

# BRITISH COLUMBIA INSTITUTE OF AGROLOGISTS BYLAWS



Effective upon repeal of the *Agrologists Act* (SBC 2003) Ch. 13

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## DEFINITIONS

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

1. In these Bylaws:

**“Agrologist”** means an individual who is registered with the British Columbia Institute of Agrologists (BCIA) as an Agrologist in accordance with the *Professional Governance Act* (SBC 2018) (“PGA”) in one of the categories of registration authorized by these Bylaws;

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

**“Audit and Practice Review Committee”** means the standing committee established under these Bylaws;

**“BCIA”** means the British Columbia Institute of Agrologists as continued under Part 7 Division 1 of the *PGA*;

**“Branch”** means an administrative division of the BCIA established by the BCIA within a specific geographical area of British Columbia, consisting of Registrants assigned to the respective Branch by the BCIA;

**“Chief Executive Officer/CEO”** is an acceptable alternate title for a person appointed as the Executive Officer of the BCIA in accordance with the *PGA*;

**“Citation”** means an order of the Investigation Committee issued under Section 113 outlining the date, location and matters to be adjudicated in a hearing before the Discipline Committee;

**“Code of Ethics”** means the stipulation of accepted ethical behaviour expected of Registrants in their professional interaction with the BCIA, other Registrants, and the general public as indicated in Schedule A to these Bylaws as amended from time to time;

**“Complainant”** means a person(s) who files a complaint with the BCIA as 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 these Bylaws;

**“Council”** means the governing body of the BCIA continued under Section 84 of the *PGA*;

**“Councillor”** in accordance with Section 26 of the *PGA* means a Registrant elected or appointed to the Council of the BCIA under these Bylaws;

**“Credentials Committee”** means the standing committee established under these Bylaws;

**“Days”** means calendar days unless otherwise expressly stipulated in these Bylaws;

**“Deputy Registrar”** means an individual staff member of the BCIA that in accordance with Section 31(2) of the *PGA* is authorized by the BCIA to conduct specific tasks and duties that are within the duties of the Register as appointed under the *PGA*;

**“Discipline Committee”** means the standing committee established under these Bylaws;

**“Electronic Means”** refers to digital processes by which information is provided to, received from or exchanged between Registrants, the BCIA, Council, Committees and the general public and includes but is not limited to the holding of virtual BCIA, Council or Committee meetings, proceedings or hearings;

**“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 the *PGA* or maintain the regular operations of BCIA;

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

**“In-camera”** refers to a portion of a meeting of the Council, a BCIA committee or of the BCIA that pursuant to an approved motion is conducted in private with only Councillors, committee members, or BCIA Registrants respectively 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 the 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 or subject to conditions imposed under the *PGA* or these Bylaws;

**“Investigation Committee”** means the standing committee established under these Bylaws;

**“Lay Councillor”** means an individual who is not a Registrant of BCIA and is appointed to Council pursuant to Section 27 of the *PGA*;

**“Nomination Committee”** means the standing committee established under these Bylaws;

**“OSPG”** means the Office of the Superintendent of Professional Governance established under Part 2 of the *PGA*;

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

**“PD year”** means a one-year period from January 1<sup>st</sup> until December 31<sup>st</sup>;

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

**“Practice Audit”** means an assessment of a Registrants’ professional practices, 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 BCIA in the term immediately prior to the current President;

**“President”** means the chair of the Council elected in accordance with these Bylaws;

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

**“Qualifying hours”** means hours of professional development activities which satisfy current criteria as approved by Council;

**“RRAC”** means a Reprimand and Remedial Action by Consent agreement pursuant to Section 72 of the *PGA*;

**“Registrant”** includes all persons and firms licensed by the BCIA in accordance with the *PGA* to practice the profession of agrology within the province of British Columbia and includes:

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

**“Regional Electoral District”** means geographical regions of British Columbia where the BCIA Branches as defined in these Bylaws are located;

**“Registrar”** means the Registrar of the BCIA appointed under Section 31(1) of the *PGA*;

**“Register”** means a public listing on the BCIA website of information pertaining to each former and current Registrant of the BCIA maintained in accordance with these Bylaws and guidance or directives of the OSPG;

**“Regulated Practice”** means the practice of agrology carried on by Registrants as defined in Schedules to the *PGA*;

**“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;

**“Terms of Reference”** means the written operational policies approved by Council for each standing committee, special committee, or working group established under the *PGA* or these Bylaws;

**“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 Council in accordance with these Bylaws who will become the President upon the expiration of the term of the then-current President.

## **COUNCIL OPERATIONS AND PROCEDURES**

### **Effective Date**

2. These Bylaws govern the operations of the BCIA, which can be amended at any time by Council but are not in force until and unless the respective amendments have been approved in accordance with the PGA.

### **Effective Notice**

3. Unless specifically required by these Bylaws, all notices to any or all Registrants, Student Members, Honourary Members, Lay Councillors and Committee 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 persons last address known to the BCIA.

### **Council Structure**

4. The Council must consist of:
  - (a) the President, who must be a Registrant Councillor, and whose term may commence after serving a term as Vice President;
  - (b) the Vice President, who must be a Registrant Councillor, elected in accordance with these Bylaws;
  - (c) the immediate Past-President who may serve as a non-voting member of Council for the period of up to two calendar years from the close of the BCIA's annual general meeting in the year in which the persons' term as President ends;
  - (d) up to four lay Councillors appointed under Section 27 of the *PGA* at least one of which must be present at any meeting, proceeding or hearing of Council;
  - (e) a maximum of 7 Registrant Councillors allocated between and elected from the Regional Electoral Districts outlined in then current written BCIA policies.

### **Authorized Leaves of Absence**

5. 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. The period of any authorized leave by a Councillor will be counted as part of the term of office outlined in these Bylaws. Leaves of absence by any other staff member may be authorized by the Executive Director.

