

British Columbia Institute of Agrologists

Investigation Committee - Terms of Reference

1. Committee Establishment

The British Columbia Institute of Agrologists' (BCIA) Investigation Committee ("Committee") is established in accordance with Section 64 of the *Professional Governance Act* (SBC 2018) ("PGA") and the BCIA Bylaws ("Bylaws") as amended from time to time.

2. Mandate

- Deriving its authority from applicable sections of the *PGA* and the Bylaws, investigate and, where applicable, resolve complaints alleging incompetency, professional misconduct, or conduct unbecoming of a Registrant regarding BCIA Registrants that are either submitted to the Committee or derived from investigations instituted on the Committee's initiative; and
- Act in accordance with policy governance principles, with all operational decisions to be made by management of the BCIA.

3. Functions and Responsibilities

In compliance with Section 32(2) of the *PGA*, the BCIA Council ("Council") authorizes this Committee to:

- Initiate complaints and/or investigations of matters that may constitute a breach of the Bylaws (including the Code of Ethics) or the *PGA*;
- Objectively review all documentation, information, reports or other evidence pertaining to the respective complaint or investigation;
- Resolve complaints using the processes of alternative dispute resolution, a Reprimand or Remedial Action by Consent agreement ("RRAC") or a Consent Order in accordance with the *PGA*, the Bylaws, and the then-current rules of administrative law, including but not limited to the principles of procedural fairness;
- Issue a citation for a hearing before the BCIA Discipline Committee to adjudicate the respective complaint in accordance with the remedies and authority outlined in the Bylaws and the *PGA* if, after review, the Committee determines that resolution is not possible at the investigation stage; and
- Recommend to the Governance Committee and the BCIA Council ("Council") amendments to the Bylaws.

4. Terms of Reference Amendments

- The Chair of the Committee or the BCIA Governance Committee may submit recommendations for amendments to Council for consideration; and
- Council may make amendments to the Terms of Reference in consultation with the Committee.

5. Membership

- The Committee shall not normally exceed 10 members, consisting of at least one (1) lay member plus up to nine (9) BCIA Registrants in good standing. However, the Committee may require additional ad hoc members to address issues or perceptions of bias or conflict of interest or to seek expertise. Consequently, the Committee Chair may ask Council to appoint additional members with specific qualifications.
- Individual committee members must excuse themselves from any investigations or adjudications whenever there is a possibility that the respective committee member may be in a real or perceived conflict of interest or the committee member possesses information, bias, or beliefs that may inhibit the members' ability to act objectively;
- Council, in consultation with the BCIA Nomination Committee and the existing Chair of the Committee, shall appoint the Chair and members of this Committee;

- Upon enactment of Section 32(7)(c) of the PGA, all candidates for the Chair of this committee must be vetted by the BCIA Nomination Committee, with specific attention to the merit-based selection principles found in Section 25(1) of the PGA;
- BCIA Councillors are prohibited from being a member of this Committee; and
- Any Registrant of the BCIA interested in serving on the Committee may contact the Nomination Committee through the BCIA office for consideration by Council for appointment to this Committee.

6. Reporting and Communications

- The Committee shall record minutes of its meetings and submit draft minutes to Council within 14 days of each meeting, with the final minutes to be provided to Council after acceptance at the next meeting of the Committee;
- An annual written report outlining the activities of the Committee shall be provided by the Chair to the Chief Executive Officer of the BCIA (“CEO”) at least 31 days prior to the scheduled date for the BCIA AGM;
- The Chair will communicate Committee business to the BCIA Council; and
- The BCIA office is responsible for the storing of records and information related to and from this Committee.

7. Terms of Office

- The terms of office for all Committee members shall be two (2) years from their respective appointment date. Appointments of Committee members shall be staggered to ensure overlap of newly appointed and returning members; and
- Committee members may serve a maximum of five (5) consecutive terms for a total of ten (10) years unless Council grants an extension of a member’s tenure.

8. Quorum

- A simple majority, which must include at least one lay member, shall constitute a quorum of the Committee; and
- Any Panels appointed by the Committee to investigate specific complaints must have at least one lay Panel member and require all three appointed Panel members to constitute a quorum.

9. Decision Process

- The Committee shall strive to conduct its general business by consensus. However, with respect to the actual investigation of a complaint, the Committee Chair shall appoint a 3-person Panel from the Committee members, one of which must be a lay committee member, and designate one of the three persons to act as the Chair. That Panel shall, after reviewing the initial complaint(s), response(s), and investigation report(s), produce a written decision respecting the Panel’s findings and remedies, the approval of which requires a formal motion of the Panel. The majority opinion of the Panel shall be the determination of that Panel; however, a Panel member with a dissenting opinion is entitled to have that opinion included in the final written determination. The Chair of the respective Panel shall not vote except in the event of a tie vote of the Panel members;
- Final adjudicative decisions of any Panels appointed by the Committee shall be provided in writing to the BCIA Registrar for distribution in accordance with the Bylaws;
- Any decision and decision process made by this Committee is considered distinct from a decision made by a disciplinary Panel or the Discipline Committee process.

10. Meetings

- The Committee will hold meetings at the call of the Chair either in person or by electronic means. The Chair shall consider the travel and weather challenges faced by Committee members when choosing dates for Committee meetings.

11. Annual Work Plan and Budget

- It is recognized that the work of this Committee is reactive to the number and complexity of complaints received by the BCIA or initiated by this Committee and that the costs and resources required for conducting investigations can vary greatly;
- Consequently, differing from other BCIA Committees, an annual work plan including tasks, recommended amendments or changes, resources required, timelines and requested budget will be determined by the Committee but only with respect to ongoing investigations that may carry over into the subsequent fiscal year. The annual work plan (if one is required due to ongoing investigations) shall be submitted by the Chair prior to December of each year to Council for consideration;
- The CEO must approve any amendments to an approved budget greater than one thousand dollars prior to expenditure; and
- Required legal services outside of services available from the BCIA's in-house legal counsel must be specified in the annual work plan for specific work activities or approved by the CEO or President of BCIA prior to initiating outside legal advice requests.

12. Staff Contact and Roles

- At the request of the Chair to the CEO, the BCIA staff may be approved to support the Committee as required.

13. Succession Planning

- Within the Annual Work Plan outlined above the Chair shall advise the BCIA Nomination Committee and the CEO, of each Committee member(s) term expiration date.