

British Columbia Institute of Agrologists

Discipline Committee - Terms of Reference

1. Committee Establishment

The British Columbia Institute of Agrologists' (BCIA) Discipline Committee ("Committee") is established in accordance with Section 75 of the *Professional Governance Act* (SBC 2018) ("PGA") and the BCIA Bylaws ("Bylaws") as amended from time to time.

2. Mandate

- To conduct discipline hearings of Registrants of the BCIA after issuance of a Citation by BCIA's Investigation Committee; and
- Except as authorized by the PGA or the Bylaws, function in accordance with policy governance principles with all operational decisions to be made in consultation with the Registrar.

3. Functions and Responsibilities

- Conduct hearings of citations issued by the BCIA Investigation Committee in accordance with the *PGA*, the Bylaws and administrative law principles;
- Objectively review all documentation, information, reports or other evidence presented at a discipline hearing and thereafter determine the disposition of the complaint(s) outlined in respective Citation(s);
- Assess a penalty or other remedial action, if any is required, as against a Respondent in accordance with the *PGA* and the Bylaws; 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 consist of, but not be limited to, a minimum of three (3) BCIA Registrants in good standing plus at least one (1) lay member, with an optimal number of Committee members being nine (9) BCIA Registrants in good standing plus three (3) lay members. 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;
- All Registrant Committee members must have a minimum of 5 years of experience as a PAg or TAg working in British Columbia;
- Individual Committee members must excuse themselves from any disciplinary proceedings when there is a possibility that the respective committee member may be in a real or perceived conflict of interest or the 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*; and
- BCIA Councillors are prohibited from being a member of 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. The Chair shall ensure that no information respecting specifics of any outstanding complaint is given to Council through the Committee minutes or otherwise;
- An annual written report shall be provided to the Chief Executive Officer of the BCIA (“CEO”) by the Chair at least 31 days prior to the scheduled date for the BCIA AGM;
- The Chair shall communicate Committee business to 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 the date of their respective appointment by Council;
- Whenever possible, 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(1) lay member, shall constitute a quorum of the Committee; and
- Any hearing Panel appointed by the Committee to adjudicate specific citations must include one (1) lay member and require all three appointed Panel members. to constitute quorum for that Panel.

9. Decision Process and Panel Structure

- The Committee shall strive to conduct its general business by consensus. If a formal motion on a specific topic is required, the Chair of the Committee shall not vote except in the event of a tie vote of the Committee members in attendance at a properly constituted meeting of the Committee;
- With respect to the actual determination of a Citation, the Committee Chair shall appoint a 3-person Panel from the Committee members and designate one of the three persons to act as Panel Chair. In choosing 3 Committee members to comprise a specific Panel, the Chair shall canvas all Committee members to determine availability, experience relevant to the matters in issue as listed in the respective Citation and disclosure of any potential conflicts of interest. Wherever possible, each Panel shall have at least one representative from each gender and include at least one Registrant with between 5 and 15 years of experience as a PAg. In addition, each respective hearing Panel should have a least one member who has a similar level of experience and expertise as the respective Respondent(s);
- A Panel shall, after hearing all available evidence, produce a written decision respecting the Panel’s findings, 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. All Panel members, including the Chair, shall vote on the final determination of the respective Citation; and
- Final adjudicative decisions of any Panels appointed by the Committee shall be provided in writing to the Registrar for distribution in accordance with the Bylaws

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

- This Committee's work depends on the number of citations issued by the BCIA Investigation Committee; therefore, the costs and resources required for conducting discipline hearings can vary greatly; and
- 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 discipline hearings that may carry over into the subsequent fiscal year. The annual work plan (if one is required due to ongoing hearings) shall be submitted by the Chair prior to December of each year to Council for consideration; and
- The BCIA 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 the 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.