

BRITISH COLUMBIA INSTITUTE OF AGROLOGISTS

BYLAWS Adopted May 12, 2004 Amended June 4, 2010

Section	Subsection	Bylaws
		<p>Definitions</p> <p>1 In these bylaws:</p> <p>"complainant" means a person who files a complaint in writing against a member;</p> <p>"practice audit" includes an assessment of members' professional practices based on a routine and/or random selection from membership, and may include their professional development hours, participation as institute members, and a review of their competence in their declared fields of expertise in agrology.</p> <p>"president elect" means the person elected by the institute who will become the president in the year following their election;</p> <p>Membership</p> <p>2 A person is a member in good standing of the institute upon registration in one of the categories of membership.</p> <p>Categories of membership</p> <p>3 The institute has the following categories of membership:</p> <ul style="list-style-type: none">(a) agrologists(b) articling agrologists(c) student members(d) retired agrologists(e) non-practicing agrologists(f) honorary agrologists <p>Registration as a member</p> <p>4 The Registrar shall register as a member, an applicant:</p> <ul style="list-style-type: none">(a) who has submitted a completed application for registration;(b) who has paid all fees for registration or reinstatement and any outstanding fees, penalties, assessments and levies owing to the institute;(c) who has delivered to the registrar a copy of the code of ethics endorsed by the applicant; and(d) whose application for registration or reinstatement as an agrologist, articling agrologist, student member, retired agrologist or non-practicing agrologist has been approved by the credentials committee. <p>5 The registrar shall register as a member a person who has been designated by council as an honorary agrologist.</p> <p>Fees</p> <p>6 Members shall be required to pay admission, annual and reinstatement fees as set out in Schedule A of these bylaws.</p>

Section**Subsection****Bylaws****Payment of fees**

- 7 If a member fails to pay the annual membership fee prior to February 15 of the year in which it is due, a late fee as set out in Schedule A of these bylaws will be added to the annual membership fee.
- 8 The registrar shall remove a member from the register if the member fails to pay the annual membership fee plus the late fee prior to April 1 of the year in which the annual membership fee is due.
- 9 An applicant for reinstatement who has been removed from the register for non-payment of fees shall, as a condition of reinstatement, pay the fees for the year in which the applicant failed to pay fees and any late fee, and the fees for the year for which the applicant seeks reinstatement, plus a reinstatement fee as set out in Schedule A.
- 10 A member who has been removed from the register for non-payment of fees, and who has not applied for reinstatement within five years of removal shall not be eligible for reinstatement as described under section 9, and must submit a new application for registration.

Requirements for registration as an agrologist

- 11 The requirements for registration or reinstatement as an agrologist shall be:
- (a) successful completion of the institute's articling agrologist program, or evidence of designation as an agrologist in good standing from another provincial institute that regulates agrology; and
 - (b) satisfactory evidence of good character consistent with the responsibilities of a member and the standards of practice and conduct expected of a member.

Requirements for registration as an articling agrologist

- 12 The requirements for registration or reinstatement as an articling agrologist shall be a four year bachelors degree from an accredited educational institution, approved by the credentials committee, that includes:
- (a) successful completion of 15 courses in natural sciences and/or agricultural and resource economics that relate directly to agrology as defined in the *Agrologist Act*; and
 - (b) successful completion of 11 courses at the 300 or 400 level, of which eight must be in natural sciences and/or agricultural and resource economics that relate directly to agrology as defined in the *Agrologist Act*.

Requirements for registration as a student member

- 13 The requirements for registration as a student member shall be registration in agriculture, natural science or agricultural and resource economics or directly related environmental programs at an accredited post secondary educational institution in British Columbia.

Requirements for registration as a retired agrologist

- 14 The requirements for registration as a retired agrologist shall be:
- (a) satisfactory evidence of designation as a registered agrologist in good standing with the institute prior to the date of the application; and
 - (b) completion of a declaration, in a form directed by the registrar, that the applicant is no longer practicing agrology.

