

BRITISH COLUMBIA INSTITUTE OF AGROLOGISTS BYLAWS



Adopted March 1, 2020

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DEFINITIONS

(unless otherwise specified all references to "Sections" are to sections of these Bylaws)

1. In these Bylaws:

"AgAct" means the *Agrologists Act* S.B.C. 2003 Ch. 13 as amended from time to time;

"Agrologist" means an individual who is registered with the British Columbia Institute of Agrologists (BCIA) as an Agrologist under the *AgAct* or the Professional Governance Act (*PGA*) in one of the then-current categories of registration in the Institute as authorized by these Bylaws;

"Applicant" means a person who applies for enrollment in an articling or other training program offered by BCIA or for admission or reinstatement as a Registrant of BCIA;

"Audit and Practice Review Committee" means the standing committee established under Section 21(a) previously known as the Professional Practice Committee;

"BCIA" means the British Columbia Institute of Agrologists as constituted under Section 3 of the *AgAct* and continued under Part 7 Division 1 of the *PGA*;

"Branch" means an administrative division of the Institute established under Section 9 based within a specific geographical area of British Columbia, consisting of Registrants assigned to the respective Branch by the Executive Director under Section 12;

"Citation" means an order of the Investigation Committee issued under Section 118 outlining the date, location and matters to be adjudicated in a hearing before the Discipline Committee;

"Code of Ethics" means the then-current stipulation of accepted ethical behaviour expected of Registrants in their professional interaction with BCIA, other Registrants, and the general public as indicated in Schedule B to these Bylaws as amended from time to time;

"Complainant" means a person or persons who file a complaint in writing against a Registrant;

"Conduct unbecoming a Registrant" is as defined under Section 1(1) of the *PGA*;

"Consent Order" means a written agreement signed by a Registrant pursuant to the practice review, complaint, or discipline aspects of these Bylaws which confirms the Registrants consent to the requirements, obligations, or other remedial actions as outlined in Section 116;

"Council" means the governing body of the Institute established under Section 8(1) of the *AgAct* and continued under Section 84 of the *PGA*;

"Councillor" means a Registrant elected or appointed to the Council of BCIA under these Bylaws;

"Credentials Committee" means the standing committee established under Section 21(b);

"Days" means calendar days unless otherwise expressly stipulated in these Bylaws;

"Deputy Registrar" means an individual staff member of the Institute that is authorized by BCIA to conduct specific tasks and duties that are within the duties of the Register as appointed under the *AgAct* or the *PGA*;

"Discipline Committee" means the standing committee established under Section 21(c) previously known as the Discipline Hearing Committee;

“Emergency Meeting” means a meeting of Council called to address any matter which cannot be administered or resolved in accordance with these bylaws and/or matters which must be addressed prior to the next regularly scheduled meeting of Council in order to maintain compliance with the *AgAct* or the *PGA* or maintain the regular operations of BCIA;

“Executive Director” means the Chief Executive Officer of the Institute and for all purposes of the *AgAct* and the *PGA* is deemed to be an authorized officer of BCIA;

“In-camera” refers to a portion of a meeting of the Council or of the Institute that pursuant to an approved motion is conducted in private with only Councillors plus invited guests in attendance. Matters that may be discussed in-camera include:

- human resources;
- complaint, discipline, litigation and liability issues;
- any matter the public disclosure of which may constitute an infringement of any then-current federal or provincial protection or privacy legislation;
- audit reports and budgetary deliberations; or
- any matter recommended by BCIA legal advisors, who must be members in good standing of the Law Society of British Columbia, as requiring an in-camera session.

“Incompetent” is as defined in Section 1(1) of the *PGA*;

“In good standing” means the registration of a Registrant is not suspended and is not subject to conditions imposed under the *AgAct* or the Bylaws;

“Institute” means BCIA;

“Investigation Committee” means the standing committee formerly known as the Conduct Review Committee, established under Section 21(d);

“Lay Councillor” means an individual who is not a Registrant of BCIA and is appointed to Council under Section 8(2) of the *AgAct* or Section 27 of the *PGA*;

“Nomination Committee” means the standing committee established under Section 21(e);

“Panel” means a group of three persons which is established as an adjudicative body to determine matters as delegated by Council or a standing committee of BCIA in accordance with these Bylaws;

“PGA” means the *Professional Governance Act* (S.B.C.) 2018 Ch. 13;

“Practice Audit” means an assessment of a Registrants’ professional practices based on a routine or random selection from the Registrants of the Institute, and may include but is not limited to a review of their declared professional development hours, and a review of their competence in their respective declared field(s) of expertise;

“Past-President” means the person who served as President of the Institute in the term immediately prior to the current President;

“President” means the chief official of the Institute and chair of the Council elected in accordance with the applicable legislation and the provisions of these Bylaws;

“Professional misconduct” is as defined in Section 1(1) of the *PGA*;

“Registrant” includes all members of the Institute as defined in the *AgAct* and Registrants of the Institute as defined in Section 1 of the *PGA* and means as follows:

- (a) an Agrologist;
- (b) an individual that is registered with BCIA as another category or subcategory of Registrant in accordance with the Bylaws of BCIA;
- (c) unless specified herein does **not** include student members nor any other individual who is registered with any other regulatory body subject to the *PGA*;

“Regional Electoral District 1, 2 and 3” means regions where BCIA Branches of the Institute are located as defined in the *AgAct*;

“Registrar” means the Registrar of the Institute appointed under Section 9(1) of the *AgAct* or Section 31(1) of the *PGA*;

“Regulated Practice” means the areas of practice of agrology carried on by Registrants;

“Respondent” means the Registrant whose conduct or competence is or may be the subject of an investigation;

“Student Member” means an individual who is not a Registrant and who is currently participating in post-secondary education respecting the practice of agrology;

“Trainee” means a person engaged in an instructional program authorized by BCIA, the completion of which is a requirement for achieving or maintaining Registrant status;

“Vice President” means the person elected or appointed by the Institute in accordance with these Bylaws who will become the President upon the expiration of the term of the then-current President.

TRANSITION PROVISIONS

2. Notwithstanding anything contained in these Bylaws, for an orderly transition between the *AgAct* and the *PGA*, the following provisions apply:
 - (a) The President, Councillors and all Committee members serving in their respective positions as of the date of enactment of these Bylaws shall continue in those positions until such time that their then-current terms expire;
 - (b) The Council shall appoint the current serving BCIA President for a one year term commencing at the completion of the 2020 provincial annual general meeting as a Registrant Councillor representing Regional Electoral District 3 as outlined in these Bylaws. If an additional Councillor vacancy occurs it shall be filled in accordance with the nomination and election processes described in these Bylaws;
 - (c) For the purpose of ensuring continuity of governance experience during the transition period Council may alter the expiration of existing Councillor terms under the *AgAct*, but only for the initial elections of Councillors in each Regional Electoral District as defined by these Bylaws, and may classify Councillor terms to be either 1 or 3 years in duration;

- (d) Any service on Council by a Councillor prior to the enactment of Section 24 of the *PGA* shall not be counted in the calculation of maximum service limits outlined in that Section;
- (e) The number of Registrant Councillors on Council shall be reduced to 7 positions no later than BCIA becoming a regulatory body under the *PGA* and the consequent repeal of the relevant provisions of the *AgAct*;
- (f) Retroactive to January 1st, 2020 elections of Registrant Councillors will no longer be held on a Branch specific basis but rather by way of regional online elections as outlined in these Bylaws with the particular timelines of each election to be determined by Council.
- (g) At its first meeting after the 2020 AGM Council shall elect, in accordance with these Bylaws, a Vice President who shall advance to the position of President upon expiration of the then-current President's term of office under the *AgAct*.

COUNCIL OPERATIONS AND PROCEDURES

Effective Date

- 3. These Bylaws govern the operations of BCIA, which can be amended at any time and shall be immediately binding upon the Institute upon approval by Council. Any Bylaws respecting matters outlined in Section 13(3) of the *AgAct* shall require ratification by the Registrants of the Institute at a general meeting of the Institute or by referendum to remain effective unless the specific provision(s) have been repealed or overridden by the *PGA*.

Effective Notice

- 4. Unless specifically required by these Bylaws, all notices to any or all Registrants and Student Members can be provided by way of electronic means. Except as otherwise stated in these Bylaws, if a hard copy of a notice or other document is required to be delivered to any person under these Bylaws, it is deemed to have been received by the person on the earlier of the actual date of delivery, or 7 days after the date on which it was mailed to the last address known to the Institute.

