



**IN THE MATTER OF THE PRELIMINARY REVIEW COMMITTEE AND
IN THE MATTER OF THE INVESTIGATION PURSUANT TO SECTION 35 OF
THE BYLAWS OF THE ASSOCIATION OF CANADIAN MOUNTAIN GUIDES
(ACMG)**

INTO THE CONDUCT OF Merrie-Beth Board

ON THE COMPLAINT OF Michelle Kloet

PROPOSED REMEDY

Subject: ACMG Preliminary Review Committee's (PRC) Proposed Remedy for
Complaint CR1901a

The PRC would like to acknowledge the heart-felt sorrow felt by many people as a result of the tragic incident that is the basis of this Complaint. The PRC sends its condolences to the family, friends and all affected.

On or about June 1, 2019, a formal Complaint was received by the ACMG and on June 19, 2019 a Supplemental Complaint was received from the same complainant. The Complaint was brought against an ACMG Mountain Guide. The PRC has determined that the Complaint was within the jurisdiction of the PRC to consider. Accordingly, an 'Invitation to Respond' was sent to the ACMG member named in the Complaint.

The PRC carefully reviewed all of the material relevant to the Complaint provided by the ACMG member and the complainant. This material included numerous letters and documents from various sources including Alpine Solutions (accident report), ACMG guides, two guests from the climbing group, members of the Parks Canada Visitors Safety team, and the Director of Operations from Yamnuska Mountain Adventure. The PRC conducted a phone interview with the Technical Director of the ACMG.

The PRC is satisfied that it has a very clear understanding of what happened on the day in question. No substantial facts are in dispute. The PRC wishes to stress that it has not determined whether a breach of the Code of Conduct occurred. That is not the PRC's role or mandate. The PRC reviewed in detail all the evidence put forward in this Complaint as well as the response to the Complaint, and was satisfied that the totality of the evidence provided by the parties was sufficient and suitable to permit the PRC to fairly address the conduct of the ACMG member who was the subject of the Complaint. The PRC came to the conclusion that a Proposed Remedy was fully appropriate in this case.



The PRC recognizes that for any given situation in complex mountain environments various decisions or options are available. In order to promote a thorough consideration of such options and to continue to advance the use of standardized processes when appropriate, the following Proposed Remedies are submitted:

1. *When guiding in avalanche terrain, the Guide will provide training to each client or participant in ‘companion rescue’ or, in lieu, will require confirmation that each client or participant has received similar ‘companion rescue’ training within the past month.*

The PRC acknowledges that the evidence revealed that transceivers, probes and shovels were carried by everyone in the party and were checked before entering avalanche terrain, fully consistent with best practices. The PRC recognizes that carrying avalanche transceivers is a relatively new technique, and carrying a probe and shovel is even newer, in the ice climbing setting. **The PRC feels that ‘companion rescue’ training when in or under avalanche terrain is a sensible and reasonable practice and should be adopted in an ice climbing setting, as it is in other sectors.** In the mechanized ski guiding sector some operations are doing ‘companion rescue’ training everyday with their guests. Many, if not all, require that this training be repeated by frequently returning guests and staff at a minimum of once a month.

2. *The Guide will adopt the process of a formal written Guides Meeting Agenda that will help further evaluate the combined effects of hazard, weather, terrain and goals. This document should include a method of considering terrain choices for the day and a prompt to trigger confirmation that the day’s plan has considered ‘Low hazard, High consequence’ scenarios. This formal guides meeting agenda shall be filled out each day prior and post activity. Copies of these agendas should be available upon request for review by the Technical Director of the ACMG for a period of one year.*

The PRC believes that a written formatted agenda contributes to a thorough analysis of hazard, weather, terrain and goals. It provides an organized way for all guides to have a voice. This concept is a recognized piece of the guide(s) evaluation process in other sectors of guiding. The Guide can, if needed, contact the Technical Director of the ACMG for agenda templates that already exist.

The PRC acknowledges that the evidence revealed the guides met prior to the day’s activities and discussed hazard, weather, terrain and goals and continued to evaluate and re-evaluate conditions throughout the day, fully consistent with best practices. Evidence also showed that the public hazard forecast for that day was Moderate, Low, Low (as stated in the Parks Canada Avalanche Bulletin



guidelines for ‘Moderate’, natural avalanches are “unlikely”) and that numerous other sources were used to gather information prior and on the day in question.

3. *The Guide will adopt a technique/strategy to secure their avalanche safety equipment when in avalanche terrain in situations when the likelihood of loss of all shovels and probes of the party at once is possible.*

We believe the Guide was professional with regard to the rescue and triage efforts and followed best practices. **The PRC also notes that there is no certainty that additional available probes and shovels would have affected the outcome of this tragic accident.**

In order to conclude this matter, the ACMG member (an ACMG Mountain Guide) can accept the Proposed Remedy, incorporating all 3 components. If the entire Proposed Remedy is not accepted by the ACMG member, the ACMG will constitute a Conduct Review Committee to manage a Conduct Review Hearing to evaluate whether the ACMG member breached the ACMG Code of Conduct. The ACMG member has two weeks from date of this document to confirm their decision regarding the Proposed Remedy with the PRC.



WHEREAS THE ACMG PRELIMINARY REVIEW COMMITTEE HAS REQUESTED THIS PROPOSED REMEDY;

AND WHEREAS THE UNDERSIGNED ACMG MEMBER AGREES WITH THE PROPOSED REMEDY AND UNDERTAKES TO BE BOUND BY IT.

APPROVED AND CONSENTED TO:

Name of ACMG Member complained of
Committee

Chair, Preliminary Review

Date

Date

WITNESS TO SIGNATURE:

(Witness signature)

(Name of witness)

(Address)