Requirements for registration as a non-practicing agrologist

- 15 The requirements for registration as a non-practicing agrologist shall be:

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- (a) satisfactory evidence of designation as a registered agrologist or articling agrologist in good standing with the institute prior to the date of the application; and
- (b) completion of a declaration, in a form directed by the registrar, that the applicant wishes to go on leave (including but not limited to parental leave, educational leave or medical leave) for a period of up to three (3) years and will not use the designation as an agrologist or articling agrologist while on leave.

Registration as an honorary agrologist

- 16 Council may award honorary registration, for life or such shorter time as council may determine, to any person who has made a substantial contribution to the profession of agrology.

Registration as an agrologist or articling agrologist

- 17 The credentials committee must grant an application for registration, including reinstatement of registration, of a person as a member of the institute who meets the requirements for registration.
- 18 Despite section 17, the credentials committee may refuse to grant registration, may grant registration subject to conditions or limitations to which the member consents in writing, or order an admissions hearing by a panel.
- 19 Within 30 days of receiving a decision of the credentials committee, an applicant for registration or reinstatement may apply in writing to the council for a review on the record.

Rights and obligations of members

- 20 Members in good standing, with the exception of student members, non-practicing and honorary agrologists, shall be eligible to vote and to hold office in the institute.
- 21 Agrologists have full rights and privileges as members of the institute, including the use of a seal and the title "Professional Agrologist" and the designation "P.Ag.", "P.Ag.", or "PAg" and must report professional development hours annually.
- 22 Articling agrologists have full rights and privileges as members of the institute without the use of a seal but may use the title "Articling Agrologist" and the designation "A.Ag.", "A.Ag.", or "AAg" and must attend professional development activities during their articling term and report professional development hours annually.
- 23 Student members have the right to receive information circulated to the membership from the institute and to attend institute events but do not have the use of a seal or any title or designation.
- 24 Retired agrologists have the right to receive information circulated to the membership from the institute and to attend institute events and may use the title "Professional Agrologist (Retired)" and the designation "P.Ag. (Ret)", "P.Ag (Ret)", or "PAg (Ret)" but cannot practice agrology.
- 25 Non-practicing agrologists have the right to receive information circulated to the membership from the institute and to attend institute events but cannot practice agrology or use the title "Professional Agrologist" or the designation "P.Ag.", "P.Ag.", or "PAg" and must report professional development hours annually.
- 26 Honorary agrologists have the right to receive information circulated to the membership from the institute and to attend institute events and to use the title "Honorary Agrologist" and the designation P.Ag (Hon) but cannot practice agrology.
- 27 In addition to the requirements of the Act and bylaws, agrologists and articling agrologists shall be subject to the continuing professional development guidelines and policies.

Certificate of Registration

- 28 The registrar shall issue to each agrologist an annual certificate of registration following receipt of:

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- (a) payment of the annual fee and any outstanding fees, penalties, assessments and levies owing to the institute;
- (b) a statement, in a form directed by the registrar, of the agrologist's declared area(s) of professional practice of agrology; and
- (c) a declaration of the agrologist's professional development activities for the previous year.

Seal

- 29 An agrologist shall be entitled to obtain a seal in a form authorized by the institute and to affix the seal to any document signed by the agrologist in his or her professional capacity.
- 30 A seal in a form authorized by the institute is and remains the property of the institute even if the seal was not obtained or paid for by the institute.

Certificates of Enrollment

- 31 The registrar shall issue to each articling agrologist an annual certificate of enrollment, following receipt of:
- (a) payment of the annual fee and any outstanding fees, penalties, assessments and levies owing to the institute;
 - (b) a statement, in a form directed by the registrar, of the articling agrologist's declared area(s) of professional practice of agrology; and
 - (c) a declaration of the articling agrologist's professional development activities for the previous year.
- 32 The registrar shall issue to each student member, retired agrologist, or non-practicing agrologist, an annual certificate of enrollment with the institute following receipt of:
- (a) payment of the annual fee and any outstanding fees, penalties, assessments and levies owing to the institute; and
 - (b) for non-practicing agrologists, a declaration of the non-practicing agrologist's professional development activities for the previous year.

