Defendant	8.2	10	May 14, 2015
Defendant's Response	8.2	20	June 16, 2015
Establishment of the DC	9.1	30	July 23, 2015
Latest date for the hearing	9.3	100 (after filing the complaint)	August 8, 2015
Processing of the complaint	9.3	60	October 15, 2015
Approval by the Board of Directors	9.5	--	October 20, 2015
Submittal to the parties	9.5	10	November 3, 2015

9.8. Complaint Documentation

For each complaint, the DMD must compile a complete file that includes the following:

- the complaint itself;
- supporting documents provided by the Complainant;
- DMD's report to the Defendant;
- Defendant's response;
- findings of the DMD's preliminary investigation and, if applicable, the decisions made by the DMD during the preliminary investigation;
- call for authorized parties to form the DC;

- responses from the interested certified members;
- selection of the DC members;
- draft settlement agreement(s), and the Complainant's comments;
- planning of the DC's tasks;
- reasoned decision to hold a hearing;
- notice of hearing;
- agenda and minutes of the hearing;
- minutes of the DC's deliberations;
- DC's decision;
- Board of Directors meetings minutes with the approval of the DMD and DC decisions.

10. REQUESTS FOR REVIEW AND APPEALS

A Complainant or Defendant who is dissatisfied with the Disciplinary Committee's decision may challenge it:

- by first filing a request for review with the AQVE, and then
- if necessary, by appealing to the SCC.

A request for review is an internal appeal process within AQVE and must be utilized before appealing to the SCC.

10.1. Request for Review

The Complainant or the Defendant has thirty (30) business days to submit a written request for review to the President of the AQVE. Fees associated with this request for review is one hundred fifty dollars ($150).

A request for review fully suspends the Disciplinary Committee's decision.

The request for review may cover all or part of the DC's decision. The complainant or defendant must detail the specific grounds and scope of the request. No oral arguments will be heard and no new evidence may be introduced without approval from the Board of directors.

To handle the review request, the AQVE President forms a three-member Review Committee from the Board of Directors or the CAG, excluding the DMD. The President must ensure selected members have no conflicts of interest (see Appendix A)

This Review Committee has thirty (30) business days to review the request for review. Upon completion of its review, the Review Committee may recommend one of the following actions to the Board of Directors:

a) uphold the DC's decision in its entirety; or
b) reject the DC's findings; or
c) overturn the sanctions imposed by the DC; or
d) conclude that the allegations of ethical misconduct are justified, in whole or in part; or
e) conclude that there is a lack of evidence regarding the alleged misconduct or a portion thereof, but that there is evidence of a less serious offense.

If the Review Committee finds evidence of the alleged misconduct or a less serious offense, it must review the DC's sanctions and recommend that the Board uphold, reduce, amend, or increase them, either separately or combined.

The Complainant, the Defendant, and DC members must be notified of the Board's decision by letter signed by the AQVE Secretary within 20 days. Board of Directors decisions are published in the same manner as DC decisions.

10.2. Request for Appeal to the SCC

A Complainant or Defendant dissatisfied with the outcome of a request for review made in accordance with the provisions of the preceding section may file a complaint with the SCC.

The AQVE Secretary must inform the parties of this option when communicating the outcome of a review.

To file a complaint with the SCC, the person concerned must follow the procedures set out by the SCC on their website: https://scc-ccn.ca/about-us/contact-us/complaints

11. IMPLEMENTATION AND UPDATES

The DMD is responsible for implementing this procedure.

The Chief Executive Officer is responsible for updating it based on the needs expressed by the Board of Directors or the CAG and the results of internal or SCC audits.

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APPENDIX A - GUIDELINES FOR CONFLICTS OF INTEREST

No person acting as a DMD, a member of a DC, or a member of a Review Committee may serve if they are aware of any situation that could render them ineligible due to:

a) prior knowledge of the pending proceeding;
b) their personal acquaintance with the Defendant or the Complainant, which could influence their objectivity or judgment;
c) friendship or family ties with the Defendant or the Complainant;
d) a direct or indirect business association with the Defendant or the Complainant;
e) a direct interest in the resolution of the complaint;
f) his or her participation in or association with a company or affiliate to which the Defendant or Complainant belonged at the time the complaint was filed or during the period covered by the complaint, or which is involved in the transaction giving rise to the complaint;
g) any involvement in the investigation that led to the filing of the complaint, in an ongoing hearing, or in the transaction that gave rise to the complaint;
h) his or her knowledge of any other situation that could raise a reasonable doubt of bias in favor of either party.

In the event that the complaint is filed against an active member of the AQVE Board of Directors, and the DCs decision is subject to a request for review, the Chair of the Board of Directors must select the members of the Review Committee exclusively from among the external members of the CAG.

The following table of amendments has been officially approved.

Identification	Date of Approval	Revision Type	Description
P003 (V0)	August 25, 2026	N/A	New translated version of the procedure