

# Discipline Case Digest

**Case:** 2008 - 04

**Subject Member:** President of the ABCFP

**Referred to:** Complaints Resolution Committee

**Date of Decision:** October 9, 2008

## Allegations:

The complaint resulted from the response by the president of the ABCFP to a letter to the editor of the Victoria Times Colonist. The letter to the editor was critical of forest management in general and of the ABCFP and professional foresters in particular. The response was strongly worded and said that the original letter was “a fear mongering article with little scientific fact” and it defended the reputation of the ABCFP and professional foresters. The complainant takes issue with the president’s reply and believes that the reply constitutes a breach of the bylaws of the ABCFP.

The complaint alleged that the subject member had contravened the following bylaws:

- 11.2.1 - A member has responsibilities to the public
- 11.2.4 - A member has responsibilities to other members
- 11.3.1 - The responsibility of the member to the public is to advocate and practice good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society.
- 11.3.2 - The responsibility of the member to the public is to uphold professional principles above the demands of employment.
- 11.3.3 - The responsibility of the member to the public is to have regard for existing legislation, regulation, policy and common law; and to seek to balance the health and sustainability of forests, forest lands, forest resources, and forest ecosystems with the needs of those who derive benefits from, rely on, have ownership of, have rights to, and interact with them.
- 11.3.5 - The responsibility of the member to the public is to work to improve practices and policies affecting the stewardship of forest land.
- 11.3.6 - The responsibility of the member to the public is to work to extend public knowledge of forestry, and to promote truthful and accurate statements on forestry matters.
- 11.4.1 - The responsibility of the member to the profession is to inspire confidence in the profession by maintaining high standards in conduct and daily work.
- 11.4.3 - Where a member believes another member may be guilty of infamous or unprofessional conduct, conduct unbecoming a member, negligence, or a breach of the *Foresters Act* or these bylaws:
  - 11.4.3.1 - To raise the matter with that other member, and if the matter is not resolved, to inform council immediately in writing of the particulars;
- 11.4.4 - Not to misrepresent facts

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- 11.5.1 - The responsibility of the member to the client or employer is to act conscientiously and diligently in providing professional services.
- 11.5.3 - The responsibility of the member to the client or employer is to obtain a clear understanding of the client's or employer's objectives.
- 11.6.1 - The responsibility of the member to other members is to abstain from undignified public communication with another member.
- 11.8 - This Code of Ethics does not deny the existence of other important duties which are not specifically included.
- 12.3.1 - Members hold paramount, public interest and professional principles.
- 12.4.1 - Members, in private life, professional practice, or outside professional activities, always conduct themselves honourably and in ways which sustain and enhance their professional integrity and the integrity of the profession as a whole.
- 12.6.1 - Members demonstrate stewardship by balancing present and future values against the capacity of the land to provide for those values.
- 14.1.5.1 - "conduct unbecoming a member" means conduct of a member that: Brings or may bring the association or its members into disrepute;
- 14.1.5.2 - "conduct unbecoming a member" means conduct of a member that: Undermines the scientific methods and principles that are the foundation of the practice of professional forestry; or
- 14.1.5.3 - "conduct unbecoming a member" means conduct of a member that: Undermines the principles of stewardship that are the foundation of the practice of professional forestry;

## Decision:

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

## Reasons for Decision:

The original article was critical of the management of old growth values and endangered species. The evidence presented by the complainant was certainly relevant to making the case that there is scientific evidence in support of the position that there is a decline in old growth values. As well evidence supported the assertion that many members of the public are very concerned about the protection and management of endangered species in the province. However there was consensus at the CRC that there was not sufficient evidence to allow an investigation to proceed. We believe that the case is the result of a difference of opinion with different interpretations of the facts rather than a breach of the bylaws or the Act.

The opinion of the ABCFP may not always reflect the views of the entire membership and members may have a difference of opinion regarding the official response of the ABCFP. These differences of opinion are a healthy part of the work of our profession.

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It is expected that across our diverse membership there will be different points of view and council is charged with taking a reasoned approach towards its advocacy role. As well the ABCFP has a number of venues for members to provide their perspectives and engage in discussion of issues.

The complainant broadened the scope of the complaint to include guidance provided by an employer to their staff but that ABCFP complaints process is bound by the *Foresters Act* and Bylaws. We concentrated our efforts solely on the areas within our mandate. As a result we made an assessment of whether there was a breach of our Act and bylaws and not whether the employer's guidelines were followed.

The complainant submits that the response from the ABCFP does not encourage discussion nor acknowledge that science does exist to support the concerns stated in the original article. The complainant believes that the ABCFP response is inappropriate, undermines the reputation of the ABCFP, and does not set a good example for the membership. The CRC recognized that the ABCFP reply could have been phrased or worded in a more diplomatic way.

Even though a more diplomatic approach could have been taken in this case, the ABCFP spokespersons need to retain the ability to make statements on issues and should not fear applying some strong expression where appropriate. In this case we find that the reply; (1) was not unbecoming of a member; (2) did not misrepresent the facts; (3) did not bring the ABCFP into disrepute; and (4) there was no undignified communications between members.