Resignation and Reinstatement

- 33 To resign in good standing from membership in the institute, a member must deliver a resignation in writing to the registrar.
- 34 A member who has resigned in good standing may make an application for reinstatement within five years of the resignation date, upon payment of the pro rated fees for the year in which the applicant seeks reinstatement, without requirement for payment of a reinstatement fee. If reinstatement is requested within the fourth or fifth year following resignation, evidence of professional development during that term satisfactory to the registrar must also be provided.
- 35 A member who has resigned in good standing who has not applied for reinstatement within five years of the resignation date will not be eligible for reinstatement under section 34, and must submit a new application for registration.

Certificates and seals on ceasing to be a member

- 36 All certificates issued by the registrar and seals authorized by the institute must be returned to the institute at the direction of the registrar.

Institute meetings

- 37 Institute meetings shall include:
- (a) the annual general meeting, which shall be held no later than July 31 in each calendar year;

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- (b) a general meeting called by the council of its own motion; and
- (c) a special general meeting under s. 11(4) of the *Agrologists Act*.

Notices of institute meetings

- 38 Institute meetings shall be held on the date and at the time and place designated by council.
- 39 The registrar shall, at least 30 days but not more than 60 days before the date set for an institute meeting, give written notice of the institute meeting stating the date, place and time of the institute meeting.
- 40 Notice of an institute meeting shall be deemed valid if:
- (a) mailed by regular mail to each member at the member's last known address recorded in the institute's files; or
 - (b) for those members who have provided the institute with an electronic mail address, transmitted by electronic mail to each member at the member's last known electronic mail address recorded in the institute's files.
- 41 If a quorum is present at an institute meeting, notice shall be deemed valid even if a member or members did not receive notice mailed by regular mail or transmitted by electronic mail.

Conduct of institute meetings

- 42 A quorum for an institute meeting shall be met if 5% of the membership, as of February 15 past, is in attendance at the meeting.
- 43 A member must be present in person to be included in the quorum at an institute meeting.
- 44 The president shall chair all institute meetings, with the following exceptions:
- (a) if the president is absent, or is unable or unwilling to chair an institute meeting, the president-elect shall chair the institute meeting.
 - (b) if the president-elect is absent, unable or unwilling to chair an institute meeting, the past president shall chair the institute meeting.
- 45 If the president, the president-elect or the past president are absent or are unable or unwilling to chair an institute meeting, the members present may choose a suitable person to chair the institute meeting.
- 46 The chair of an institute meeting must ensure the minutes of the institute meeting are recorded.
- 47 Institute meetings shall be conducted according to Robert's Rules of Order, unless otherwise specified within these bylaws.
- 48 The business conducted at all institute meetings shall commence with a call to order, a confirmation of the number of members present, and a confirmation of the presence of a quorum.
- 49 The business conducted at the annual general meeting shall include:
- (a) adoption of minutes of the previous annual general meeting;
 - (b) adoption of the audited annual financial statements;
 - (c) determination of annual membership fees;
 - (d) appointment of auditors;
 - (e) receipt of council election results; and
 - (f) any other business specified in the notice of the annual general meeting.

Voting at institute meetings

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- 50 A member must be present in person to vote at an institute meeting.
- 51 If notice of a resolution was included in the written notice of the institute meeting, the majority required for approval of the resolution, and any amendments to it, shall be one half of the number of votes cast plus at least one additional vote.
- 52 If a resolution was not included in the written notice of the institute meeting, the majority required for approval of the resolution, and any amendments to it, shall be two-thirds of the number of votes cast.
- 53 Subject to s. 12 of the *Agrologists Act*, council may implement any resolution approved at an institute meeting.
- 54 Council will report annually at the annual general meeting on the status of resolutions approved at the previous general meeting.