Council Structure

- 5. The Council shall consist of:
 - (a) the President, who must be a Registrant Councillor who shall commence the position after serving a term as Vice President;
 - (b) the Vice President, who must be a Registrant Councillor, elected in accordance with Section 51 below;
 - (c) the immediate Past-President who shall serve as a non-voting member of Council for the period of up to two calendar years from the close of the Institutes' annual general meeting in the year in which the persons' term as President ends;
 - (d) until such time that the relevant provisions of the *PGA* are enacted, up to three lay Councillors may be appointed under Sections 8(2) or (3) of the *AgAct* at least one of which must be present at any meeting, proceeding or hearing once any lay Councillors have been appointed and;

- (e) Unless modified by the phased enactment of the *PGA* or the transition provisions of these Bylaws:
- i. 2 Registrant Councillors elected from Regional Electoral District 1 being the geographical areas represented by the Peace River/Caribou Central Interior/ Kootenay Boundary Branches plus all Registrants at-large, and;
 - ii. 2 Registrant Counsellors elected from Regional Electoral District 2 being the geographical area represented by the Fraser Valley, Okanagan, Kamloops Branches electoral region.
 - iii. 3 Registrant Councillors elected from Regional Electoral District 3 being the geographic area represented by the Vancouver and Victoria & Islands Branches;

Authorized Leaves of Absence

6. Upon written request, Council may grant authorized leaves of absence by the Executive Director and/or Registrar in conformance with their respective Employee Agreements and relevant provisions of the *BC Employment Standards Act*, or by any Councillor, which may contain, but not be limited to, conditions as to length of leave and required duties, if any, during the authorized leave.

Meetings of Council

7. 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 at least four times per year;
 - (c) a quorum for meetings of Council shall be a majority of the voting Councillors which must include at least one Lay Councillor if a Lay Councillor has been appointed under the *AgAct* or the *PGA*;
 - (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 24 hours before the scheduled time of the meeting;
 - (f) notice of any 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 via electronic means including by conference call if required and;
 - (i) all questions at meetings of Council shall be decided by a majority vote of the Councillors participating in the meeting;

Meetings of Council or portions thereof, can be held in-camera, and must include at least one Lay Councillor if a Lay Councillor has been appointed under the *AgAct* or the *PGA*. No minutes of in-

camera meetings shall be kept other than records of Motions that are passed in accordance with these Bylaws.

8. Unless stipulated otherwise in these Bylaws, any submissions or applications pertaining to the acts or omissions of any panel, staff or committee member other than the Discipline Committee, shall be forwarded to Council for adjudication.

Designation of Branches

9. The Institute has the following Branches situated within each Regional Electoral District:

Regional Electoral District 1

- (a) Cariboo Central Interior;
- (b) Peace River;
- (c) Kootenay Boundary;
- (d) Members at Large;

Regional Electoral District 2

- (e) Fraser Valley;
- (f) Kamloops;
- (g) Okanagan;

Regional Electoral District 3

- (h) Vancouver; and
- (i) Victoria and Islands.

Although Branches are governed by separate executives and officers, Branches are not separate legal entities but rather operate as administrative divisions of BCIA. Branches may submit a written request to Council for a change in the name of the respective Branch, which shall include reasons for the requested change and confirmation that the Branch Registrants have been consulted respecting the requested name change. Council shall consider any request of this type at its next regularly scheduled meeting.

10. Council may, upon consultation with any affected Branch(es):
 - a) change the geographical boundaries of any Branch(es);
 - b) dissolve any existing Branch;
 - c) create new Branches;
 - d) amalgamate any two or more Branches; or
 - e) modify how any Branch is represented by a Registrant Councillor to attain compliance with the 7 Registrant Councillor limit imposed on the composition of Council by the *PGA*.

Purpose of Branches

- 11.** A Branch must:
 - (a) provide professional development opportunities to Registrants within the geographical boundaries of the Branch;
 - (b) administer the Articling Agrologist program and other training programs as directed by Council within the geographical boundaries of the Branch.

Designation of Registrants' Branch

- 12.** The Registrar shall assign Registrants of the Institute to an appropriate Branch, or as a Registrant at-large.
- 13.** All funds and all other assets administered by the Branch shall remain the property of BCIA and shall be subject to directions from Council.

Duties of Elected Officers

President

- 14.** The President shall preside at Institute and Council meetings and shall be the official person of contact between the staff of BCIA and Council.

Vice President

- 15.** The Vice President shall assume the duties of President in the President's absence or at the request of the President, and:
 - (a) shall assume additional duties at the request of the President or Council and;
 - (b) shall automatically progress into the position of President upon the expiration of the term of the previous President.

Immediate Past-President

- 16.** The immediate Past-President shall assume duties at the request of the President or Council.

Treasurer

- 17.** 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) carry out all functions normally associated with being Treasurer and;
 - (c) cease to be Treasurer upon ceasing to be a Councillor.

Executive Director, Officers, Registrar and Deputy Registrar(s)

- 18.** Council must appoint a Registrar and may appoint an Executive Director, a Deputy Registrar(s) or other officers of BCIA on such terms as Council shall decide and each of whom shall perform such duties as Council may direct. Council may, but is not required to appoint the same individual to serve as both Executive Director and Registrar. For all purposes of these Bylaws and the operations of the Institute, including but not limited to the investigation and prosecution of complaints, the Executive

Director and the Registrar of BCIA are authorized as officers and investigators of the Institute. Further, the Registrar and Deputy Registrar(s), if any have been appointed, are authorized under Section 9(6) of the *AgAct* and Section 32(5) of the *PGA* to grant an application for registration with or without conditions or limitations or, until the enactment of Section 45 of the *PGA*, order an admissions hearing by a panel of the Credentials Committee to be held in accordance with the *AgAct* and these Bylaws.

Standing Committees, Special Committees, and Working Groups

- 19.** Council may establish and appoint Registrants to standing committees, special committees, or working groups. Councillors shall not be members of a committee or panel established by Council for any purpose under the *PGA*. Council may also appoint a Registrant to be the Chair of each standing or special committee who must be appointed in accordance with the selection principles referred to in Section 25(1) of the *PGA*. Upon the enactment of the relevant sections of the *PGA*, each standing and special committee must have at least one lay committee member present at every meeting, proceeding or hearing. All committees and working groups of the Institute shall act in accordance with its respective terms of reference as established by and amended from time to time by Council. All committees, panels of the different committees or working groups may hold their meetings, or portions thereof, in-camera.
- 20.** Council and any Committee established by Council may, by resolution, delegate any of its duties, power, authority or jurisdiction other than Bylaw-making authority to a Committee, the Executive Director, the Registrar or a Deputy Registrar of BCIA.
- 21.** The Institute shall have the following standing committees:
 - (a) the Audit and Practice Review Committee, which is responsible for developing professional guidelines and policies, including annual reporting protocols of professional development activities, developing peer review and practice audit procedures, enforcing compliance with mandatory annual continuing education and professional development requirements, development of standards of competence and expertise for specialized areas of practice and updating the Institute's standards of professional conduct as necessary. This Committee shall also develop procedures for a practice audit program to assess, on a routine or random basis, the conduct and competence of Registrants as indicated by:
 - (i) the quantity and quality of the professional development activities of Registrants; and
 - (ii) a review of the areas of expertise claimed by Registrants and the activities being undertaken to support that expertise and;
 - (b) the Credentials Committee, which is responsible for ensuring that new Registrants admitted to the Institute meet the qualification requirements and for overseeing the Articling Agrologist and other training programs;
 - (c) the Discipline Committee, which is responsible for conducting discipline hearings following the issuance of a citation by the Investigation Committee;
 - (d) the Investigation Committee, which may exercise the powers and carry out the duties of Council or the Institute under Sections 20(4), 21(1) and 22 of the *AgAct* and which is responsible for

taking appropriate action in response to complaints or on its own initiative in accordance with the *AgAct*; and

- (e) the Nomination Committee, which is responsible for developing and enforcing the desired qualifications and eligibility requirements for elected positions on the Council, including the Vice President and Branch Councillors, and for identifying and recruiting qualified Registrants for the position of Vice President, Council and committee positions.
- 22.** Unless otherwise specifically prohibited by these Bylaws, the *AgAct* or the *PGA* all meetings and deliberations of all standing committees, special committees, or working groups may be held by way of electronic means;
- 23.** The Institute may:
- (a) appoint special committees for purposes consistent with the *AgAct* or the *PGA*;
 - (b) by a resolution of Council authorize special working groups to assist in the planning and delivery of operational matters or special projects of the Institute which are outside the jurisdiction of the standing and special committees established for purposes under the *AgAct* or *PGA* as outlined in these Bylaws

Panels of Standing Committees

- (a) Only for the specific purpose of an admission hearing (if ordered by the Registrar or Deputy Registrar in accordance with these Bylaws), the investigation of a complaint under the *AgAct*, or a discipline hearing pursuant to a citation issued by the Investigation Committee, the Credentials Committee, the Investigation Committee, and the Discipline Committee, shall each meet in panels of at least three persons. For all other purposes of these committees the respective committee may meet as the whole Committee;
- (b) meetings and deliberations of all panels, if any have been established, may be held electronically. The hearings of the Credentials and Investigation Committee panels shall be determined on the basis of written submissions only. Hearings of the Discipline Committee shall be by oral hearings in accordance with *AgAct*, the *PGA*, these Bylaws and current administrative law principles. All members of a panel constitute a quorum of the respective panel;
- (c) any panel established by a Committee has all of the rights, powers and duties of the full Committee under which it is established, and any decision rendered by a panel is deemed to be a decision of the respective Committee. The chair of the respective Committee, or in the absence of a Chair, Council:
 - (i) must appoint the members of a panel from that Committees' members;
 - (ii) may remove a panel member and;
 - (iii) must designate the Chair of a panel from among the respective panel members.
- (d) In the absence of specific guidance in these Bylaws or any governing legislation with respect to applications related to the administrative process or protocols of any BCIA Committee, panel, or working group Council has the sole authority to adjudicate those types of applications.