### **Meetings of Council**

6. Rules governing the calling and operation of Council and Committee meetings must be set by Council in written policy subject to the following:
  - (a) All meetings, proceedings and hearings must be conducted in accordance with the then current BCIA policies;

- (b) Notice of the date and time of each regularly scheduled meeting must be posted on the BCIA website no less than 7 days prior to the date of the scheduled meeting;
  - (c) At least one lay Councillor must be present at every meeting, proceeding or hearing of the Council;
  - (d) Unless expressly required by these Bylaws any and all meetings, proceedings or hearings of Council may be held by electronic means;
  - (e) Meetings of Council or portions thereof, may be held in-camera, and must include at least one Lay Councillor. No minutes of in-camera meetings must be kept other than records of Motions that are passed in accordance with these Bylaws;
  - (f) Minutes of Council meeting must be posted on the BCIA website after approval by Council at its next scheduled meeting other than matters that may disclose information subject to federal or provincial protection of privacy legislation;
  - (g) Notwithstanding anything contained herein but subject to the *PGA*, Council may amend any timelines or deadlines outlined in these Bylaws to address any emergency situation by way of a 2/3rds vote of Councillors present at a properly instituted Council meeting.
7. 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, must be forwarded to Council for adjudication. 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.

**Designation of Branches**

8. In accordance with written policies approved by Council, the BCIA may designate and name specific geographical areas of the province of British Columbia into different Branches as well as define and determine operational procedures and obligations of each Branch. Although Branches are governed by separate executives and officers, Branches are not separate legal entities but rather operate as administrative divisions of BCIA.

**Duties of Elected Officers**

**President**

9. The President must preside at BCIA and Council meetings and in accordance with the principles of policy governance must be the official person of contact between the staff of the BCIA and Council.

**Vice President**

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

### **Immediate Past-President**

11. The immediate Past-President must assume duties at the request of the President or Council.

### **Treasurer**

12. The Treasurer, who must be elected by majority vote from among the Councillors, will:
  - (a) serve as Treasurer for so long as Council determines;
  - (b) in cooperation with the Executive Director oversee the financial operations of the BCIA ;
  - (c) assume additional duties as assigned by Council including, but not limited to, temporarily serving as President if the President, Vice-President or Past President are not willing to or able to act in that capacity and;
  - (d) cease to be Treasurer upon ceasing to be a Registrant Councillor.

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

13. In compliance with Section 31 of the *PGA*, 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 must decide and each of whom must 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 BCIA, including but not limited to the investigation and prosecution of complaints, the Executive Director and the Registrar of the BCIA are authorized as officers and investigators of the BCIA. The Executive Director is the chief executive officer of the BCIA employed pursuant to a written employment contract and thus may use the title "Chief Executive Officer". Further, the Registrar and Deputy Registrar(s), if any have been appointed, are authorized under Section 32(5) of the *PGA* to grant an application for registration with or without conditions or limitations in accordance with recommendations of the Credential Committee.

### **Statutory Committees**

14. Council may appoint Registrants to statutory committees as described in these Bylaws; however Councillors must not be members of any statutory committee. Council must appoint a Registrant to be the Chair of each statutory committee who must be appointed in accordance with the selection principles referred to in Section 25(1) of the *PGA*. Each statutory committee must have at least one lay committee member present at every meeting, proceeding or hearing. All committees of the BCIA must act in accordance with the *PGA*, its respective terms of reference and written policies as established by and amended from time to time by Council. All Committee current terms of reference and written policies must be published on the BCIA website. All committees may hold their meetings, or portions thereof, in-camera.
15. 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.
16. The BCIA must have the following statutory committees, and the Terms of Reference of each committee must be published on the BCIA website:

- (a) the Audit and Practice Review Committee, established in accordance with and authorized by Council under Section 63 of the *PGA*, which is delegated responsibility for developing professional guidelines and policies, including annual reporting protocols of professional development activities which include but are not limited to continuing education 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 BCIA's standards of professional conduct.

This Committee must mandate that each Registrant of the BCIA must complete specific courses or activities which support reconciliation with the Indigenous peoples of British Columbia. This Committee must 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.

This Committee must also maintain an enforcement matrix by which deficiencies in reaching the mandatory continuing education minimum standards are addressed, including, but not limited to, the cancellation of the registration of a Registrant in the BCIA;

- (b) the Credentials Committee, established in accordance with and authorized by Council under Section 44 of the *PGA* which is delegated responsibility for ensuring that Applicants meet or exceed the then current qualification requirements for registration and for overseeing the Articling Agrologist and other training programs;
- (c) the Discipline Committee, established in accordance with and authorized by Council under Section 73 of the *PGA* which is delegated responsibility for conducting discipline hearings following the issuance of a citation by the Investigation Committee;
- (d) the Investigation Committee, established in accordance with and authorized by Council under Section 64 of the *PGA*, which is delegated responsibility for taking appropriate action in response to complaints or on its own initiative related to the acts or omissions of a Registrant in accordance with the *PGA* and;
- (e) the Nomination Committee, which is delegated responsibility for developing, publishing and enforcing the desired qualifications and eligibility requirements for elected positions on the Council, including the Vice President and Registrant Councillors, and for identifying and recruiting qualified Registrants for the position of Vice President, Council and committee positions.

**17.** The BCIA may:

- (a) appoint special committees for purposes consistent with the *PGA*;
- (b) authorize special working groups to assist in the planning and delivery of operational matters or special projects of the BCIA which are outside the jurisdiction of the standing and special committees established for purposes under the *PGA* as outlined in these Bylaws. Each special committee must have at least one lay committee member present at every meeting, proceeding

or hearing. All special committees and working groups of the BCIA must act in accordance with the *PGA*, its respective Terms of Reference and written policies as established by and amended from time to time by Council. All committees and working groups may hold their meetings, or portions thereof, in-camera.