Balloting by members

- 55 Council shall hold a ballot of the membership for:
- (a) election of the president-elect;
 - (b) a referendum under s. 12 (2) of the *Agrologists Act*;
 - (c) a referendum under s. 13 (3) of the *Agrologists Act*; and
 - (d) such other matters as council shall decide.
- 56 The registrar or such other person as council appoints shall act as returning officer for balloting.
- 57 The returning officer shall establish the voters list which shall include the names of all voting members of the institute as of a date designated by council which date shall be no more than 30 days before the deemed mailing date for all ballots.
- 58 Ballots shall be in such form as the returning officer determines, and shall be sent by regular mail or electronic mail to each member's last known address recorded in the institute's files.
- 59 Ballots shall be mailed or transmitted by electronic mail on the same day, which day shall be the deemed mailing date for all ballots.
- 60 Subject to direction of council, the returning officer shall designate a date and time by which returned ballots must be in the hands of the returning officer to be counted, with the designated date to be not less than 30 days from the deemed mailing date for all ballots.
- 61 The returning officer shall ensure that :
- (a) only the ballots of members on the voters list are counted;
 - (b) only ballots received prior to the designated date and time for receipt of ballots are counted;
 - (c) ballots are counted and are tabulated accurately;
 - (d) ballots are counted in the presence of the returning officer, or such other persons as the returning officer may require to assist with counting, and of such scrutineers as the returning officer determines will generate confidence in the integrity of the balloting; and
 - (e) the integrity and secrecy of the ballot process is maintained.
- 62 When the result of a ballot is known, the returning officer shall inform council which shall notify the members of the results as soon as reasonably possible and not later than 30 days following the ballot.
- 63 A ballot on a resolution shall be held when requested by 50% of the members present.

Election of council and meetings of council

- 64 The council shall consist of:

- (a) the president;
- (b) the president-elect;
- (c) the immediate past president;
- (d) up to three councillors appointed under s. 8(2) or (3) of the *Agrologists Act*; and
- (e) one councillor from each branch.

Election of president-elect

65 The president-elect shall be elected as follows:

- (a) prior to December 31 of the year preceding the year in which the term of office of the president-elect will commence, a member nominating a candidate for the position of president-elect must deliver to the registrar a nomination in writing which includes the following:
 - (i) the signature of the candidate indicating consent to the nomination;
 - (ii) the signatures of five members on the voting list of the institute indicating support for the nomination;
 - (iii) a brief biography of the candidate; and
 - (iv) a brief statement of reasons why the candidate seeks the office of president-elect.
- (b) if the registrar receives only one valid nomination, the registrar shall report to the council that no ballot is required, and council shall declare the candidate elected by acclamation.
- (c) if the registrar receives more than one valid nomination, the registrar shall report to the council that a ballot is required and council shall appoint a returning officer who will carry out the balloting in accordance with this bylaw.

Election of councillors by branches

66 Councillors from branches shall be elected as follows:

- (a) for terms of office commencing in even years, one councillor shall be elected by each of the Fraser Valley, Victoria and the Islands, Peace River and Vancouver branches;
- (b) for terms of office commencing in odd years, one councillor shall be elected by each of the Okanagan, Kamloops, Kootenay Boundary, and Cariboo Central Interior branches;
- (c) for all terms, elections shall be held no earlier than October 1 of the year prior to the year in which the term of office is to commence and no later than one week prior to the institute's annual general meeting of the year in which the term of office is to commence;

67 Each branch shall determine election procedures which ensure that:

- (a) all members of the institute who are members of the branch have adequate notice that an election is required;
- (b) all members of the institute who are members of the branch have adequate opportunity to nominate candidates and to be nominated;
- (c) all members of the institute who are members of the branch have adequate notice of the method of balloting, of the date and time by which ballots must be received and the place where ballots must be received;
- (d) only the ballots of members of the branch are counted;
- (e) a branch returning officer is appointed by the branch executive; and
- (f) the branch returning officer shall have the same powers and responsibilities within the branch as the returning officer for the institute.

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- 68 When the result of a ballot is known, the president of the branch shall inform council which shall notify the members of the institute of the results of the ballot within 30 days of notification.
- 69 A member may file a written dispute with council with respect to a branch election process. Council may determine that no action should be taken or take or direct such steps as it considers necessary to resolve the dispute.