Oath of Office

- 24.** Before taking office as a Lay or Registrant Councillor or acting as a member of a committee in respect of a regulatory body, a person elected or appointed as a Councillor or to a committee must take and sign, by oath or solemn affirmation, an oath of office in the form and manner established in accordance with Section 28 of the *PGA*, and as attached as Schedule C to these Bylaws.

Institute Meetings

- 25.** Institute meetings shall include:
- (a) the annual general meeting, which shall be held no later than June 30th in each calendar year;
 - (b) a general meeting called by the Council on its own motion;
 - (c) a general meeting upon the written request of five (5) Councillors;
 - (d) a general meeting upon the written request of 50 Registrants in good standing; and
 - (e) a special general meeting under Section 11(4) of the *AgAct*.

Notice of Institute Meetings

- 26.** Institute meetings shall be held on the date and at the time and place designated by Council. The Executive Director 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. Notice of an Institute meeting shall be deemed valid if:
- (a) mailed by regular mail to each Registrant at the Registrant's last known address recorded in the Institute's files or;
 - (b) for those Registrants who have provided the Institute with an electronic mail address, transmitted by electronic mail to each Registrant at the Registrant's last known electronic mail address recorded in the Institutes' files.
- 27.** If a quorum is present at an Institute meeting, notice shall be deemed valid even if a Registrant or Registrants did not receive notice mailed by regular mail or transmitted by electronic mail.

Conduct of Institute Meetings

- 28.** Quorum for an Institute meeting is met if 5% of the Registrants other than Student and Honourary Registrants, as of February 15 past, are in attendance at the meeting.
- 29.** A voting Registrant must be present in person to be included in the quorum and to vote at the respective Institute meeting.
- 30.** 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 Vice President shall chair the Institute meeting;
 - (b) If the Vice President is absent, unable or unwilling to chair an Institute meeting, the Past-President shall chair the Institute meeting.

31. If the President, the Vice President or the immediate Past-President are absent or are unable or unwilling to chair an Institute meeting, the voting Registrants present may choose a suitable person to chair the respective Institute meeting.
32. The Chair of an Institute meeting must ensure the minutes of the Institute meeting are recorded, and draft minutes are made available to the Registrants within 30 days of the meeting.
33. Institute meetings shall be conducted according to the then-current Robert's Rules of Order unless otherwise specified within these Bylaws. Institute meetings, or portions thereof, can be held in-camera.
34. The business conducted at all Institute meetings shall commence with a call to order, a confirmation of the number of all Registrants present, and a confirmation of the presence of a quorum.
35. 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) appointment of auditors;
 - (d) receipt of Council election results, if any; and
 - (e) any other business specified in the notice of the annual general meeting.

Resolutions at Institute Meetings

36. All resolutions proposed for consideration by Registrants at an annual general meeting must be submitted by a Registrant and be received in writing at the office of the Registrar by 4:00 pm Pacific Time forty-five (45) days, prior to the date of the annual general meeting, unless otherwise stated in a notice to Registrants.
37. All proposed resolutions must comply with all provincial and federal legislation and administrative law principles, including but not limited to, all human rights, anti-discrimination and duty of fairness doctrines.
38. All valid proposed resolutions must be provided to all Registrants by electronic means to the last address known to the Institute no less than 30 days before the date for the respective annual general meeting. The majority required for approval of a resolution, and any amendments to it, shall be one half of the number of votes cast plus at least one additional vote.
39. Subject to Section 12 of the *AgAct*, Council may implement any resolution approved at an Institute meeting.
40. Council will report annually at the annual general meeting on the status of resolutions approved at the previous annual general meeting.

Balloting by Registrants

41. Unless a recorded ballot is requested by at least 50% of the voting Registrants in attendance, balloting at a meeting of the Institute shall be by a show of hands.

42. Council shall hold a recorded ballot of the Registrants for:
 - (a) a referendum required under Section 12 (2) of the *AgAct* if any;
 - (b) a referendum required under Section 13 (3) of the *AgAct* if a matter has not been ratified by a majority of voting Registrants at a general meeting and;
 - (c) such other matters as Council shall decide.

Returning Officer

43. Council shall appoint a Returning Officer for balloting on any votes required under these Bylaws. The Executive Director is eligible to be appointed as a Returning Officer.
44. The Returning Officer shall establish the voters list, which shall include the names of all voting Registrants as of a date no more than thirty (30) days before the deemed mailing date for all ballots.
45. Ballots shall be in such form as the Returning Officer determines including electronic online ballots, and shall be sent by regular mail or electronic mail to each voting Registrant's last known address recorded in the Institute's files.
46. All ballots shall be mailed or transmitted by electronic mail on the same day, which day shall be the deemed mailing date for all ballots.
47. Other than ballots at a duly constituted meeting of the Institute 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.
48. The Returning Officer shall ensure that:
 - (a) only the ballots of Registrants on the voters list are counted;
 - (b) only ballots received prior to the designated date and time for receipt of ballots are counted;
 - (c) electronic ballots are counted and tabulated accurately;
 - (d) physical 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;
 - (e) the integrity and secrecy of the ballot process is maintained and;
 - (f) in the event of a tie vote, the Returning Officer may extend the balloting period and notify the Registrants of the same; or call for a new ballot.
49. When the result of a ballot is known or a candidate is acclaimed into a vacant position in accordance with these bylaws , the Returning Officer shall inform Council, which shall notify the Registrants of the results as soon as reasonably possible but not later than 30 days following the ballot or acclamation.

Financial Management

- 50.** Council shall:
- (a) set the fiscal year of the Institute and all Branches to be January 1 to December 31.
 - (b) cause accounts to be kept of sums received and expended by the Institute and of the assets and liabilities of the Institute;
 - (c) cause an operating statement and a balance sheet to be prepared and audited annually by accountants appointed by the Registrants at the Institute's annual general meeting;
 - (d) cause the operating statement and the balance sheet as audited to be presented to the Registrants at the annual general meeting;
 - (e) provide invoices for payment of annual fees before January 1 of each year and prompt reminders thereafter;
 - (f) determine fees for registration and reinstatement of Registrants of BCIA;
 - (g) determine other fees, penalties, assessments and levies as Council may consider appropriate; and
 - (h) determine the portion of annual fees which the Council provides to Branches.
- 51.** 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 at rates set by the Institute from time to time.

Elections

Election of Registrant Councillors

- 52.** Unless modified by the phased enactment of the *PGA* each Regional Electoral District consisting of the 8 Branches of BCIA as outlined in these Bylaws is entitled to elect the number of Registrant Councillors as outlined in Section 5 above, whom shall be elected in accordance with the principles and processes outlined or authorized by Section 25 of the *PGA* as follows:
- (a) Only individuals who are Registrants of BCIA (other than Honourary Councillors) in good standing are eligible to stand for nomination for Councillor of their respective Regional Electoral District;
 - (b) The BCIA Nomination Committee, as outlined in Section 19 above and in the then-current terms of reference for that Committee must ensure that the following procedural steps are completed:
 - (i) The current or expected Council vacancies, the capabilities, qualifications or skills required for the vacant position(s) and any other factors or criteria specified by Council or the Nomination Committee are advertised on the BCIA website and by direct electronic means to the Registrants of BCIA who are members of the Regional Electoral District in which the current or expected vacancies are located;
 - (ii) The advertisements shall be designed to attract a qualified and diverse field of suitable nominees and must include information as to vacant position(s) and the election process;
 - (iii) The required advertisements must confirm the time period during which the application to be considered as a nominee must be received by BCIA and that all Registrants who wish to be

considered as nominees must submit their name, contact information, a current resume/CV, a current passport style photograph, and a maximum 500 word written description demonstrating how the Registrant meets the capabilities, qualifications or skills required for the vacant position as outlined in the respective advertisement;