18. Unless otherwise specifically prohibited by these Bylaws or the *PGA* all meetings, proceedings or hearings of all statutory committees, special committees, or working groups may be held by way of electronic means.

### **Panels of Statutory Committees**

19.

- (a) Unless otherwise outlined in these Bylaws only for the specific purpose of the consideration of an application for registration, investigation reports respecting a complaint, or a discipline hearing pursuant to a citation issued by the Investigation Committee, the Credentials Committee, the Investigation Committee, and the Discipline Committee, must each meet in panels. Panels of the Investigation and Discipline Committees must include at least one lay committee member. For all other purposes of these committees the respective committee may meet as the whole Committee;
- (b) Meetings and deliberations of all panels may be held by electronic means. The recommendations of the Credentials and the decisions of Investigation Committee panels must be determined on the basis of written submissions only. Hearings of the Discipline Committee must be by either oral hearings or by written submissions at the discretion of the respective panel in accordance with 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 is delegated 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. must designate the Chair of a panel from among the respective panel members and;
  - iii. may remove a panel member.

### **Oath of Office**

20. 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 B to these Bylaws.

### **BCIA Registrant Meetings**

21. Any BCIA meetings of Registrants may be held by electronic means and include:

- (a) the annual general meeting, which must be held no later than June 30<sup>th</sup> 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 or of fifty (50) Registrants in good standing.

### **Notice of BCIA Meetings**

- 22. BCIA meetings must be held on the date, time, and place designated by Council. The Executive Director must, at least 30 days but not more than 60 days before the date set for a BCIA meeting, give written notice of the BCIA meeting to each Registrant stating the date, place and time of the respective meeting. Notice of a BCIA meeting is be deemed valid if:
  - (a) mailed by regular mail to each Registrant at the Registrant's last known address recorded in the BCIA's files or;
  - (b) for those Registrants who have provided the BCIA with an electronic mail address, transmitted by electronic means to each Registrant at the Registrants' last known electronic address recorded in the BCIA's files.
- 23. If a quorum is present at a BCIA meeting, notice is deemed valid even if a specific Registrant or Registrants did not receive notice mailed by regular mail or transmitted by electronic means.

### **Conduct of BCIA Meetings**

- 24. Quorum for a BCIA meeting is met if 5% of the Registrants other than Student and Honourary Members or 75 Registrants, whichever amount is lower as of February 15 past, are in attendance at the meeting. Any BCIA meeting may be held by electronic means.
- 25. A Registrant must be present in person to be included in the quorum during an in person meeting or signed in electronically during a virtual meeting to vote at the respective BCIA meeting.
- 26. The President must chair all BCIA meetings, with the following exceptions:
  - (a) If the President is absent or is unable or unwilling to chair an BCIA meeting, the Vice President must chair the BCIA meeting;
  - (b) If the Vice President is absent, unable or unwilling to chair a BCIA meeting, the Past-President must chair the BCIA meeting.
- 27. If the President, the Vice President or the immediate Past-President are absent or are unable or unwilling to chair a BCIA meeting, the voting Registrants present must choose a suitable person to chair the respective BCIA meeting.
- 28. The Chair of a BCIA meeting must ensure the minutes of the BCIA meeting are recorded, and draft minutes are made available to the Registrants within thirty (30) days of the respective meeting. Draft minutes must be made final at the next regularly scheduled BCIA meeting and thereafter posted on the BCIA website.
- 29. BCIA meetings must be conducted in accordance with the then current written policies of the BCIA unless otherwise specified within these Bylaws. BCIA meetings, or portions thereof, can be held in-camera.

30. The business conducted at all BCIA meetings must commence with a call to order, a confirmation of the number of all voting Registrants present, and a confirmation of the presence of a quorum.
31. The business conducted at the annual general meeting must 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 BCIA Meetings**

32. 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.
33. 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. In accordance with Section 32(5)(a) of the *PGA* the Executive Director is authorized to disallow any proposed resolution which does not meet the requirements of this Section.
34. All valid proposed resolutions must be provided to all Registrants by electronic means to the last address known to the BCIA 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, must be one half of the number of votes cast plus at least one additional vote.
35. Subject to Section 34 of the *PGA*, Council may implement any resolution approved at a BCIA meeting.
36. Council will report annually at the annual general meeting on the status of resolutions approved at the previous annual general meeting.

### **Balloting by Registrants**

37. Unless a recorded ballot is requested by at least 50% of the voting Registrants in attendance, balloting at a meeting of the BCIA must be by a show of hands at an in person meeting or by a comparable electronic method at a virtual meeting.
38. Council must hold a recorded ballot of the Registrants for:
  - (a) a referendum required under Section 34 of the *PGA* if any;
  - (b) such other matters as Council must decide.
39. The sitting President must not vote on any matter at a BCIA meeting or a recorded ballot except in the instance of a tied vote.

## **Returning Officer**

- 40.** Council must 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.
- 41.** The Returning Officer must establish the voters list, which must 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.
- 42.** Ballots must be in such form as the Returning Officer determines including electronic online ballots, and must be sent by regular mail or electronic means to each voting Registrant's last known address recorded in the BCIA's files.
- 43.** All ballots must be mailed or transmitted by electronic means on the same day, which day must be the deemed mailing date for all ballots.
- 44.** Other than ballots at a duly constituted meeting of the BCIA the Returning Officer must 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.
- 45.** The Returning Officer must 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.
- 46.** 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 must inform Council, which must notify the Registrants of the results not later than 30 days following the ballot or acclamation.
- 47.** The Registrar must be the sole authority to determine the process for any election dispute. The Registrars' determination of any dispute made in accordance with the respective process is final.