Terms in office

- 70 The president-elect shall serve for three years, beginning at the close of the annual general meeting in the year of his or her election and ending at the close of the third annual general meeting after his or her year of election, as follows:
- (a) year one, as president-elect;
 - (b) year two, as president;
 - (c) year three, as immediate past president.
- 71 Councillors appointed under s. 8(2) or (3) of the *Agrologists Act* shall serve for terms of office as specified by the minister.
- 72 Councillors elected by branches shall serve a two-year term as follows:
- (a) the first year, beginning at the close of the annual general meeting in the year in which the councillor is to commence his or her term and ending at the close of the annual meeting in the subsequent year;
 - (b) the second year from the close of the annual general meeting in that subsequent year until the close of the annual general meeting in the second subsequent year.

Vacancies

- 73 If a vacancy occurs in the office of president, the president-elect becomes the president for the unexpired term of the vacancy. If the president-elect is unable or unwilling to fill the vacancy or if the office of president-elect is vacant, council shall fill the office temporarily by a majority vote of council and then call for a ballot of all members to select a president.
- 74 If a president-elect fills a vacancy in the office of president, the president-elect shall continue to serve as president for the term for which that president-elect was elected by the members.
- 75 If a vacancy occurs in the office of president-elect, council shall fill the vacancy of president-elect by a majority vote of council and then call for a ballot of all members to select a president-elect.
- 76 If a vacancy occurs in the office of a councillor elected by a branch, the branch president shall fill the vacancy by election or by appointment.

Term limits

- 77 A member who has at any time been elected as president-elect and who has served as president may be eligible to be a candidate for election as president-elect in the year following the conclusion of their term as past president. In addition the following will apply:
- (a) a member who has been elected as president-elect and who has previously served as president may be appointed by council or elected to fill a vacancy as president;
 - (b) a member who has been elected as president-elect and who has previously served as president may be appointed by council or elected to fill a vacancy as president-elect; and
 - (c) a member who has previously served as president-elect or president may be a candidate for election as a councillor elected by a branch.
- 78 Councillors may serve a maximum of three consecutive two-year terms.
- 79 After serving the maximum terms as a councillor elected by any branch, a member may not be a candidate for election as a councillor from any branch for a period of at least two years.

Resignation from office

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80 To resign from office, councillors, other than councillors appointed under s. 8(2) or (3) of the *Agrologists Act*, shall deliver a resignation in writing to the president or registrar.

Removal from office

81 Councillors, other than councillors appointed under to s. 8(2) or (3) of the *Agrologists Act*, may be removed from office by resolutions at two successive meetings of council, providing the resolutions are each approved by a majority of two-thirds of the members present at the time each vote is taken.

82 A councillor who is elected by a branch may be removed from office by resolutions at two successive meetings of members of the branch, providing the resolutions are each approved by a majority of two-thirds of the members present at the time each vote is taken.

Meetings of council

83 The rules governing meetings of council are as follows:

- (a) council shall meet on dates and at times and places set by the president;
- (b) council shall meet four times per year unless otherwise determined by the president;
- (c) a quorum for meetings of council shall be five councillors;
- (d) notice of a meeting of council shall be delivered to councillors not less than 14 days before the date of the meeting;
- (e) if the president designates a meeting of council as an emergency meeting, notice of that emergency meeting shall be sufficient if delivered to councillors not less than 3 days before the date of the meeting;
- (f) notice of a meeting of council may be waived by a majority vote of council;
- (g) upon the request in writing of a majority of councillors, the president shall set a date, time and place for a meeting of council which date shall be no later than 21 days after receipt of the request in writing;
- (h) councillors may participate in meetings of council by electronic means; and
- (i) all questions at meetings of council shall be decided by majority vote of councillors participating in the meeting.

84 If three-quarters of the councillors agree in writing to make a decision without holding a meeting, and if one-half of the councillors plus at least one additional councillor, vote in favour of a resolution, the result shall be recorded and the resolution shall have full force without a meeting of council.

Duties of officers

President

85 The president shall preside at institute meetings, council meetings, and executive committee meetings and shall, after consultation with the relevant committee chair, appoint members of committees as required.

President-elect

86 The president-elect shall assume the duties of president in the president's absence or at the request of the president, and

- (a) shall be a member of the executive committee, and
- (b) shall assume additional duties at the request of the president and council.

Immediate past president

87 The immediate past president shall be a member of the executive committee and shall assume duties at the request of the president and council.