- (iv) Registrants who wish to be considered as nominees for the respective vacancies must also provide the Nomination Committee with any additional information requested in the advertisement which may include but is not limited to information respecting the Registrant's professional practice and the existence of any potential conflicts of interest;
- (v) The Nomination Committee shall ensure that the advertisements, the election processes and each of its members, where applicable, are respectively:
 - objective, impartial and applied consistently;
 - promote equality and are free from discrimination, harassment and victimization;
 - consistent with applicable law;
 - designed to promote public confidence in the governance of BCIA; and
 - free from any influence or expressions of preference from or by Council, Registrants, governments or other parties;
- (c) After making a reasonable attempt to include on the list of qualified nominees at least two nominees for each vacancy and upon expiration of the time period for submission of the respective nomination information the Nomination Committee shall prepare a list of qualified candidates to stand for election to fill the respective vacancies;
- (d) In its deliberations as to which individual nominees will be placed on the list of qualified candidates the Nomination Committee shall adhere to the following selection principles:
 - (i) The individuals' merits for the position having regard to the skills and experience of the respective nominees that are determined to best meet the needs of BCIA;
 - (ii) The individuals' integrity, including but not limited to, any information respecting the nominees' professional conduct and competence that may compromise the nominees' capacity to uphold the duties of the position in an objective and honest manner and to act ethically without seeking personal or corporate gain;
- (e) The Nomination Committee shall provide the list of qualified candidates in a report to Council, signed by the Chair of that Committee, which shall also include confirmation that the selection process from the list of nominees is in accordance with all applicable legislation and these Bylaws. The report shall also outline how each of the selected candidates meets the criteria for the vacancy as outlined in the initial advertisement;
- (f) The Nomination Committee, after submission of the required report to Council, shall publish on the BCIA website the name(s) of the qualified candidates, the information or documentation provided by the individual candidate as part of their respective nomination application outlined in Section 52(b)(iii) above, and any other information respecting the candidates which the Committee determines is relevant to make public. Upon this publication on the BCIA website but

not less than 14 days prior to the date on which online voting becomes available every Registrant within the respective Regional Electoral District(s) who is qualified under these Bylaws to vote in the respective election shall be sent the following:

- i. all information and documentation submitted by the candidate(s) as part of their respective nomination application(s);
 - ii. all information required for a Registrant to vote in the on line election for the respective Regional Electoral District
- (g) If the Nomination Committee in its required report to Council only identifies one qualified candidate that candidate shall be deemed to be acclaimed to the respective vacant position without an election being held in the respective Regional Electoral District.

Election of Vice President

- 53.** Subject to the transition provisions outlined in Section 2 above the Vice President shall be elected to that position as follows:
- (a) Only current Registrant Councillors who have previously served at least 2 years as a Councillor are eligible to stand for election as Vice President;
 - (b) Any Registrant Councillor who desires to stand for election as Vice President shall provide their name to the current President who shall advise Council of the candidates for Vice President at least 6 months prior to the annual general meeting at which the Vice President is scheduled to be elected;
 - (c) Council may determine rules and procedures governing campaigning by candidates for Vice President;
 - (d) the Registrant Councillors shall elect the Vice President by way of a secret ballot at a regular scheduled Council meeting at least 3 months prior to the annual general meeting at which the position of Vice President is scheduled to be vacant due to the progression of the previous Vice President to the position of President;
 - (e) the elected Vice President shall automatically advance to the position of President upon the expiration of the previous President's term in that position.

Branch Executive

- 54.** Each official BCIA Branch shall operate in accordance with the Branch Operating Procedures as provided by Council and shall have an Executive made up of three elected positions as outlined below which are to be filled only by Registrants in good standing:
- (a) Vice President;
 - (b) Articling and Training Coordinator;
 - (c) Professional Development Facilitator;

In addition to the three elected positions, a Branch Executive may appoint additional Registrants to assist with the fulfillment of the duties of the Executive, including but not limited to, matters such as

financial management. The elected Vice President shall automatically occupy the office of President upon the expiration of the term of the previous President or if a vacancy in that position occurs for any other reason. A Branch Executive may appoint a Registrant to fill any vacancy in any of the elected or appointed positions. Other than the position of Branch President, one individual Registrant of the respective Branch can fill more than one of the other elected or appointed positions.

55. Nominees for Branch executive positions are not subject to the merit-based process as outlined in these Bylaws for nominees for a Registrant Councillor position. Elected Registrant Councillors are not members of any Branch executive; however, elected Councillors are entitled to attend any meetings of the Branch Executives within their respective Regional Electoral Districts.
56. Each Branch shall determine its own procedures for the election of its Executive members, including terms of each elected position; however, those procedures must ensure that:
 - (a) all Registrants of the Branch, as part of the notice to Registrants of the respective Branch annual general meeting, have:
 - (i) notice that elections for Executive positions will be conducted at its annual general meeting;
 - (ii) notice of the method of balloting, the date, time, and place at which ballots must be received;
 - (b) only the ballots of voting Registrants of the respective Branch are counted.
57. When the result of a ballot is known, the President of the respective Branch shall, within a reasonable period of time, inform BCIA, which shall notify the Registrants of that Branch of the results of the ballot within 30 days of the notification by the Branch President.
58. A Registrant may file a written dispute with Council with respect to a Branch election process. Council may direct such steps as it considers necessary to resolve the dispute.

Terms in Office

59. Subject to the transition provisions outlined in Section 2 above the terms of service in office for the elected Registrant Councillors and officers are as follows:
 - (a) The term for a Registrant Councillor to hold office is 3 years commencing at the conclusion of the next Institute annual general meeting held subsequent to the date on which the individual was elected by their respective Branch;
 - (b) A Registrant Councillor may serve 2 successive terms for a total of 6 years;
 - (c) The terms for the Vice President and President positions shall each be two (2) years commencing at the conclusion of the Council meeting at which the current Vice President assumes the position of President and a new Registrant Councillor is elected as Vice President;
 - (d) Time served in the positions of Vice President and President does not count as time within the maximum six (6) years of service as a Registrant Councillor of BCIA. Consequently, individuals who serve a minimum of three (3) years in the positions of Vice President and President are eligible to

be elected for a third consecutive term as a Registrant Councillor of that individual's respective electoral region;

- (e) A person who has served the maximum number of consecutive years is not eligible to serve as a Councillor until after a break in service of at least 3 years.

Vacancies

- 60.** If a vacancy occurs in the office of President, the Vice President becomes the President for the unexpired term of the vacancy. If the Vice President is unable or unwilling to fill the vacancy or if the office of Vice President is vacant, Council may appoint a Registrant Councillor to serve as an Interim President for the remaining unexpired term of the vacancy created by the departure of the previous President.
- 61.** If the Vice President fills a vacancy in the office of President, the Vice President shall complete the unexpired term of the departed President and continue to serve as President for the subsequent term as President for which the Registrant Councillors initially elected the Vice President.
- 62.** If a vacancy occurs in the office of Vice President, Council shall conduct an election for a new Vice President in accordance with these Bylaws as soon as is reasonably possible. The successful Registrant Councillor shall serve as Vice President for a term equal to the remaining term of the previous Vice President.
- 63.** Except as modified by the Transition provisions outlined above if a vacancy occurs in the office of a Registrant Councillor elected from a Regional Electoral District;
 - (a) upon consultation between Council and the respective Branch Executives within the respective electoral district, Council may temporarily appoint a Registrant from the respective electoral district to serve as a Registrant Councillor for that district;
 - (b) eligibility for appointment as a Registrant Councillor must be determined in accordance with the process and selection principles outlined in Section 25(1) of the *PGA*;
 - (c) a temporary appointment shall not be for a period exceeding the remaining term of the previous Registrant Councillor who had vacated the position;
 - (d) or may hold an election for the remaining period of the Registrant Councillor term.

Resignation from Office

- 64.** To resign from office, Councillors, other than lay Councillors appointed under Section 8(2) or (3) of the *AgAct* or Section 27 of the *PGA*, shall deliver a resignation in writing to the President or Executive Director.

Removal from Office

- 65.** A Councillor ceases to hold office upon death or
 - (a) if the Lieutenant Governor in Council, by order, terminates the appointment of a Lay Councillor or;
 - (b) if a Registrant Councillor

- (i) contravenes a term of the Oath of Office required by Section 74;
- (ii) contravenes a provision of *AgAct*, the *PGA*, the regulations, rules or Bylaws;
- (iii) contravenes a provision of another provincial or federal enactment;
- (iv) becomes bankrupt; or
- (v) if the individual ceases to be a Registrant; and
- (vi) if, after reasonable notice to the Registrant Councillor of at least 14 days, the Council, by a resolution passed by a vote of at least 2/3 of the other Councillors voting on the resolution, considers that the circumstances described in paragraph (a) above are sufficiently serious to justify the Registrant Councillor's removal.