## **Financial Management**

- 48.** Council must:
  - (a) set the fiscal year of the BCIA and all Branches;
  - (b) cause accounts to be kept of sums received and expended by the BCIA and of the assets and liabilities of the BCIA;

- (c) cause an operating statement and a balance sheet to be prepared and audited annually by accountants appointed by the Registrants at the BCIA'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 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;
  - (i) once approved at a BCIA meeting, post the annual Audited Financial Statements of the BCIA on the BCIA website.
49. Councillors and other officers who incur travelling and other expenses in carrying out their duties on behalf of the BCIA may receive travel and other expenses at rates set by the BCIA from time to time.

## **ELECTIONS**

### **Election of Registrant Councillors**

50. Each Regional Electoral District as outlined in these Bylaws is entitled to elect the number of Registrant Councillors as outlined in these Bylaws, whom must be elected in accordance with the principles and processes authorized by Section 25 of the *PGA* as follows:
- (a) Only individuals who are Registrants of BCIA (other than Honourary Councillors and Student members) in good standing are eligible to stand for nomination for Registrant Councillor of their respective Regional Electoral District;
  - (b) The BCIA Nomination 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 must 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 which must be no less than thirty(30) days 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 must 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 the 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 must prepare a list of qualified candidates to stand for election to fill the respective vacancies;
- (d) In accordance with Section 5 of the *Professional Governance General Regulation* (B.C. Reg. 107/2019) in its deliberations as to which individual nominees will be placed on the list of qualified candidates the Nomination Committee must 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 must provide the list of qualified candidates in a report to Council, signed by the Chair of that Committee, which must also include confirmation that the selection process from the list of nominees is in accordance with all applicable legislation and these Bylaws. The report must 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, must 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 50(b) (iii) above, and any other information respecting the candidates which the Committee determines is relevant to make public. Upon publication on the BCIA website but not less than fourteen(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 must 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 must 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**

**51.** The Vice President must be elected to that position as follows:

- (a) Only current Registrant Councillors who have previously served at least 2 years as a Registrant Councillor are eligible to stand for election as Vice President. Notwithstanding anything contained herein, this experience requirement and any time limits listed in this Section may be waived by a 2/3rds majority vote of Council if no current Registrant Councillor who possesses the necessary experience agrees to stand for election;
- (b) Any Registrant Councillor who desires to stand for election as Vice President must provide their name to the current President who must 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 commence their term as Vice-President;
- (c) Council may determine rules and procedures governing election of candidates for Vice President and post the respective rules and procedures on the BCIA website;
- (d) the Registrant Councillors must 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 must automatically advance to the position of President upon the expiration of the previous President's term in that position.

### **Terms in Office**

**52.** The terms of service in office for the elected Registrant Councillors and officers are as follows:

- (a) In accordance with Section 24(1) of the *PGA* the term for a Registrant Councillor to hold office is 3 years commencing at the conclusion of the next BCIA annual general meeting held subsequent to the date on which the individual was elected in their respective Regional Electoral District;
- (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 must each be two (2) years commencing at the conclusion of the annual general meeting of the BCIA at which the current Vice President

assumes the position of President and a Registrant Councillor assumes the position of Vice President;

- (d) Time served in the positions of Vice President and President must count as time within the maximum six (6) years of continuous service as a Registrant Councillor of the BCIA.
- (e) A person who has served the maximum number of consecutive years is not eligible to serve as a Registrant Councillor until after a break in service of at least 3 years.

### **Vacancies**

- 53. 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.
- 54. If the Vice President fills a vacancy in the office of President, the Vice President must complete the unexpired term of the departed President and continue to serve as President for the subsequent term as President for which the Registrant Councillor was initially elected as Vice President.
- 55. If a vacancy occurs in the office of Vice President, Council must conduct an election for a new Vice President in accordance with these Bylaws as soon as is reasonably possible. The successful Registrant Councillor must serve as Vice President for a term equal to the remaining term of the previous Vice President.
- 56. If a vacancy occurs in the office of a Registrant Councillor elected from a Regional Electoral District or , if after appropriate advertisement of a vacancy in accordance with these Bylaws no candidate is found for the respective vacancy:
  - (a) upon consultation between Council and the Branch Executives within the respective electoral district, Council may:
    - i. temporarily appoint a Registrant from the respective electoral district to serve as a Registrant Councillor for that district; or
    - ii. hold an election for the remaining period of the Registrant Councillor term;
  - (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 must not be for a period exceeding the remaining term of the previous Registrant Councillor who had vacated the respective position.

### **Resignation from Office**

- 57. To resign from office, Councillors, other than lay Councillors appointed under Section 27 of the *PGA*, must deliver a resignation in writing to the President or Executive Director.

## Removal from Office

58. In compliance with Section 30(1) of the *PGA* 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;
    - ii. contravenes a provision of the *PGA*, the Regulations, or these 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 14 days notice to the respective Registrant Councillor, Council by a resolution passed by a vote of at least 2/3 of the other Councillors voting on the resolution at a duly constituted meeting of Council, considers that the circumstances described in this subsection are sufficiently serious to justify the Registrant Councillor's removal.

## REGISTRATION

59. All requirements to attain registration within the BCIA must be posted on the BCIA website. A person becomes a Registrant upon registration by the BCIA in one of the following categories:

### ***Practicing Registrants***

Professional Agrologist (PAg)

Articling Agrologist (AAg)

Technical Agrologist (TAg)

Articling Technical Agrologist (ATAg)

### ***Non- Practicing Registrants***

Retired Agrologist (PAg (Ret))

Agrologist on Leave

Honourary Agrologist

## Special Limited Licenses

60. Council, upon consultation with the Audit and Practice Review Committee and the Credentials Committee, must establish processes by which BCIA may grant special temporary licenses to practice to a class(s) of certified non-registrants which licenses must stipulate qualifications, conditions, and limits of practice. These conditions must 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.

