

Discipline Case Digest

Case: 2008-07

Subject Member: Registered Professional Forester (name withheld)

Referred to: Complaints Resolution Committee

Date of Decision: November 2009

Allegations:

This case resulted from a complaint from an ABCFP member about the conduct of another member. The complainant alleged that inappropriate and racially motivated comments made by the subject member during a field trip where other members and non-members were present. The complainant felt that the comments were undignified, rude, racially motivated and degrading. The complainant felt that the subject member engaged in conduct unbecoming a member and may have contravened the following bylaws:

- 11.6.1 To abstain from undignified public communication with another member.

- 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.

Decision:

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

Reasons for Decision:

1. Did the subject member engage in undignified communication with another member in contravention of bylaw 11.6.1?

The subject member's comments were corollary to a general conversation that including joking remarks at the expense of a local ethnic community. The evidence is that this joke was a singular instance and, although we consider jokes of this nature in poor taste and judgment, we have concluded that the evidence does not provide sufficient grounds for a discipline hearing with respect to the subject member's compliance with bylaw 11.6.1. Moreover, all of the witness statements with respect to the incident, including those of the complainant, lack any direct reference to the ethnicity of the complainant. Some of the complainant's post-event notes provide compelling evidence that he understood and acknowledged that the comment wasn't directed at his ethnicity. For these reasons, the allegation that the subject member's comment was racially degrading or inflammatory and directed at the complainant's ethnic background and, as a result, displayed a lack of respect,

courtesy, honesty and good faith contrary to bylaw 11.6.1 is not sufficiently supported by the evidence.

2. Did the subject member fail to conduct himself honourably and in ways which sustain and enhance his professional integrity and the integrity of the profession as a whole as required by bylaw 12.4.1?

The allegations are that the complainant was subjected to repeated instances of inappropriate conduct. We have concluded that there is not sufficient evidence to substantiate the allegation that these incidents constituted acts of bullying which would amount to conduct unbecoming of a member—namely, a failure of the member to conduct himself with dignity and respectful regard for others. The subject member provided statements describing the anguish that was suffered from the comments of September 24, 2008. We accept that the harm and anguish described is some evidence of a serious, singular example of undignified behaviour or a lack of respectful regard. However, we have also concluded that the subject member would not have expected his comments to have caused the harm and anguish that was described. Therefore, we find insufficient evidence to substantiate the allegation that the September 24, 2008 comment was conduct unbecoming of a member—namely, a failure to conduct himself with dignity, and respectful regard for others.

The ABCFP does not condone the remarks made by the subject member at the expense of a local ethnic community. The case should serve as a caution to all ABCFP members to be very careful about their comments in all situations. We expect our members to conduct themselves honourably at all times, and to refrain from any comments that may be seen as sexually or racially insulting or degrading.