REGISTRATION

66. A person becomes a Registrant upon registration by BCIA in one of the following categories:

Practicing Registrants

- Professional Agrologist (PAg)
- Articling Agrologist (AAg)
- Registered Technologist in Agrology (RTAg)
- Articling Technologist in Agrology (ATAg)

Non- Practicing Registrants

- Retired Agrologist (PAg (Ret))
- Agrologist on Leave
- Honourary Agrologist

67. The Registrar shall register as a Registrant, an applicant:

- 1) who has submitted a completed application for initial registration or an application for reinstatement in one of the above-noted categories and;
 - (a) who has paid all fees for registration or reinstatement and any outstanding fees, penalties, assessments and levies owing to the Institute and;
 - (b) who has acknowledged in writing to be bound by the Institutes' Code of Ethics; and
 - (c) whose application for initial registration as a Registrant has been approved by the Credentials Committee; or
- 2) who has been designated by Council as an Honourary Agrologist.

Requirements for Registration as a Professional Agrologist or a Registered Technologist in Agrology

68. The requirements for registration or reinstatement as a Professional Agrologist or a Registered Technologist in Agrology shall be:

- (a) successful completion of the Institute's respective articling or training programs, or evidence of designation as a Professional Agrologist or a designation comparable to a Registered Technologist in Agrology in good standing from another Canadian provincial or territorial jurisdiction that regulates agrology and;
- (b) satisfactory evidence of good character consistent with the responsibilities of a Registrant and the standards of practice and conduct expected of a Registrant as outlined in the *AgAct*, the *PGA*, these Bylaws, and the Code of Ethics.

Requirements for Registration as an Articling Agrologist

- 69.** The requirements for registration or reinstatement as an Articling Agrologist shall be;
- (a) a Bachelor's degree from an accredited post-secondary educational institution that has been approved by the Credentials Committee;
 - (b) completion of a specific number of courses in natural sciences or agricultural and resource economics plus any additional courses the quantity and content of which must be approved by the Credentials Committee;
 - (c) satisfactory evidence of good character consistent with the responsibilities of a Registrant and the standards of practice and conduct expected of a Registrant as outlined in these Bylaws, the Code of Ethics, the *AgAct*, and the *PGA*.

Requirements for Registration as an Articling Technologist in Agrology

- 70.** Registration requirements for this designation shall be as determined by Council upon recommendations by the Credentials Committee.

Articling and Training Programs

- 71.** Council may take such steps as are necessary to:
- (a) establish and operate education programs for articling Registrants and training programs for other Registrants;
 - (b) require articling Registrants to have an appropriate mentor or direct that one be assigned;
 - (c) require articling Registrants to keep their mentor informed of their progress through the articling program(s) and to seek their advice on matters of a professional and ethical nature;
 - (d) encourage Agrologists and Retired Agrologists to act as mentors to articling Registrants and provide recommendations on whether articling Registrants should be elevated to the status of Agrologists or Registered Technologists in Agrology upon conclusion of the respective articling term; and
 - (e) implement regular reviews of the programs.

Period of Time for Articling

- 72.** Articling Registrants must complete their respective articling program requirements as determined by the Credentials Committee before being eligible to apply for registration as an Agrologist or Registered Technologist in Agrology.

Requirements for Registration as a Student Member

73. The requirements for registration as a student member are that the applicant shall not be a Registrant and shall be registered in agriculture, natural science or agricultural and resource economics or directly related environmental programs at an accredited Canadian post-secondary educational institution that has been approved by the Credentials Committee.

Requirements for Registration as a Retired Agrologist

74. 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 an Agrologist on Leave

75. The requirements for registration as an Agrologist on Leave shall be:
- (a) satisfactory evidence of designation as a practicing Registrant in good standing with BCIA 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 from the date of application and will not practice agrology nor use their respective Registrant designation while on leave.

Registration as an Honourary Agrologist

76. 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 or to the management, use, and conservation of British Columbia's natural resources.

Conditional Registration

77. The Registrar, Deputy Registrar, or the Credentials Committee may grant an application for registration of a person as a Registrant who meets the requirements for registration in the respective categories. The approval may be subject to conditions or limitations, completion of which is required before the approval is finalized. BCIA will advise an applicant of the decision and the conditions and limitations if any.
78. If an admission hearing is ordered by the Registrar or Deputy Registrar under the *AgAct* in accordance with these Bylaws, within 30 days of receiving notice of a preliminary decision of a Credentials Committee panel an applicant whose application was declined may apply to the respective panel for reconsideration solely on the basis of the submission of additional information that was not available or provided to that panel as part of the initial application. After consideration of the new information, the panel shall issue its final decision.
79. Until the enactment of Section 48 of the *PGA* and the consequent authorization of the Credentials Committee as an appellant body, within 30 days of receiving a final decision of a Credentials

Committee panel, an applicant for registration may apply in writing to Council for a review on the record. Council shall conduct its review, by way of written submissions only, within 4 months from receipt of the application for appeal and provide its decision to the appellant within 30 days of the conclusion of its review.

Payment of Fees, Resignation, and Reinstatement

- 80.** Registrants shall pay admission, practice, or any other fees or financial levies (collectively known as the “annual fees”) in the amounts as set out in Schedule A of these Bylaws which can be amended by Council from time to time
- 81.** If a Registrant fails to pay the annual fees by 11:59 pm Pacific Time on February 15 of the year in which it is due, a late fee in an amount set out in Schedule A of these Bylaws will be added to that Registrants’ annual fees.
- 82.** The Registrar shall remove a Registrant from the register if the Registrant fails to pay the annual Registrants fees plus the late fee, if any, prior to April 1 of the year in which the annual Registrants fees are due.
- 83.** Any previous Registrant who resigned from the Institute or who was removed from the register for non-payment of fees may apply for reinstatement as a Registrant. As a condition of acceptance by BCIA, the following fees must be paid by the respective applicant:
 - (a) applicants who were removed for non-payment of fees shall pay the annual fees for the year in which the applicant failed to pay fees plus any late fee, and the fees for the year for which the applicant seeks reinstatement, plus a reinstatement fee in an amount as set out in Schedule A;
 - (b) applicants who resigned from BCIA shall pay pro-rated annual fees for the year for which the applicant seeks reinstatement, plus a reinstatement fee in an amount as set out in Schedule A.
- 84.** To resign in good standing from the Institute, a Registrant must deliver a resignation in writing to the Registrar.
- 85.** All applicants for reinstatement must provide evidence to the Registrar of all professional development activities in which the applicant participated during the previous dormant period. All applicants for reinstatement who are deficient in their respective professional development requirements must also provide a professional development plan for future activities to the Registrar and strictly abide by all limitations on their practice that are stipulated by the Registrar.
- 86.** A Registrant who resigned from the Institute or who was removed from the register for non-payment of fees, and who has not applied for reinstatement within three years from the date of removal or resignation shall not be eligible for reinstatement and must submit a new application for registration.

Confirmation of Registration

- 87.** The Registrar shall issue to each Registrant for the respective category of registration, an annual confirmation of registration following receipt of:
 - (a) payment of the respective annual fees and any outstanding fees, penalties, assessments and levies owing to the Institute;

- (b) a statement, in a form directed by the Registrar, of the Registrant's declared area(s) of professional practice of agrology and;
- (c) a declaration of the Registrants professional development activities for the reporting year in a form directed by the Audit and Practice Review Committee for the Registrants category of registration.

Certificates and Seals

- 88.** PAg and R.T. Ag. Registrants are entitled to obtain a seal in a form authorized by BCIA and to affix the seal to any document signed in their professional capacity.
- 89.** All seals remain the property of BCIA even if the seal was not obtained or paid for by BCIA.
- 90.** All certificates issued by the Registrar and seals authorized by BCIA must be returned upon direction from the Registrar.

