

Discipline Case Digest

Case: 2008-01

Subject Member: Registered Professional Forester (name withheld)

Referred to: Complaints Resolution Committee

Date of Decision: August 8, 2008

Allegations:

The dispute involved a public presentation made by a non-member of the ABCFP. The presentation was originally drafted by the subject member and then it was changed prior to being presented, without the consent of the subject member. The complainant alleged that the subject member had a duty under the ABCFP code of ethics to correct potentially misleading statements made as part of the presentation by the non-member. The allegations involved potential breaches of the following sections of the bylaws:

Bylaw 11: Code of Ethics

11.3.6 - To work to extend public knowledge of forestry, and to promote truthful and accurate statements on forestry matters.

11.4.1 - To inspire confidence in the profession by maintaining high standards in conduct and daily work.

11.4.2 - To contribute to the work of forestry societies and educational institutions and to advance scientific and professional knowledge.

11.4.4 - Not to misrepresent facts

11.6.4 - To give credit for professional work to whom the credit is due.

The subject member was of the belief that he was acting appropriately and professionally and was not responsible for potentially erroneous statements made by a third party.

Decision:

Upon reviewing the evidence and the recommendations of the Complaints Resolution Committee (CRC), the registrar declined to issue a citation.

Reasons for Decision:

After reviewing the complaint, the registrar concluded that the complaint did not meet all of the four tests specified in Section 22(6) of the *Foresters Act*. The CRC and registrar concluded that the subject member met the obligations in the code of ethics and that the subject member was not responsible for changes made to his presentation by others without his consent. As a result the subject member cannot be held accountable for these statements which represent the opinion of the organization that presented them.

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The primary reasons for this decision are:

1. The registrar found that the subject member did not put any information into the public domain that was intended to mislead the public. From the review of the evidence it appears that the work the subject member did on the presentation was factual and professional. Changes were made later that the subject member did not endorse. As a result the subject member was deemed to have acted in accordance with bylaws 11.4.1, 11.4.2 or 11.4.4.
2. The registrar did not find evidence to support the allegation that the subject member failed to give credit for professional work to whom the credit is due. He created a factual presentation and there was no evidence that he failed to give credit to other professionals as part of this work. As a result the subject member was deemed to have acted in accordance with bylaw 11.6.4.
3. The registrar did not find sufficient evidence to support the finding that the purported inaccuracies in the presentation were of a nature that the subject member should have made note of them at least initially during the presentation. After the presentation, the third party in question did respond to and correct two of the points made in the presentation. There was information suggesting that the other inaccuracies in question are not necessarily obviously “facts” for which the subject member had the responsibility to correct. The “facts” in question may be open to some debate and are not of a nature to be apparent to a member to the extent required to be addressed under bylaws 11.3.6. As a result, no contravention of bylaw 11.3.6 was found.

It is important for ABCFP members to ensure that they work to extend public knowledge of forestry, and to promote truthful and accurate statements on forestry matters as stated in bylaw 11.3.6. This case raises some important questions about the obligations of our members to respond to inaccuracies during public debates. We will be providing further advice to our members regarding their professional obligations under bylaw 11.3.6.