61. The Registrar must register as a Registrant, an applicant:
- (a) who has submitted a completed application for initial registration or an application for reinstatement in one of the above-noted Practicing Registrant categories and;
    - i. who has paid all fees for registration or reinstatement and any outstanding fees, penalties, assessments and levies owing to the BCIA and;
    - ii. who has acknowledged in writing to be bound by the BCIA's Code of Ethics; and
    - iii. whose application for initial registration as a Registrant has been approved by the Credentials Committee or;
  - (b) who has been designated by Council as a Honourary Agrologist.

#### **Requirements for Registration as a Professional Agrologist or Technical Agrologist**

62. The requirements for registration or reinstatement as a Professional Agrologist or a Technical Agrologist must be:
- (a) successful completion of the BCIA's respective articling or training programs, or evidence of designation as a Professional Agrologist or a designation comparable to a Registered Technical Agrologist 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 *PGA*, these Bylaws, and the Code of Ethics.

#### **Requirements for Registration as an Articling Agrologist**

63. The requirements for registration or reinstatement as an Articling Agrologist must be:
- (a) a Bachelor's degree from an accredited post-secondary educational institution that has been approved by the Credentials Committee and;
  - (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 and;
  - (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, and the *PGA*.

#### **Requirements for Registration as an Articling Technical Agrologist**

64. Registration requirements for this designation must be as determined by Council upon recommendations by the Credentials Committee.

#### **Articling and Training Programs**

65. 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 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 Technical Agrologists upon conclusion of the respective articling term; and
- (e) implement regular reviews of the programs.

### **Requirements for Registration as a Student Member**

66. The requirements for registration as a student member are that the applicant must not be a Registrant and must 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**

67. The requirements for registration as a Retired Agrologist are:
- (a) satisfactory evidence of designation as a registered Agrologist in good standing with the BCIA 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**

68. The requirements for registration as an Agrologist on Leave are:
- (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 be placed 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**

69. 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**

70. The Registrar, Deputy Registrar, or the Credentials Committee may grant an application for temporary 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 registration is finalized.

### **Appeal of Registration Decision**

71. Pursuant to Section 48 of the *PGA* within 30 days of receiving a final decision of the Credentials Committee, an applicant for registration may apply in writing to Council for a review on the record. Council must 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**

72. Registrants must pay admission, practice, or any other fees or financial levies (collectively known as the “annual fees”) in the amounts which may be set by Council from time to time.
73. If a Registrant fails to pay the annual fees by the respective deadline set by the BCIA, a late fee in an amount set by the BCIA will be added to that Registrants’ annual fees.
74. The Registrar must remove a Registrant from the Register if the Registrant fails to pay the Registrants annual fees plus the late fee, if any, prior to the respective deadline set by the BCIA;
75. Any previous Registrant who resigned from the BCIA 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 must 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 set by the BCIA;
  - (b) applicants who resigned from BCIA must pay pro-rated annual fees for the year for which the applicant seeks reinstatement, plus a reinstatement fee in an amount set by the BCIA.
76. To resign in good standing from the BCIA, a Registrant must deliver a resignation in writing to the Registrar.
77. 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.
78. A Registrant who resigned from the BCIA 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 is not be eligible for reinstatement and must submit a new application for registration.

### **Confirmation of Registration**

79. The Registrar must 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 BCIA;

- (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, Seals and Signatures**

- 80. PAg and TAg Registrants must be provided with a Certificate of Registration upon attainment of the respective designation and are entitled to obtain a seal in a form authorized by the BCIA and to affix the seal to any document to indicate that the respective document is executed in their professional capacity. These Registrants may utilize a digital form of their respective seal using an on line service provider approved by the BCIA. AAg and ATAg Registrants are not entitled to obtain or use a seal however they may utilize a digital form of their signature on documents for purposes of convenience only.
- 81. All seals remain the property of the BCIA even if the seal was not obtained or paid for by the BCIA.
- 82. All certificates issued by the Registrar and seals authorized by the BCIA must be returned upon direction from the Registrar.

### **Rights, Titles, Obligations and Duties of Registrants**

- 83. Registrants in good standing, with the exception of Student Members and Honourary Agrologists, are eligible to vote and to hold office in the BCIA.
- 84. PAg and TAg have full rights and privileges as Registrants, including the use of a seal and the titles "Professional Agrologist" or "Technical Agrologist" and the respective designations "PAg" or "TAg".
- 85. Articling Agrologists and Articling Technical Agrologist have full rights and privileges as Registrants without the use of a seal but are authorized to use the titles "Articling Agrologist" or "Articling Technical Agrologist" and the respective designations of "AAg" or "ATAg" and must attend professional development activities specified by the BCIA during their articling terms.
- 86. Student Members have the right to receive information circulated to the active Registrants by the BCIA and to attend BCIA events but do not have the right to use a seal, any title or designation, or to practice agrology.
- 87. Retired Agrologists have the right to receive information circulated to the active Registrants of the 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.
- 88. Honourary Agrologists have the right to receive information circulated to the active Registrants of the BCIA and to attend BCIA events and to use the title "Honourary Agrologist" and the designation PAg (Hon) but cannot practice agrology.
- 89. Registrants on leave have the right to receive information circulated to the active Registrants of the 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.

90. In addition to the requirements of the *PGA* and these Bylaws, all Registrants must complete and report the required amount and type 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.
- 91.
- (a) 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 the BCIA:
    - i. co-operate fully with the BCIA, Council, any committee of Council, or any person or body acting on behalf of or under the direction of the BCIA, the Council or any Committee;
    - ii. reply within 30 days to any communication from the BCIA, Council, or any Committee unless a written extension has been granted and;
    - iii. attend or appear, which may 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;
  - (b) A Registrant who fails to comply with subsection (a) above may be found in breach of these Bylaws, or in breach of the Code of Ethics and may be subject to disciplinary action;
  - (c) A Registrant who resigns or has had their registration revoked by the BCIA before or after the beginning of a practice review, a complaint investigation, a hearing or another proceeding under the *PGA* or these Bylaws remains subject to the jurisdiction of the BCIA.
92. Council may, upon receipt of recommendations from the Audit and Practice Review Committee suspend or cancel the registration of any Registrant or reject the application of an applicant who has been convicted of an indictable offence.