Rights, Obligations and Duties of Registrants

- 91.** Registrants in good standing, with the exception of Student Members and Honourary Agrologists, shall be eligible to vote and to hold office in the Institute.
- 92.** Agrologists and Registered Technologists in Agrology have full rights and privileges as Registrants, including the use of a seal and the titles "Professional Agrologist" or "Registered Technologist in Agrology" and the respective designations "PAg" or "RTAg".
- 93.** Articling Agrologists and Articling Technologists in Agrology have full rights and privileges as Registrants without the use of a seal but are authorized to use the titles "Articling Agrologist" or "Articling Technologist in Agrology" and the respective designations of "AAG" or "ATAg" and must attend professional development activities specified by the Institute during their articling terms.
- 94.** Student Members have the right to receive information circulated to the active Registrants by BCIA and to attend BCIA events but do not have the right to use a seal, any title or designation, or to practice agrology.
- 95.** Retired Agrologists have the right to receive information circulated to the active Registrants of BCIA and to attend BCIA events and may use the title "Professional Agrologist (Retired)" and the designation "PAg (Ret)", but cannot practice agrology or use their respective seal.
- 96.** Non-Practicing Registrants have the right to receive information circulated to the active Registrants of BCIA and to attend BCIA events but cannot practice agrology, use their seal (if applicable), nor use their professional title or designations, but must continue to report professional development hours annually.
- 97.** Honourary Agrologists have the right to receive information circulated to the active Registrants of BCIA and to attend BCIA events and to use the title "Honourary Agrologist" and the designation PAg (Hon) but cannot practice agrology.
- 98.** In addition to the requirements of the *AgAct*, the *PGA* and these Bylaws, all Registrants must complete and report the required amount of continuing professional development activities as determined by the Audit and Practice Review Committee for each of the respective categories of

registration. A Registrant who fails to comply with this subsection may be found guilty of professional misconduct, in breach of these Bylaws, or in breach of the Code of Ethics and subject to disciplinary action.

- 99.** (1) Every Registrant or applicant must, with respect to any application for registration, application for reinstatement, practice review, or investigation of a matter related to the mandate of BCIA:
- (a) co-operate fully with the Institute, Council, any committee of Council, or any person or body acting on behalf of or under the direction of the Institute, the Council or any Committee;
 - (b) reply within 30 days to any communication from the Institute, Council, or any Committee unless a written extension has been granted and;
 - (c) attend or appear, which shall include appearance by electronic means if authorized by the authority requesting the appearance, before the Executive Director, Registrar, a Deputy Registrar, Council or any committee when requested, summoned or notified to do so;
- (2) A Registrant who fails to comply with subsection (1) may be found guilty of professional misconduct, in breach of these Bylaws, or in breach of the Code of Ethics and subject to disciplinary action;
- (3) A Registrant who resigns before or after the beginning of a practice review, a discipline investigation, a hearing or another proceeding under the *AgAct* or the *PGA* remains subject to the jurisdiction of the Institute.

STANDARDS OF CONDUCT AND COMPETENCE

Code of Ethics and Conflicts of Interest

- 100.** All Councillors, staff, officers and Registrants of the Institute must comply at all times with the Institute's Code of Ethics attached as Schedule B to these Bylaws and conflict of interest guidelines as amended from time to time.
- 101.** All Registrants in the provision of their professional services must comply with current industry standards for their respective areas of practice, including, but not limited to and all practice directives, interpretation bulletins, guidelines, and instructions issued by BCIA or any of its standing committees respecting professional practice or ethical issues.
- 102.** All Registrants must meet the minimum professional development obligations set by BCIA for each of the respective professional designations. This obligation shall include, but not be limited to, completion of any programs or requirements designated by Council as mandatory that support reconciliation with indigenous people in British Columbia. Failure to meet the minimum standards may be viewed by BCIA as a breach of the Code of Ethics, resulting in specific disciplinary action, including but not limited to, cancellation of a Registrants' professional designation granted under the *AgAct*, the *PGA* and these Bylaws.
- 103.** Council, upon consultation with the Audit and Practice Review Committee and the Credentials Committee, shall establish processes by which BCIA may grant special licenses to practice to a class(s) of certified non-registrants which licenses shall stipulate qualifications, conditions, and limits of practice. These conditions shall outline, but not be limited to, determination of the aspects of

professional practice that may be delegated by a Registrant to a certified non-registrant and aspects of professional practice by a certified non-Registrant that must be performed under the supervision of a Registrant.

AUDIT AND PRACTICE REVIEWS

Appointment of Practice Reviewer

104. The Executive Director, the Audit and Practice Review Committee, the Investigation Committee, or the Discipline Committee may appoint a practice reviewer who shall be:

- (a) an employee or officer of the Institute; or
- (b) an experienced contractor retained by the Institute for this purpose.

Duties of Practice Reviewer

105. A practice reviewer shall:

- (a) conduct a review of a specific Registrant as directed by the Executive Director or the respective Committee;
- (b) determine whether there are reasonable grounds to warrant disciplinary action;
- (c) consider whether remedial steps are necessary and, if so:
 - (i) report on what remedial steps, if any, the Registrant has indicated the Registrant would implement to enable the Registrant to practice agrology competently, professionally and ethically and;
 - (ii) consider and report on what additional remedial steps, if any, would be appropriate to enable the Registrant to practice agrology competently, professionally and ethically;
- (d) deliver a written report outlining the results and recommendations of the specific practice review to the Executive Director who shall provide a copy to the Registrant, and to the Chair of the respective Committee.

106. The Audit and Practice Review Committee shall establish and administer an annual audit process by which a specific percentage of Registrants are audited by BCIA to determine compliance with the audited Registrants professional development obligations as stipulated under these Bylaws.

107. On receipt of the report from the practice reviewer or receipt of the specific audit conclusions, the Registrar or the respective Committee shall take such remedial steps as may be appropriate, which may include disciplinary steps under Section 21 of the *AgAct* or Section 63 of the *PGA* and under these Bylaws.

COMPLAINTS AND DISCIPLINE

Procedures upon Receipt of a Complaint

108. Complaints against a Registrant will be managed as follows:

- (a) A Complainant must deliver the complaint in writing to BCIA, Council or an officer of BCIA. Any recipient of a written complaint shall forward that complaint to the Registrar. Delivery by electronic means is acceptable;
 - (b) The Registrar shall, as soon as is reasonably possible, provide a copy or a summary of the complaint to the Respondent and request a response in writing within 30 days of the Respondent receiving notice of the complaint, or such lengthier period that the Executive Director deems appropriate;
 - (c) The Registrar may, at any time before providing a report under subsection (d) below, including prior to delivery of the respective complaint to the Respondent:
 - (i) summarily dismiss a complaint if the Registrar determines that the complaint:
 - 1.1 does not contain allegations that, if admitted or proven, would constitute a matter subject to investigation by the Investigation Committee; or
 - 1.2 is trivial, frivolous, vexatious, or made in bad faith or;
 - (ii) after consultation with the Investigation Committee, attempt to facilitate a consent order between the Complainant and the Respondent pursuant to Section 115, if the Registrar determines that the complaint does not contain allegations that, if admitted or proven, would constitute a serious matter subject to investigation by the Investigation Committee. “Serious matter” means a matter which, if admitted or proven, would ordinarily result in an order being made under Section 24(5)(c) to (f) of the *AgAct*;
 - (d) If a complaint is dismissed under subsection (c)(i) above, the Registrar must provide to the Investigation Committee, within 60 days of the determination, copies of the complaint, any response provided by the Respondent, and a written report outlining the reasons for the specific determination;
 - (e) A disposition under subsection (c) (i) is considered to be a disposition of the Investigation Committee unless, within 30 days after receipt of the report required under subsection (d) above, that Committee directs the Registrar to proceed under Sections 109-111 below.
- 109.** Upon receipt of a complaint and response (if any), or on the initiative of Council concerning a matter respecting the grounds set out in Section 21 (1)(a) of the *AgAct*, or Section 66 of the *PGA* the Registrar may:
- (a) conduct or authorize an investigation of the complaint or matter, including the appointment of an investigator other than the Registrar if deemed necessary. The Registrar shall advise all parties to the complaint or matter of the pending investigation and the identity of the specific investigator(s) or;
 - (b) dispose of a complaint under Section 108 above where satisfied that it does not require investigation and shall advise the Complainant and Respondent of the disposition.
- 110.** Without limiting any investigation, Council, the Investigation Committee, or the Registrar, may require, by written notice:

- (a) a personal appearance of the Respondent before Council, the Investigation Committee or the Registrar to answer questions or provide explanations;
- (b) production of documents, records or other information in the possession or control of the Respondent, in accordance with Section 21(1)(b) of the *AgAct* or Section 66(1)(b) of the *PGA*;
- (c) exercise the rights of the Institute, (if any) to apply to the Supreme Court of British Columbia under the *AgAct* or the *PGA*.

111. The Registrar must provide the results of any investigation(s) to the Investigation Committee, in the form of a written investigation report(s). Once the Committee is satisfied that an investigation is adequate, the Registrar :

- (a) (i) must provide a copy of all investigation reports to the Respondent, and must request that the Respondent provide, within not less than 21 days, any information regarding the matter that the Respondent believes the Committee should consider and;
- (ii) may provide a copy of all or part of any investigation report(s) to the Complainant, and may request that the Complainant provide, within not less than 30 days, any information regarding the matter that the Complainant believes the Committee should consider;
- (b) may redact any reports or parts of reports provided to a Complainant or a Respondent, to protect the substantial privacy or other interests of third persons, Complainants and Registrants, or otherwise to protect the public interest.