Treasurer

- 88 The treasurer, who shall be elected by majority vote from among the councillors, will:
- (a) serve as treasurer for so long as council shall determine;
 - (b) be a member of the executive committee;
 - (c) carry out all functions normally associated with being treasurer; and
 - (d) cease to be treasurer upon ceasing to be a counsellor.

Executive director

- 89 The executive director shall be appointed by council on such terms as council shall decide and shall perform such duties as council may direct.

Registrar

- 90 The registrar shall be appointed by council on such terms as council shall decide and shall perform such duties as council may direct.

Committees**Executive committee**

- 91 The executive committee shall consist of the president, president-elect, immediate past-president, and treasurer as voting members and the executive director as a non-voting member.

Standing committees

- 92 The institute shall have the following standing committees:
- (a) the communications committee which is responsible for increasing the visibility of the institute and promoting the practice of agrology with potential members;
 - (b) the conduct and discipline committee which is responsible for taking appropriate action in response to complaints in accordance with the *Agrologists Act*;
 - (c) the credentials committee which is responsible for ensuring that new members admitted to the institute meet the qualification requirements and for overseeing the articling agrologist program;
 - (d) the discipline hearing committee which is responsible for conducting discipline hearings following the issuance of a citation;
 - (e) the governance committee which is responsible for overseeing elections to council and the operation of the governance model adopted by council; and
 - (f) the professional practice committee which is responsible for developing professional guidelines and policies, including annual reporting protocols, developing peer review and practice audit procedures, fostering continuing education and professional development, development standards of competence and expertise for specialized areas of practice and updating the institute's code of practice and standards of professional conduct as necessary.

Additional committees

- 93 Council may establish and appoint members to additional standing committees and set terms of reference for such additional standing committees.
- 94 Council may establish and appoint members to special committees, task forces or other working groups and set terms of reference for such committees, task forces or working groups.

Branches

- 95 The institute has the following branches:

- (a) Cariboo Central Interior;
- (b) Fraser Valley;
- (c) Kamloops;
- (d) Kootenay Boundary;
- (e) Okanagan;
- (f) Peace River;
- (g) Vancouver; and
- (h) Victoria and the Islands

Branch bylaws

96 Each branch shall develop bylaws or branch operating procedures which shall take effect upon ratification by the branch which are consistent with the *Agrologists Act* and these bylaws.

Branch membership and operations

- 97 The registrar shall assign members of the institute to an appropriate branch, or as a member-at-large.
- 98 Each branch shall have an executive committee consisting of a president, the councillor, and at least one other branch member elected by the members of the branch.
- 99 Members of each branch shall elect a councillor as required by section 64(e).

100 The fiscal year for all branches shall be January 1 to December 31.

101 All funds and all other assets administered by the branch shall remain the property of the institute and shall be subject to directions from council.

Financial management of institute

Fiscal year for institute

102 The fiscal year of the institute shall be January 1 to December 31.

Financial management

103 The council shall:

- (a) cause accounts to be kept of sums received and expended by the institute and of the assets and liabilities of the institute;
- (b) cause an operating statement and a balance sheet to be prepared and audited annually by accountants appointed by the members at the annual general meeting;
- (c) cause the operating statement and the balance sheet as audited to be presented to the members at the annual general meeting;
- (d) provide a proposal to the annual general meeting regarding the annual membership fees for the subsequent fiscal year;
- (e) provide notices of annual membership fees before January 1 of each year and prompt reminders thereafter;
- (f) determine fees for registration and reinstatement of agrologists, articling agrologists, retired agrologists, non-practicing agrologists and student members;
- (g) determine other fees, penalties, assessments and levies as council may consider appropriate; and
- (h) determine the portion of annual membership fees which council provides to branches.

104 Councillors and other officers who incur travelling and other expenses in carrying out their duties

on behalf of the institute may receive travel and other expenses as set out in Schedule B.

Inspection of institute documents by members

- 105 Subject to direction of council, the registrar will permit any member of the institute to inspect any account or book or financial document of the institute.
- 106 A member who disagrees with a direction of council with respect to inspection of institute documents may request that the matter be included on the agenda of the next institute meeting.
- 107 Where a member delivers a proposed motion regarding inspection to the registrar in a timely manner, notice of the proposed motion must be included in the notice for the next institute meeting.

