

## GUIDE TO MAKING A COMPLAINT

This guide applies to complaints regarding the unprofessional conduct and unskilled practice of an ASET member (or a former member as long as two years has not elapsed since the person became a former member). If you are concerned that an individual not listed on the member roster is using an ASET designation, please contact the ASET office directly.

This guide provides complainants with information on:

- ASET's role in handling complaints against ASET members
- What you should do before you file a complaint
- What constitutes unprofessional conduct
- Confidentiality
- How to file a complaint with ASET
- How the Investigative Committee evaluates a complaint
- What happens after the Investigative Committee completes their investigation

To verify the current membership status of technicians and technologists using ASET credentials, please check our [Member Roster](#).

Please note the following:

- ASET does not act as the intermediary between a complainant and a respondent.
- The Investigative Committee only examines complaints against regulated members of ASET.
- Individual violations of ASET's Code of Ethics do not necessarily constitute professional misconduct.
- While the ASET Investigative Committee examines complaints against regulated members of ASET regarding unprofessional conduct, unskilled practice, and violations of the Association's Code of Ethics, ASET is not responsible for recovering any costs to the complainant. Therefore, if you are seeking financial remuneration, you are advised to seek your own legal counsel which may be initiated at the same time as proceeding with ASET's internal Investigative Committee.

### What is ASET's role in handling complaints?

As a self-regulating professional association, ASET ensures public safety with a responsibility to guarantee the qualifications of those holding ASET titles and protect against title misuse, and the ability to exercise disciplinary and legal action to ensure competence of ASET members. Although the provincial government remains ultimately responsible for public safety and well-being, it entrusts this responsibility to professional self-regulatory associations such as ASET.

The Investigative Committee shall investigate complaints concerning regulated and professional members of ASET and may make recommendations for action to the Discipline Committee, pursuant to the *Engineering and Geoscience Professions Act (EGPA)*, *Professional Technologists Regulations* and *ASET Regulations*.

It is essential for public safety that ASET investigates complaints, regardless of the potential impact on ASET or the profession as a whole.

### What should you do before filing a complaint?

**1. Determine the nature of your concerns**

Determine who is responsible for your concerns. The ASET member may not be at fault. It may be an issue with another individual that is not in ASET's jurisdiction.

**2. Understand the members' obligations to you**

Complainants who review the members' obligations to them are better able to articulate their complaint. If applicable, we recommend you review the agreement you signed with the member to understand their obligations to you. You may wish to review the [ASET Code of Ethics](#) that ASET members agree to and are bound by.

**3. Attempt to resolve the issue**

Depending on the seriousness of the alleged breach, complainants should attempt to resolve concerns with the member prior to making a complaint. The member may be able to provide an explanation for their actions.

### What is unprofessional conduct?

Section 44(1) of the *EGPA* defines unprofessional conduct and unskilled practice as any conduct that:

- is detrimental to the best interests of the public,
- contravenes the ASET Code of Ethics,
- harms or tends to harm the standing of the professional generally,
- displays a lack of knowledge of or lack of skill or judgement in the practice of the profession, or
- displays a lack of knowledge or skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession,

whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of the profession or unprofessional conduct.

### Confidentiality

ASET cannot guarantee that the information you provide, or the information we obtain from other parties during the course of the investigation, will remain confidential. Members under investigation are provided some or all of the information obtained during investigation. If a complaint is referred to the Discipline Committee, you, as the complainant, are not a party to the proceedings but may be called upon as a witness. Discipline proceedings and exhibits are generally considered public.

Details of any case may be published if the investigated member is found guilty of unprofessional conduct or unskilled practice.



## How to file a complaint:

- To file a complaint, complete and sign the Complaint Form.
- ASET will not accept a copy of a letter addressed to another party as a complaint.
- You must provide a detailed account of the events and support your complaint with as much relevant information as possible, including:
  - Detailed chronological statement of events giving rise to the complaint. It is not sufficient to state your complaint in general terms or based on suspicions.
  - Copy of the applicable documents.
  - Copy of any other relevant information, documents and/or records related to the complaint.
- Send the completed complaint form and copies of related documents via email to:
  - Tracey Taylor, Regulatory Compliance Manager at [traceyt@aset.ab.ca](mailto:traceyt@aset.ab.ca); or by mail to:  
Regulatory Compliance  
1600, 9888 Jasper Avenue NW Edmonton, AB T5J 5C6

## What happens next?

- ASET will email you acknowledging receipt of your complaint.
- A notice of complaint along with the complaint form (including all attachments) will be sent to the member under investigation. The member will have 30 days to respond. Once the member has responded to the complaint, the complaint will be forwarded to the Investigative Committee for review.

## How does the Investigative Committee evaluate your complaint?

Pursuant to section 51(1) of the *EGPA*, the Investigative Committee may terminate an investigation at any time if it is of the opinion that:

- a) the complaint is frivolous or vexatious, or
- b) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct.

Pursuant to section 52(1) of the *EGPA*, if an investigation is not terminated under section 51, the Investigative Committee may:

- a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or
- b) refer the matter to the Discipline Committee for a formal hearing.