## **STANDARDS OF CONDUCT AND COMPETENCE**

93. All Councillors, staff, officers, Registrants and members of the BCIA must respectively comply at all times with the relevant sections these Bylaws, including but not limited to the Code of Ethics attached as Schedule A to these Bylaws, conflict of interest guidelines and BCIA approved policies as amended from time to time.
94. All Registrants in the provision of their professional services must comply with current industry standards, policies, practices, and legislative requirements relevant to their respective areas of practice, including, but not limited to and all practice directives, interpretation bulletins, guidelines, and instructions issued by the BCIA or any of its committees respecting professional practice or ethical issues.
95. All Registrants must
- (a) stay informed of, remain knowledgeable about, and meet the intent of all guidance information outlined in Section 94 above for their respective areas of practice ;

- (b) document in writing their reasons for any departure from any professional practice guideline or standard.
96. BCIA must maintain and operate an advisory program which may be accessed by any person and which will provide general information and advice to assist in the understanding of professional and ethical matters relevant to the profession of agrology.

### **Annual Continuing Professional Development**

97.

- (a) Retroactively effective to January 1<sup>st</sup>, 2021, every BCIA Registrant, must satisfy the annual continuing professional development requirements established under this section in respect of each CPD period;
- (b) Each practicing Registrant must complete a minimum of 30 qualifying hours each PD year and 125 qualifying hours per each 3 year PD year period. Each Registrant on leave must complete 50% of the respective practicing Registrant requirements;
- (c) Every Registrant must, by a date and in a form stipulated by the BCIA, submit an annual report confirming the number of qualifying hours completed in the respective PD period. Every Registrant who fails to file this report by the set date must pay a late filing fee in an amount set by the BCIA. Failure to file the report and pay the late filing fee will make the respective Registrant subject to the disciplinary action outlined in subsection(6) below ;
- (d) If the Registrar is satisfied that there are special circumstances the Registrar may extend the time for a Registrant to file the required PD annual report;
- (e) Council must require that certain qualifying hours completed in accordance with this section relate to Indigenous reconciliation. Council may also require that certain qualifying hours relate to each of the following topics:
  - i. professional competencies, including the required standards of ethical and professional conduct;
  - ii. declared areas of professional practice;
  - iii. interpersonal competencies;
- (f) Failure to meet any of the minimum standards, including professional development requirements may be viewed by the 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 these Bylaws.

### **Duties to Report**

98. In addition to any duties placed upon a Registrant by the Code of Conduct attached to these Bylaws or by Section 58 of the *PGA* every Registrant must self report all relevant information to the BCIA respecting any of the following circumstances:
- (a) Upon becoming aware of an apparent violation of these Bylaws by any Registrant including themselves;

- (b) Upon filing or being petitioned into bankruptcy or receivership;
- (c) In the event of a finding or admission of professional misconduct, unprofessional conduct; incompetency, conduct unbecoming or other disciplinary breach in another jurisdiction in which the Registrant is or was registered;
- (d) Upon being charged with an indictable offence under the Criminal Code which may influence the Registrants ability to practice competently or in accordance with these Bylaws;
- (e) Upon receipt or service of a notice of civil claim or other legal proceeding in which allegations are made of professional negligence, fraud, or other cause of action, claim, or offence respecting the Registrants practice of the profession of agrology.

## **AUDIT AND PRACTICE REVIEWS**

### **Appointment of Practice Reviewer**

- 99.** The Executive Director, or the Audit and Practice Review Committee, may appoint a practice reviewer who must be:
- (a) an employee or officer of the BCIA; or
  - (b) a contractor retained by the BCIA for this purpose.

### **Duties of Practice Reviewer**

- 100.** A practice reviewer must:
- (a) conduct a review of a specific Registrant as directed by the Executive Director or the respective Committee;
  - (b) 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;
  - (c) deliver a written report outlining the results and recommendations of the specific practice review to the Executive Director who must provide a copy to the Registrant, and to the Chair of the respective Committee.
- 101.** On receipt of the report from a practice reviewer or receipt of specific audit conclusions from the Audit and Practice Committee as authorized by Section 16(a) of these Bylaws, the Registrar must take such remedial steps as may be appropriate, which may include disciplinary steps under Section 63 of the *PGA* and these Bylaws.

## COMPLAINTS AND DISCIPLINE

**102.** Complaints may be made against a Registrant for one or more of the following reasons:

- (a) Incompetent performance in the Registrants' regulated practice;
- (b) Professional misconduct;
- (c) Conduct unbecoming a Registrant;
- (d) Breach of the PGA; or
- (e) Breach of these Bylaws, including but not limited to a breach of the Code of Ethics attached as Schedule A to these Bylaws.

### Procedures upon Initiation of a Complaint

**103.** In accordance with Section 65 and Section 66 of the *PGA*, complaints against a Registrant will be initiated and managed as follows:

- (a) A Complainant must deliver a complaint in writing to BCIA, or an officer of BCIA. Any recipient of a written complaint must forward that complaint to the Registrar. Delivery by electronic means is acceptable;
- (b) Council, the Registrar, or the Investigation Committee may initiate on their own initiative a complaint or authorize an investigation of any Registrant;
- (c) The Registrar must, 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 Registrar deems appropriate;
- (d) The Registrar may, at any time before the intake and information gathering stage including prior to delivery of the respective complaint to the Respondent summarily dismiss a complaint if the Registrar determines that the complaint:
  - i. is beyond the jurisdiction of the BCIA, does not raise an issue of incompetence, professional misconduct, conduct unbecoming or a breach of the *PGA* or these Bylaws; or
  - ii. is frivolous, vexatious or made in bad faith.