Articling program

- 108 Council shall take such steps as are necessary to:
- (a) endorse an education program for articling agrologists;
 - (b) require articling agrologists to have an appropriate mentor or direct that one be assigned;
 - (c) require articling agrologists to keep their mentor informed of their progress through the articling agrologist program and to seek their advice on matters of a professional and ethical nature; and
 - (d) encourage agrologists and retired agrologists to act as mentors to articling agrologists and provide recommendations on whether articling agrologists should be elected to the status of agrologists upon conclusion of the articling term.

Period of time for articling

- 109 An articling agrologist must be registered for at least two years with the institute before being eligible to apply for registration as an agrologist, unless the credentials committee authorizes a shorter period on the basis of relevant professional and work experience.

Code of ethics

- 110 All members of the institute must comply with the institute's code of ethics and the code of practice guidelines as contained in Schedule C.

Conflict of interest

- 111 All officers and members must comply with the institute's conflict of interest guidelines.

Practice audit program

- 112 Council may develop procedures for a practice audit program to assess, on a routine or random basis, the conduct and competence of members of the institute as indicated by:
- (a) the quantity and quality of the professional development activities of members; and/or
 - (b) a review of the areas of expertise claimed by members and the activities being undertaken to support that expertise.

Practice reviews

Appointment of practice reviewer

- 113 The conduct and discipline committee may appoint a practice reviewer who shall be:
- (a) an employee or officer of the institute; or
 - (b) a contractor retained by the institute for this purpose.

Duties of practice reviewer

- 114 If the conduct and discipline committee authorizes a practice review, the practice reviewer shall:

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- (a) conduct a review;
- (b) consider and report on whether or not there is reason to believe that the findings of the practice review might warrant action under s. 21 of the *Agrologists Act*;
- (c) consider whether remedial steps are necessary, and, if so:
 - (i) report on what remedial steps, if any, the member has indicated the member would accept and implement to enable the member to practice agrology competently, professionally and ethically;
 - (ii) consider and report on what additional remedial steps, if any, would be appropriate to enable the member to practice agrology competently, professionally and ethically;
- (d) deliver a copy of the report to the registrar who shall provide copy to the member, and to the chair of conduct and discipline committee.

Action of conduct and discipline committee

115 On receipt of the report from the practice reviewer the conduct and discipline committee shall take such remedial steps as may be appropriate, including disciplinary steps under s. 21 of the *Agrologists Act* and under these bylaws.

Complaint procedures

Procedures upon receipt of a complaint

- 116 The registrar shall, within seven business days of receipt of the complaint in writing, provide a copy of the complaint to the member subject of the complaint and request a response in writing.
- 117 Following receipt of a response from the member subject of the complaint, the registrar may, with the consent of the parties, appoint or approve a mediator to attempt to resolve the complaint.
- 118 If mediation is unsuccessful, the conduct and discipline committee will authorize an investigation. The registrar shall advise the complainant and the member subject of the complaint of the referral for investigation.
- 119 The investigator may require production of documents, records or other information from the member subject of the complaint.
- 120 Once the investigation is complete, the investigator must provide a report to the registrar who will provide a copy of the investigation report to the complainant and member subject of the complaint. The complainant and the member subject of the complaint shall each have at least fourteen business days to provide a written response to the investigation report.
- 121 The registrar shall forward the investigation report and submissions from the complainant and member subject of the complaint to the conduct and discipline committee for disposition.

Disposition of complaint

- 122 After considering the investigation report and submissions provided by the complainant and a member subject of the complaint, the conduct and discipline committee may do one or more of the following:
 - (a) determine that no further action is required;
 - (b) issue a written notice under s. 21(1)(c) of the *Agrologists Act* requiring the member subject of the complaint to appear before it;
 - (c) authorize a practice review under s. 19(1) of the *Agrologists Act*;
 - (d) seek a consent order or take such other remedial action as it considers appropriate; or
 - (e) direct the issuance of a citation ordering a discipline hearing under s. 24 of the *Agrologists Act*.
- 123 The Registrar will provide written notice of the disposition to the member subject of the complaint

and complainant within fourteen business days of receiving notice of the disposition.