- Is the matter in ASET's jurisdiction?
- Is the matter related to the member's conduct or practice?
- Are there adequate particulars in the complaint to understand the issue?
- Does the matter concern an alleged breach of the *EGPA* or ASET Code of Ethics?

- a) Although you may disagree with a member, there may not be a corresponding alleged breach of the ASET Code of Ethics or be considered unprofessional conduct or unskilled practice. Matters that do not concern an alleged breach of the *EGPA* or ASET Code of Ethics may fall under the jurisdiction of another organization or the courts.
- ASET reviews complaints solely on the evidence, without partiality, discrimination, or prejudice.

### What happens after the Investigative Committee completes evaluating your complaint?

ASET will advise you in writing on the Investigative Committee's decision to accept your complaint and conduct an investigation, or to dismiss the complaint.

The Investigative Committee will not accept your complaint and open an investigation if:

- The conduct in question is not a breach of the *EGPA* or the Code of Ethics.
- The complaint is anonymous with no context.
- The complaint is simply a suspicion.
- ASET, another organization, or the parties involved have already dealt with the complaint.

If the Investigative Committee accepts the complaint:

- The Investigative Committee will appoint the Investigative Panel to review and assess the complaint and determine the next steps (i.e., interviews).
- You must agree to cooperate with the Investigative Panel's investigation. Cooperating with an investigation means you agree to answer questions (if required), provide necessary information (if required), and appear as a witness if the matter goes to a hearing.
- During the course of an investigation, the Investigative Panel may investigate matters that are related to the member under investigation which could give rise to a finding of unprofessional conduct.
- Once the Investigative Panel has conducted their investigation, they will present their findings and recommendations to the Investigative Committee for decision (within a reasonable timeframe).

### Admission of unprofessional conduct

At any time after a complaint has been made but before a decision as to whether unprofessional conduct has occurred, an investigated person may submit a written admission of unprofessional conduct.

### Can I appeal the Investigative Committee's decision if my complaint has been terminated?

If the complainant has been notified that the investigation has been terminated you may, by notice in writing to the Registrar within 30 days after receipt of the notice, appeal that decision to the Appeal Board.



## ASET COMPLAINT FORM

This form is to be used to file a complaint regarding the unprofessional conduct and unskilled practice of an ASET member. Please visit the Member Roster on our website to find out if someone is an ASET member, or for more information about ASET's complaint process.

### COMPLAINANT

First Name	Last Name	
Street Address	Apt #	
City	Province	Postal Code
Daytime phone number	Email address	

### MEMBER UNDER INVESTIGATION

First Name	Last Name	
ASET Designation		
Company Name		
Street Address	Apt #	
City	Province	Postal Code
Daytime phone number	Email address	

PRIVACY NOTICE: The information in the Complaint Form is collected pursuant to Section 49 of the *Engineering and Geoscience Professions Act*, RSA 2000, Ch. E-11, and will be used by ASET solely in the administration of the complaints and discipline process described in the Act. The information in this Complaint Form is subject to the confidentiality provisions of the Act, and will not be disclosed or communicated by ASET except as required in connection with ASET's administration of the complaints and discipline process or with the consent of the person to whom the information relates. ASET's activities within the province fall under the jurisdiction of the *Personal Information Protection Act of Alberta (PIPA)*. For more information, see ASET's Privacy Policy at <http://www.aset.ab.ca/Privacy-Policy.aspx>.

## RELATIONSHIP

What is your relationship with the member under investigation?

- Client    Supplier/Subcontractor    Supervisor    Employee    Other \_\_\_\_\_

Does your complaint involve a matter that is currently, or has been, before a Court or Tribunal?

- Yes    No

If yes, which Court or Tribunal:

What is the status?

Have you taken any steps to resolve this complaint, if so, what were they?

## COMPLAINT

What is the nature of your complaint? Choose all that apply:

### *Technical or Competence Related*

- Negligence  
 Failure to apply appropriate code or standard  
 Practicing outside of area of training/competence  
 Failure to safeguard life, health, or property  
 Other

### *Conduct / Behavior Related*

- Harassment  
 Conflict of interest  
 Other



### What happened?

Attach a type-written explanation about your complaint. Explain the facts in chronological order. Start with the date you met the ASET member or other relevant persons until today. All paragraphs should start with a date. If you cannot remember exact dates, please approximate the time period.

### Supporting Evidence

Attach clear copies of all documents in support of this complaint. Retain originals for future reference.

## CONSENT TO COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

The Personal Information Protection Act of Alberta governs ASET's collection, use and disclosure of personal information. In providing the information on this form, I hereby consent to ASET's collection, use and disclosure of my personal information to process my complaint and for regulatory purposes under the *Engineering and Geoscience Professions Act* and in accordance with the *Personal Information Protection Act of Alberta*

## ACKNOWLEDGEMENT

I am filing this complaint for investigation and consideration by the Investigative Committee and not for personal gain or any other purpose.

I understand ASET cannot get financial compensation for me.

I agree to cooperate with ASET in its review and processing of this complaint. I understand I may be interviewed and, if this matter is referred to a hearing, I may need to appear as a witness.

I understand ASET will, when appropriate at its sole discretion, provide information I submit, including this Complaint Form and attachments, to the person(s) against whom I am complaining and any third parties necessary to deal with this complaint.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant

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