

Process to Reassess Permit Holders' Ability

The Archaeology Branch may have grounds to suspect that an existing Permit Holder is not demonstrating an ability to conduct work under *Heritage Conservation Act* permits. The demonstrated ability for conducting such work arises by comparison to various standards documents published on, or linked through, the Archaeology Branch website, as well as the contents of the permit applications under which work is conducted, review comments arising prior to permit issuance, review comments regarding earlier work conducted under permits, results of field audits, credible information that comes to the Branch from third parties and other similar sources.

Where the Branch has reasonable grounds for doubt concerning the demonstrated ability to conduct permitted work, then the Branch may engage the Permit Holder in the following process:

1. Branch internal review of past permitted work and associated files.
Outcomes:
 - (a) Reasonable grounds for concern cannot be documented, no further action; Permit Holder may not be advised of this review.
 - (b) Proceed to one of the next steps depending on severity of findings.
 - (c) Gather more information, prior to decision of 1(a) or 1(b). More data might be acquired through in-field inspections, review of field notes or related documentation, review of facilities and/or review of other matters relating to the terms and conditions of permit(s).
2. Advise the Permit Holder of the outcome of the review and require that they attend a meeting with Branch staff in which the Permit Holder may address the review, Branch concerns are summarised, and expectations explored and articulated, along with reasonable timelines in which they can be addressed.
3. Branch will provide a letter of any expectations arising from steps 1 and 2 above. The Branch will include a reasonable deadline for addressing the expectation(s).
4. During or after the time period provided in Step 3 the Branch may conduct in-field inspections or review any other matters related to the terms and conditions of permit, including, but not necessarily limited to, field documentation, analysis documentation, collections, repository submissions, and facilities.
5. Once the deadline has passed the Branch will review performance and provide feedback to the Permit Holder. This review could lead to the following outcomes, presented in writing:
 - (a) No further action necessary at this time,
 - (b) Imposition of a probationary period for holding permits that may include measures to allow the Branch to monitor performance prior to returning to full permit holding status. Such measures may include, but not necessarily be limited to, a requirement for inspections of work conducted and constraints on:
 - the number of permits held at one time,
 - the amount of work carried out under any one permit,
 - length of reporting deadlines for interim and final reports,
 - (c) Extend deadline to address expectations,
 - (d) New letter of expectations,
 - (e) Proceed to Step 6.
6. The Branch may find that the Permit Holder no longer has the demonstrated ability to hold permits. Depending on the findings, the Branch may also determine that the Permit Holder has not demonstrated an ability to be a Field Director. Such findings will be provided to the person in writing with an opportunity to respond within 60 days.

- (a) These findings may limit the person's ability to hold a permit and/or act as a Field Director for all types of permitted work, in all culture areas of the province, or a subset of types of work or culture areas.
- (b) Such limits may be final, or alternatively, the person will be provided with a letter explaining what they must do in order to be reconsidered as a Permit Holder, or to act as a Field Director. Such an explanation may include a minimum timeline before the Branch will consider reviewing any further applications to hold permits or act as Field Director.

The process described above may be truncated or otherwise modified in some circumstances, including proceeding directly to Step 6 from Step 1. Such circumstances may include, but are not necessarily limited to, the following examples:

- If the Minister cancels a permit as per the *Heritage Conservation Act* (s.12.6.b).
- If a Permit Holder is subject to an injunction, order or conviction under s.34 or s.36 of the *Act*.
- Dishonesty, plagiarism or fabrication of results may trigger this review process, and if egregious and proven the Branch may bypass some of the above process.

This process is independent of that which applies when a Permit Holder has overdue permit obligations, a circumstance that can also result in a Permit Holder losing the ability to hold permits.