Consent order

- 124 In a consent order, the conduct and discipline committee may request in writing that the member do one of more of the following:
- (a) undertake not to repeat the conduct to which the matter relates;
 - (b) undertake to take educational courses specified by the conduct and discipline committee;
 - (c) consent to a reprimand;
 - (d) undertake or consent to any other action specified by the conduct and discipline committee
- 125 If a member refuses to give an undertaking or consent, the conduct and discipline committee may direct the registrar to issue a citation for a hearing by the discipline hearing committee.
- 126 The conduct and discipline committee may direct the registrar to provide a summary of the terms of a consent order to the public on the institute's website.

Citation

- 127 If the conduct and discipline directs the issuance of a citation, the registrar must issue a citation that:
- (a) names the affected member as respondent;
 - (b) describes the nature of the complaint or other matter that is to be the subject of the hearing;
 - (c) specifies the date, time and place of the hearing; and
 - (d) advises the respondent that the discipline hearing committee is entitled to proceed with the hearing in his or her absence
- 128 The registrar must have a citation either delivered to the respondent by personal service or sent by registered mail to the respondent at the last address for the respondent recorded in the register not fewer than 30 days before the date of the hearing.
- 129 The registrar must notify the complainant, if any, in writing of the date, time and place of the hearing not fewer than 14 days before the date of the hearing.
- 130 The conduct and discipline committee may direct the registrar to cancel a citation that has been issued on its direction if it determines that a hearing by the discipline hearing committee is not required and the registrar must then cancel the citation and notify the respondent and the complainant of the cancellation.

Discipline hearing process

- 131 The discipline hearing committee must hear and determine a matter set for hearing by citation issued under s. 21(1)(d) of the *Agrologists Act*.
- 132 The respondent and the institute may appear as parties and with legal counsel at a hearing of the discipline hearing committee.
- 133 A hearing of the discipline hearing committee must be in public unless:
- (a) the complainant, the respondent or a witness requests the discipline hearing committee to hold all or any part of the hearing in private; and
 - (b) the discipline hearing committee is satisfied that holding all or any part of the hearing in private would be appropriate in the circumstances.
- 134 At a hearing of the discipline hearing committee:
- (a) the testimony of witnesses must be taken on oath or affirmation which may be administered by any member of the discipline hearing committee; and
 - (b) the institute and the respondent have the right to cross examine witnesses and to call

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evidence in reply.

- 135 Evidence is not admissible at a hearing of the discipline hearing committee unless, at least 14 days before the hearing, the party intending to introduce the evidence provides the other party with
- (a) in the case of documentary evidence, an opportunity to inspect the document,
 - (b) in the case of expert testimony,
 - (i) the name and qualifications of the expert,
 - (ii) a copy of any written report the expert has prepared respecting the matter, and
 - (iii) a written summary of the evidence the expert will present at the hearing if the expert did not prepare a written report in respect of the matter, and
 - (c) in the case of testimony of a witness who is not an expert, the name of that witness and an outline of their anticipated evidence.
- 136 The discipline hearing committee may:
- (a) grant an adjournment of a hearing,
 - (b) allow the introduction of evidence that is not otherwise admissible under section 135, or
 - (c) make any other direction it considers appropriate if the discipline hearing committee is satisfied that this is necessary to ensure that the legitimate interests of a party will not be unduly prejudiced.
- 137 If the respondent does not attend, the discipline hearing committee may
- (a) proceed with the hearing in the respondent's absence on proof of receipt of the citation by the respondent, and
 - (b) without further notice to the respondent, take any action that it is authorized to take under the *Agrologists Act* and bylaws.
- 138 All discipline hearings shall be recorded and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.
- 139 The discipline hearing committee may receive, accept and consider evidence and information it considers relevant whether or not that evidence or information would be admissible in a court of law.
- Publication**
- 140 The institute may make a summary of the discipline hearing committee decision available to the public on the institute's website.