112. The Registrar shall forward any subsequent submissions related to the direct subject matter of the complaint under investigation from the Complainant and the Respondent to the Investigation Committee.

Disposition of Complaint

113. If Council on the advice of the Registrar, Investigation Committee or the Discipline Committee considers it necessary to protect the public interest, Council may at any time during an investigation of a complaint or pending a discipline hearing, without providing the Respondent with an opportunity to be heard:

- a) impose limits or conditions on the practice of the regulated practice by the Respondent or,
- b) suspend the registration of the Respondent.

114. After considering any investigation reports and submissions provided by any Complainant and the Respondent(s), the Investigation Committee must, within 45 days of receiving the respective reports and submissions, do one or more of the following:

- (a) determine that no further action is required;
- (b) authorize a practice review under Section 19(1) of the *AgAct* to be conducted in accordance with Sections 104 and 104 of these Bylaws;
- (c) issue a written notice under Section 21(1)(c) of the *AgAct* requiring the Respondent to appear before it;
- (d) facilitate a consent order pursuant to Section 116;

- (e) stipulate standards or expectations to be met by the Registrant;
- (f) provide a caution to the Registrant based on provisional assessments;
- (g) assess a financial penalty as follows:
 - i) for Respondents who are trainees an amount not to exceed \$2,000;
 - ii) for individual Respondents who are PAg or RTAg an amount not to exceed \$100,000;
 - iii) for Respondents who are regulated firms an amount not to exceed \$250,000;
- (h) direct the Respondent pay the costs of the investigation (including the value of staff time spent on the investigation) in an amount not to exceed the actual costs of the investigation incurred by the Institute;
- (i) direct the issuance of a citation ordering a discipline hearing under Section 24 of the *AgAct* or Section 75 of the *PGA*; or
- (j) take such other remedial action as it considers appropriate.

115. The Registrar shall provide written notice of a disposition under Section 114 above to the Respondent and Complainant within thirty (30) days of receiving notice of the disposition from the Investigation Committee.

Consent Order

116. At any time before the issuance of a citation by the Investigation Committee or commencement of a hearing before the Discipline Committee, the Registrar at the direction of either Committee may propose, in writing, to a Respondent that a consent order be made for the voluntary resolution of one or more matters that may otherwise be dealt with at the discipline hearing. In a consent order, the respective Committee may require that the Respondent do one or more of the following:

- (a) admit to the conduct which was the focus of the complaint;
- (b) undertake not to repeat the conduct to which a matter relates;
- (c) undertake to take educational courses or complete a remedial training program specified by the respective Committee or by the Audit and Practice Review Committee;
- (d) appear before a board of examiners appointed by Council or the Audit and Practice Review Committee and satisfy the board that the Respondent is competent to practice the Registrant's regulated practice;
- (e) consent to a reprimand;
- (f) consent to cancellation or suspension of Registrant's membership within BCIA;
- (g) pay the costs of the investigation (including the value of staff time spent on the Investigation) in an amount not to exceed the actual costs of the investigation incurred by the Institute which resulted in the consent order;
- (h) consent to a penalty on the Respondent as follows:
 - (i) for Respondents who are trainees an amount not to exceed \$2,000;

- (ii) for individual Respondents who are PAg or RTAg an amount not to exceed than \$100,000;
- (iii) for Respondents who are regulated firms an amount not to exceed \$250,000; or
- (i) undertake or consent to any other action specified by the Committee.

Citation for a Hearing

- 117.** If the Investigation Committee determines that a consent order will not be offered to a Respondent or if after being provided with a proposed consent order as outlined in Section 116 a Registrant refuses to provide an undertaking or consent, the Investigation Committee may direct the Registrar to issue a citation for a hearing by the Discipline Committee.
- 118.** If the Investigation Committee directs the issuance of a citation for a hearing, the Registrar shall issue a citation that:
- (a) names the affected Registrant as the 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 that the Discipline Committee is entitled to proceed with the discipline hearing in the absence of the Respondent.
- 119.** The Registrar must have a citation delivered to the Respondent not fewer than 30 days before the date of the hearing by personal service or by registered mail at the last address for the Respondent known to the Institute.
- 120.** The Registrar must provide written notice to the Complainant of the date, time and place of the hearing of the respective complaint not fewer than 14 days before the date of the hearing.
- 121.** The Investigation 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 Committee is no longer required, and the Registrar must notify the Respondent and the Complainant of the cancellation.
- 122.** Notwithstanding anything contained in these Bylaws, the Investigation or the Discipline Committee may make an order respecting a Respondent without issuing a citation or conducting a discipline hearing if the respective Committee learns that a different governing body has found, or the Respondent has admitted to a different governing body in British Columbia or in a foreign jurisdiction that the Respondent committed an act that, in the opinion of the respective Committee, would constitute:
- (a) professional misconduct;
 - (b) conduct unbecoming a Registrant, or;
 - (c) incompetent performance of duties undertaken while engaged in the regulated practice.

Discipline Hearing Process

- 123.** Within 30 days of the issuance of a citation, the Discipline Committee must establish a 3 person panel, one member of which must be a layperson who is not a Registrant of any regulatory body

subject to the *PGA*, to adjudicate by way of an oral hearing the matters outlined in the respective citation.

- 124.** The hearing of the respective citation must commence within 60 days of the panel being appointed unless all parties execute a written consent to an adjournment of the commencement of the hearing.
- 125.** The Respondent and the Institute may appear as parties and with legal counsel at a hearing of the respective citation.
- 126.** All hearings of any panels established by the Discipline Committee must be held in public unless:
 - (a) the Complainant, the Respondent or a witness requests the respective panel hold all or any part of a hearing in private and;
 - (b) the panel is satisfied that holding all or any part of a hearing in private would be appropriate in the circumstances; or
 - (c) the holding of a hearing in public could result in disclosure of confidential information protected under any then-current provincial or federal legislation.
- 127.** At a hearing:
 - (a) the testimony of witnesses must be taken on oath or affirmation which may be administered by any member of the panel and;
 - (b) the Institute and the Respondent have the right to cross-examine witnesses and to call evidence in reply.
- 128.** Evidence is not admissible at a discipline hearing unless, at least 14 days before the respective 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 documentation;
 - (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;
 - (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.
- 129.** The panel at a discipline hearing may:
 - (a) grant an adjournment of a hearing,
 - (b) 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;
 - (c) make any other direction it considers appropriate, including but not limited to the acceptance and consideration of evidence which has not been previously disclosed as required by Sections

127 and 128 above, if the panel is satisfied that the legitimate interests of a party will not be unduly prejudiced.

130. If the Respondent does not attend, the panel may:

- (a) proceed with the hearing in the Respondent's absence upon proof of service of the citation on the Respondent; and
- (b) without further notice to the Respondent, take any action that it is authorized to take under the *AgAct*, the *PGA* or these Bylaws.

131. All discipline hearings shall be recorded, and any person may obtain, at their expense, a transcript of any part of a hearing unless the hearing or part thereof was held in private or information disclosed at a hearing is prohibited from disclosure by any then-current provincial or federal legislation.

132. A panel shall adjudicate the matters outlined in the citation, and provide written notification of its judgement to the Registrar within 30 days of the last day of the respective hearing. The judgement must dismiss the citation or determine that the Respondent has committed one or more of the following:

- (a) professional misconduct;
- (b) conduct unbecoming a Registrant;
- (c) incompetent performance of duties undertaken while engaged in the Registrant's regulated practice.

The judgement may include an order for any remedy listed with respect to Consent Orders in Section 115 above.

133. The Registrar shall provide a copy of the panels' written judgement to the Respondent and Complainant within 30 days of receiving the judgment. The Registrar shall also provide a copy of the determination to Council within 14 days of the expiration of the respective appeal period(s) outlined in Sections 135 and 136 below.

Alternative Complaint Resolution

134. (a) Following receipt of the response from the Respondent, or the expiry of the time period within which the Respondent was to respond, the Registrar may, with the written consent of both the Respondent and the Complainant, appoint a mediator to attempt to resolve the complaint. If mediation is not accepted or is unsuccessful, the Registrar must provide a copy of the complaint and any response to the Investigation Committee;

(b) Notwithstanding anything contained herein, at any time a Respondent, the Registrar, the Investigation Committee or the Discipline Committee, as applicable, may agree that alternative complaint resolution protocols other than the mediation process referred to in this Section, will commence between the Respondent and the applicable committee in respect of one or more matters to be dealt with at the respective hearing(s).