A disposition under this subsection is considered to be a disposition of the Investigation Committee unless, within 30 days after receipt of the report required under subsection (g) below, that Committee directs the Registrar to proceed with further investigation in accordance with these Bylaws. The Registrar must advise of the final disposition of the complaint including reasoning if it is dismissed under this subsection;

- (e) Council, the Registrar or the Investigation Committee may at any time refer the matter to the Audit and Practice Review Committee for consideration in accordance with Section 63 of the *PGA*;
- (f) Upon receipt of a complaint and response (if any), or on the initiative of Council or the Investigation Committee the Registrar must 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 must advise all parties to the complaint or matter of the pending investigation and the identity of the specific investigator(s);

- (g) The Registrar must submit a preliminary report to the Investigation Committee for each complaint initiated to either:
    - i. Outline the Registrars' reasoning for summarily dismissing the complaint; or
    - ii. Outline the complaint for the Investigation Committee to determine whether further investigation is warranted;
  - (h) Council must provide in publically available written policies additional guidance for the following matters:
    - i. Reasonable timelines for provision of information by Complainants and Respondents;
    - ii. Initiation of additional or amended complaints discovered during the information gathering stage of the original complaint;
    - iii. Circumstances in which the BCIA may choose to not disclose a complaint to a Respondent;
    - iv. Standards by which complainants and respondent are to be advised as to progress of the investigation and disposition of the respective complaint.
- 104.** Notwithstanding anything contained herein Council, the Investigation Committee, or the Discipline Committee, if considered necessary to protect the public interest, may at anytime during or after an investigation impose limits or conditions or suspend the registration of a Registrant without notice in accordance with Section 67 of the *PGA*.
- 105.** Pursuant to Section 65(4) and Section 66 of the *PGA* and 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. The appearance can be made by electronic means in accordance with these Bylaws with the consent of the compelling body. The Respondent must be provided with reasonable notice of the date and time of the required appearance and is allowed to appear with legal counsel;
  - (b) production of documents, records or other information in the possession or control of the Respondent or any other Registrant;
  - (c) exercise the rights of the BCIA to apply to the Supreme Court of British Columbia for orders or direction as outlined in the *PGA*.
- 106.** 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) 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.
- 107.** The Registrar must 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.
- 108.** At anytime during the investigation or discipline stages of a complaint the Respondent, the Registrar, the Investigation Committee, or the Discipline committee as applicable may agree to enter into and conduct alternative complaint resolution processes in accordance with Section 74 of the *PGA*.

### **Disposition of Complaint**

- 109.** 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, in accordance with the relevant sections of the *PGA* do one or more of the following:
- (a) determine that no further action is required;
  - (b) authorize a practice review to be conducted in accordance with these Bylaws;
  - (c) before a citation is issued initiate a RRAC agreement with respect to matters that can be addressed by an undertaking not to repeat the conduct in question, agree to stipulated standards, cautions, or expectations, and abide by any recommendations respecting additional education or training as directed by the Audit and Practice Committee;
  - (d) before a citation is issued facilitate a consent order pursuant to these Bylaws ;
  - (e) issue a citation ordering a discipline hearing under Section 75 of the *PGA*;
  - (f) take such other remedial action as it considers appropriate.
- 110.** The Registrar must provide written notice of a disposition to the Respondent and Complainant within 30 days of receiving notice of the disposition from the Investigation Committee.

### **Consent Order**

- 111.** At any time before the commencement of a discipline hearing, the Investigation Committee or the Discipline Committee may direct the Registrar to propose, in writing, to a Respondent that a consent order is entered into 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 must 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 the Registrant's registration by BCIA;
- (g) consent to a financial 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 TAg an amount not to exceed than \$100,000;
  - iii. for Respondents who are regulated firms an amount not to exceed \$250,000 or;
- (h) undertake or consent to any other action specified by the respective Committee.

### **Citation for a Hearing**

- 112.** 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 a Registrant refuses to provide consent, the Investigation Committee must direct the Registrar to issue a citation for a hearing by the Discipline Committee.
- 113.** If the Investigation Committee directs the issuance of a citation for a hearing, the Registrar must 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 Panel is entitled to proceed with the discipline hearing in the absence of the Respondent.
- 114.** 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 BCIA.
- 115.** 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.
- 116.** 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.
- 117.** 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**

- 118.** Upon the issuance of a citation by the investigation Committee the Discipline Committee must conduct a hearing in accordance with Section 77 of the *PGA* and these Bylaws. Within 30 days of the issuance of a citation, the Discipline Committee must establish a Panel from its members, one of which must be a lay committee member, to adjudicate the matters outlined in the respective citation by way of an oral hearing or by written submission at the discretion of the respective Panel. This discretion must be exercised reasonably with consideration given to the matters still in dispute, the ability of all parties to personally attend and the likely increase in a potential award of costs that a personal appearance could create. A Respondent, with the consent of the respective Panel, may make their personal appearance by electronic means.
- 119.** BCIA must be the prosecutor at each hearing and each respective Discipline Panel must have access to independent legal counsel.
- 120.** 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.
- 121.** The Respondent and representatives of the BCIA may appear as parties and with legal counsel at a hearing of the respective citation.
- 122.** 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.
- 123.** At an oral 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 BCIA and the Respondent have the right to cross-examine witnesses and to call evidence in reply.
- 124.** 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.
- 125.** 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 these Bylaws, if the Panel is satisfied that the legitimate interests of a party will not be unduly prejudiced.
- 126.** If the Respondent does not attend, the Panel may:
- (a) proceed with the hearing in the Respondents' 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 *PGA* or these Bylaws.
- 127.** All oral discipline hearings must be recorded by the BCIA using a certified reporting service, the cost of which can be recovered as part of a costs order if any is granted by the respective panel. Respondents may make their own recordings of the proceedings but only with the express permission of the respective Panel. Any person may obtain, at their expense, a transcript of any part of the BCIA recording 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.
- 128.** The Panel must, within 45 days of the conclusion of a hearing in accordance with the relevant sections of the *PGA* do one or more of the following:
- (a) dismiss the citation;
  - (b) determine, supported by written reasons, that the Respondent has committed one or more of the following:
    - i. Professional misconduct
    - ii. Conduct unbecoming a Registrant;
    - iii. Incompetent performance of duties undertaken while engaged in the Registrants regulated practice;

