

GUIDE TO RECA'S EXPEDITED INVESTIGATION PROCESS FOR INDUSTRY MEMBERS

WHAT IS THE EXPEDITED INVESTIGATION PROCESS? ---

RECA developed this process to deal with possible conduct deserving sanction of a less serious nature.

WHEN IS THE EXPEDITED INVESTIGATION REVIEW PROCESS USED? ---

RECA uses this process when complaint analysis review information indicates::

1. The relevant facts have been obtained.
2. The industry member reacted positively and did not attempt to conceal the misconduct.
3. The nature of the misconduct does not relate to dishonesty, fraud or breach of trust or affect the integrity of the industry.

WHAT ARE MY RIGHTS IN THE EXPEDITED INVESTIGATION PROCESS? ---

Your rights during an expedited investigation are the same as the full investigation process. If your conduct is being reviewed under the expedited investigation process you will:

- Be advised of the nature or scope of the investigation. You will receive an opening letter itemizing relevant facts as understood by the investigator.
- Have an opportunity to respond and provide evidence and information. The information provided may be to support that conduct deserving of sanction has not taken place or to mitigate the sanction.

For a complete explanation of your rights, review RECA's Guide to Investigations for Industry Members at www.reca.ca/complaints_outcomes/investigations/guide_for_industry_members.htm

I BELIEVE THE FACTS OUTLINED IN RECA'S OPENING LETTER ARE ACCURATE. DO I HAVE TO RESPOND TO THE INVESTIGATOR?

No. If you believe the facts are correct you do not need to respond. The executive director will make his decision exclusively on the facts provided to you in the opening letter.

I BELIEVE THE FACTS OUTLINED IN RECA'S OPENING LETTER ARE ACCURATE. WHAT WILL MY SANCTION BE?

As the expedited investigation process is reserved for cases of conduct deserving sanctions of a less serious nature, the outcome is a Letter of Reprimand or an Administrative Penalty.

I BELIEVE THE FACTS OUTLINED IN RECA'S OPENING LETTER ARE ACCURATE, BUT THERE ARE MITIGATING FACTORS THAT SHOULD BE CONSIDERED. WHAT DO I DO?

Respond in writing before the due date outlined in the opening letter. Be sure to identify the mitigating factors for consideration and provide supporting evidence for those factors.

I DO NOT BELIEVE THE FACTS OUTLINED IN THE OPENING LETTER ARE ACCURATE. WHAT SHOULD I DO?

Respond in writing before the due date outlined in the opening letter. Be sure to include all relevant documentation or information, including names and contact information of witnesses.

I CANNOT MEET THE RESPONSE DUE DATE. CAN I GET AN EXTENSION?

If you cannot meet the deadline outlined in the opening investigation letter, please contact the investigator assigned to the case and ask for an extension.

CAN MY LAWYER RESPOND ON MY BEHALF?

Industry members have the right to legal counsel throughout the investigation process.

Your lawyer may assist you in organizing and preparing your response. However, the facts of the statement must come from you and be signed by you.

Your lawyer can provide a submission on your behalf if the information provided is an argument about why the facts do not support conduct deserving of sanction, or suggest there are mitigating factors to be considered when deciding on a sanction.

IF THE EXECUTIVE DIRECTOR ISSUES A LETTER OF REPRIMAND CAN I APPEAL THE EXECUTIVE DIRECTOR'S DECISION?

Yes. You can appeal the executive director's decision by providing notice in writing within 30 days.

QUESTIONS?

If you have any further questions related to the expedited investigation process, please contact the assigned investigator. Their name and contact information are included in the opening letter.