Appeals of Decisions of the Credentials or Discipline Committee

- 135.** Until the enactment of the relevant sections of the *PGA*, within 30 days of receiving a written decision of a panel of the Credentials or Discipline Committee, an applicant or a Registrant subject to an adverse determination under Sections 7 or 24 of the *AgAct* may apply in writing to Council for a review on the record by way of written submissions only, which shall be determined in accordance with Section 30 of the *AgAct*. Council shall conduct its review within 4 months of receipt of the Notice of Appeal and provide its decision to the appellant within 30 days of the conclusion of its review;
- 136.** An applicant or Respondent who is the subject of a determination, order or decision of Council under Section 30 of the *AgAct*, may within 30 days of receiving the decision of Council appeal the determination, order or decision to the Supreme Court of British Columbia on a question of law or jurisdiction in accordance with Section 31 of the *AgAct*.

Public Disclosure

- 137.** Subject to any restrictions or prohibitions established by any provincial or federal privacy legislation the Institute:
- (a) may distribute to all Registrants a summary of any complaint or other matter, and may include commentary about related professional standards, requirements, policies or guidelines, for purposes of educating and assisting Registrants about professional and ethical issues, but any summary published under this subsection must not identify any Complainant or Respondent;
 - (b) must publish on the Institute's website within 14 days of the date set for a hearing before the Discipline Committee information confirming that a citation has been issued which information must include the name of the Respondent if that Respondent's conduct is in issue;
 - (c) must publish on the Institutes' website a summary of any matter addressed in any consent order entered into by a Respondent which must include the name of the Respondent if that Respondents' conduct is in issue;
 - (d) must, within 14 days of receiving a written decision from a Discipline Hearing Panel appointed in accordance with these Bylaws, provide a copy of the respective decision to the Superintendent of Professional Governance;
 - (e) within 30 days of the expiration of any appeal periods available to a Respondent, the Institute must publish on its website a summary of any Discipline Committee judgement which did not dismiss the respective complaint in its entirety, which must include the name of the Respondent.

ADDITIONAL SECTIONS

Inspection of Institute Documents by Registrants

- 138.** Subject to the direction of Council, the Executive Director will permit any Registrant to physically inspect any account or book or financial document of the Institute.
- 139.** A Registrant 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.

SCHEDULE A - FEES

1. Application Fee

\$200.00 (non-refundable)

2. Annual Registrants Fees

| | |
|---------------------|-----------|
| PAg | \$ 475.00 |
| AAg | \$ 415.00 |
| RTAg | \$ 475.00 |
| ATAg | \$ 415.00 |
| PAg (Ret) | \$ 50.00 |
| PAg (Ret 75+) | \$ 0.00 |
| On Leave | \$ 75.00 |
| Student | \$ 0.00 |
| Honorary Agrologist | \$ 0.00 |

3. Other Fees

Late Fee (Applied after February 15)

| | |
|----------------------|-----------|
| PAg, AAg, RTAg, ATAg | \$ 100.00 |
| On Leave | \$ 50.00 |

Reinstatement Fee (in addition to any fees required by Bylaw 83)

| | |
|--|-----------|
| With Notice (Registrant Resigned in Good Standing) | \$ 50.00 |
| Without Notice (Registrant Discontinued) | \$ 125.00 |

Extension Fee (AAg) \$ 60.00 applied to AAg Fee (to equal PAg fee) after 3+ years maintaining AAg status

Transfer-in from another province (PAg, AAg, RTAg, ATAg) \$ 75.00 processing fee

Dual with another province \$ 75.00 processing fee plus current annual dues (may be pro-rated)

Certificate No charge

Framed certificate \$50.00

Self-inking/HandStamp (PAg or RTAg) \$50.00

4. Refunds

No refunds will be granted for any portion of the above noted fees (1.,2.,3.), except in accordance with the parental and medical leave policy.

SCHEDULE B – CODE OF ETHICS

NEW CODE IN COMPLIANCE WITH THE *PGA* IS CURRENTLY BEING DRAFTED

Introduction

The Code of Ethics recognizes that registration to practice Agrology is a privilege and that Agrologists have responsibilities to the general public, to their clients and employers, to courts and tribunals, and to the profession.

All Registrants must exercise integrity, competence and objectivity in their professional conduct at all times while fulfilling their professional responsibilities as set out below.

Duties and Responsibilities:

1. In discharging their responsibilities to the public, Registrants must:

- (a) practice within the scope of the profession, in accordance with all relevant legislation, regulations, Bylaws, standards of practice and policies relevant to the practice of agrology;
- (b) maintain stewardship of sound scientific principles in the practice of agrology;
- (c) provide service in areas of their professional competence, and practice within the limits of their training, ability, and experience;
- (d) provide accurate information regarding their qualifications and experience;
- (e) ensure they have an adequate understanding of the situation and context in which an opinion has been requested;
- (f) ensure that they distinguish between facts, assumptions and opinions in the preparation of reports or other materials;
- (g) ensure that they clearly state that a report or other material(s) constitutes an opinion and identifies the limitations within which the opinion is provided;
- (h) make referrals to or seek advice or assistance from other Registrants of the profession or other professionals in situations which require expertise that is beyond their knowledge and skills; and
- (i) regularly conduct self-assessments of their practice and actively participate in professional development and technical upgrading to maintain currency and competence.

2. In discharging their responsibilities to the client and employer, Registrants must:

- a) act conscientiously and diligently in providing professional services;
- b) accept professional responsibility for any plans, reports and other documents which they have signed or to which they have applied their seals;
- (c) report any error or omission in their work to their client and employer and immediately take action to remedy such error or omission;
- (d) maintain the confidentiality of all information concerning the business and affairs of the client and employer acquired in the course of the professional relationship, and must not divulge any such

information unless disclosure is expressly authorized by the client or employer or is required by law or by a court;

- (e) not use any confidential information respecting a client or employer outside the professional relationship or for the benefit of the Registrant or another person, or to the disadvantage of the client or employer;
- (f) decline any retainers, employment or assignments that would give rise to a conflict of interest;
- (g) disclose an actual or apprehended conflict of interest to any affected client or employer as soon as reasonably possible; and
- (h) not accept remuneration or compensation from more than one client or employer for the same work without the consent of all affected clients and employers.

3. In discharging their responsibilities as expert witnesses before courts and tribunals, Registrants must:

- (a) ensure that the opinion that they are providing is within the scope of their expertise;
- (b) ensure that they have an adequate understanding of the situation and context in which the opinion has been requested;
- (c) ensure that they distinguish between facts, assumptions and opinions in the preparation of their expert reports;
- (d) ensure that they clearly state that their expert report constitutes an opinion and identifies the limitations within which the opinion is provided; and
- (e) ensure that they provide an objective expert opinion and not an opinion that advocates for their client or employer or a particular partisan position.

4. In discharging their responsibilities to the profession, Registrants must:

- (a) not engage in dishonourable or questionable conduct, in professional practice, extra-professional activities or private life, that casts doubt on the Agrologist's professional integrity or competence, or reflects adversely on the integrity of the profession of agrology;
- (b) report to the Executive Director where they have reasonable grounds to believe that another Registrant may have engaged in professional misconduct or unprofessional conduct;
- (c) abstain from making unwarranted, undignified and misrepresentative statements in public about other Registrants, the Institute, or Registrants of other professional bodies;
- (d) ensure their communications with other Registrants and other professionals are characterized by respect, courtesy, honesty and good faith; and
- (e) ensure that they acknowledge the contributions of other Registrants and other professionals when directly using their work in whole or in part.

SCHEDULE C – OATH OF OFFICE

(The following oath is prescribed for the purposes of Section 28 of the Professional Governance Act)

I do solemnly affirm that, in the exercise of my powers and the performance of my duties as a member of the BCIA Council or as a BCIA Committee member:

- I will abide by the Agrologists Act, the Professional Governance Act and respective regulations, Bylaws, standards and policies of BCIA, in accordance with the law and the public trust placed in me;
- I will act impartially and with integrity, putting the interests of the public above my own personal interest and the interests of any organization with which I am affiliated;
- I will avoid situations and circumstances in which there is a real or perceived conflict of interest by ensuring such conflicts of interest, are properly disclosed, and necessary measures are taken so a conflict of interest does not bias decisions or recommendations;
- I will conduct myself honestly and ethically, in a manner that maintains and enhances the public's trust and confidence in the governance of the Agrology profession and does not bring the profession into disrepute;
- I will safeguard confidential information, not divulging it unless I am either authorized to do so or required to do so by law;
- I will base my decisions on the objective evidence that is available to me; and
- I will ensure that other memberships, directorships, voluntary or paid positions or affiliations remain distinct from work undertaken in the course of exercising my powers or performing my duties as a Council or committee member.

Printed name

Office/Position held

Signature

Date

[Provisions relevant to the enactment of this regulation: Professional Governance Act, S.B.C. 2018, c. 47, sections 26 (4)(a), 28, 30 (1)(a)(i), 118 (2)(g) and 122 (2)(b).]