

Publication of the Names of Members Who are Found Guilty of Breaching the *Forester's Act* and/or the ABCFP Bylaws

July 2009

Policy

Background

The council of the Association of BC Forest Professionals (ABCFP) has approved the recommendations of the Discipline and Enforcement Transparency Review Task Force. The Registrar was directed by council to act on and to implement these recommendations. One of the recommendations of the task force was “to develop policy guidance on when to publish names and describe the circumstances involved.”

The ABCFP and the public have an interest in ensuring that the ABCFP discipline process is as transparent as possible. Justice must be done and equally importantly, it must be seen to be done. This can best occur with the publication of the names of ABCFP members who are found guilty of contraventions of the *Foresters Act* and/or the bylaws of the ABCFP. It is important that the public should know who did what and that only in exceptional circumstances where full public disclosure will cause grievous harm to the member or another identifiable individual will names not be published.

Purpose

The purpose of this policy is to provide guidance to the registrar and to the discipline committee on when to publish the names of members who have:

- a) incompetently engaged in the practice of professional forestry;
- b) engaged in conduct unbecoming a member, or;
- c) contravened the *Foresters Act*, or the bylaws or the resolutions of the ABCFP.

Policy

As a general rule, in cases where the ABCFP discipline process finds a member or members guilty of breaching the *Foresters Act* and/or the ABCFP bylaws, the ABCFP will publish the name of the member(s) and a description of the circumstances in the case.

In special situations where the ABCFP determines that the publication of the name(s) may cause grievous harm to the subject member or another individual, the ABCFP may decide not to publish names. Two conditions must exist for the ABCFP to determine that it will not publish names.

These conditions are:

- i. the penalty imposed does not include suspending or rescinding a member's enrolment, and
- ii. publication will cause grievous harm to the subject member or another identifiable individual that outweighs the interest of the public and the association in full publication.

Interpretation of grievous harm includes harm that can only occur in rare and exceptional circumstances, taking it out of the ordinary, or beyond what one would reasonably expect in the circumstances. The focus is on the member's personal circumstances. In order to be grievous, the harm must be exceptional, unusual, onerous, and injurious to a member, and cause a member to experience catastrophic loss both personally and professionally. The harm must involve significantly more than damage to the member's reputation or embarrassment that would normally be expected to flow from being found guilty of professional wrongdoing. One test of this is that the harm to the subject member outweighs the public interest and the ABCFP's interest.

The decision not to publish names will be made by the discipline panel charged with conducting a discipline hearing or accepting a settlement proposal as required by the ABCFP bylaws.



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