- (c) reprimand the Respondent;
  - (d) require the Respondent to complete a remedial program to the satisfaction of Council or the Audit and Practice Review Committee or a special committee established by Council to determine the competency of the Respondent;
  - (e) impose conditions on the Respondents' practice as a Registrant;
  - (f) in accordance with Section 81(f) of the *PGA* issue a written order as to costs to be paid by the Respondent, if any, which must not exceed the actual costs incurred by the BCIA, its committees and Panels respecting the matter of the respective complaint which may include the salary paid to employees of BCIA that were engaged in the investigation and hearing. An order for payment of costs must not exceed \$50,000 and must be paid within six (6) months from the date of the decision being provided to the Respondent unless the time for payment is extended by the Panel upon application by the Respondent.
  - (g) assess a financial penalty in excess of the \$50,000 costs limitation outlined in this Section as follows:
    - i. for Respondents who are trainees an amount not to exceed \$2,000;
    - ii. for individual Respondents who are PAgS or TAgS an amount not to exceed \$100,000;
    - iii. for Respondents who are regulated firms an amount not to exceed \$250,000;
  - (h) suspend or cancel the Respondents' registration as a Registrant;
  - (i) take such other remedial action as it considers appropriate.
- 129.** The Registrar must provide written notice of a disposition to the Respondent, the Complainant, and the OSPG within 30 days of receiving notice of the disposition from the Discipline Committee.
- 130.** The Registrar must also provide a copy of the determination to Council within 14 days of the expiration of any appeal periods available to the Respondent pursuant to the *Judicial Review Procedure Act* [RSBC 1996] Ch. 241 as amended from time to time.

## PUBLIC DISCLOSURE OF INFORMATION

### Register

- 131.** The BCIA must maintain the Register which must be published on the website of the BCIA. All Registrants must provide to the BCIA, and keep current any information requested that is required to be listed in the Register. Unless directed otherwise by the OSPG the BCIA must list in the Register the following information:
- (a) any and all information required by the OSPG in relation to all Registrants including but not limited to name, professional designation, and business contact information;
  - (b) all cancellations or suspensions of a designation of a recent historical member of the BCIA that occurred less than 7 years prior to the *PGA* coming into force;

- (c) all cancellations of a Registrant designation which must remain on the public register for a period of 10 years from the date of each respective cancellation. Subsequent to the respective 10 year period the BCIA must remove the respective information from the Register but must retain the removed information and make that information available upon written request;
  - (d) any and all disciplinary notations which must remain on the Register permanently.
- 132.** Notwithstanding Section 31(3)(f)(i)(B) and Section 82(2) of the *PGA* or anything contained in these Bylaws, Council or the Registrar must not include information referred to in those sections in the Register, or otherwise publish in any manner, information if the Registrar considers that the public interest in the respective information being publically available is outweighed by the privacy interests of
- (a) a complainant or other person, other than a registrant, or
  - (b) a registrant who may be suffering from a physical or mental ailment, an emotional disturbance, or an addiction to alcohol or drugs.
- 133.** If Council or the Registrar determines that certain information is not to be included in the Register or published in any manner, the Registrar must note that information has been withheld in a manner which does not compromise the privacy interests that are being protected.
- 134.** The BCIA may by policy allow contextual explanatory notations and updates to any cancellation, suspension or disciplinary listings on the Register.
- 135.** The BCIA shall conduct an annual audit of a certain percentage of Registrants, as stipulated by Council, listed in the Register to determine sufficiency and accuracy of the information provided by or relevant to the respective Registrant.

### **Discipline Information**

- 136.** Subject to any restrictions or prohibitions established by any provincial or federal privacy legislation the BCIA:
- (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 BCIA's website within thirty(30) days of the date set for a hearing before a Discipline Panel information confirming that a citation has been issued which information may include the name of the Respondent if that Respondent's competence is in issue;
  - (c) must publish on the BCIA's website within thirty(30) days of an agreement being concluded between the parties a summary of any matter addressed in any RRAC or Alternative Dispute Resolution agreement entered into by a Respondent which must include the name of the Respondent if that Respondent is, by the terms of the respective agreement, subject to a limitation on their practice;
  - (d) may, upon the express direction of Council publish the name of the Respondent even if no limitations on the Respondent's practice were directed in the respective RRAC or alternative dispute resolution agreement;

- (e) must maintain records of all instances where Council exercised discretion as to the publication of a Respondents name;
- (f) must publish, within 30 days of a Consent Order being concluded between the parties, the Respondents name, professional designation, date(s) and nature of offence(s) and a copy of the respective Consent Order;
- (g) must within 30 days of the expiration of any appeal periods available to a Respondent of an order of the Discipline Committee , advise the OSPG of the final disposition of the respective complaint, update the on line register with respect to the Respondent and publish the following information on its website:
  - i. the name of the Respondent;
  - ii. The date(s) of the offence(s);
  - iii. the nature of the offence(s);
  - iv. a copy of any and all agreements entered into between the BCIA and the Respondent; and
  - v. the written judgement of the Discipline Panel.

## SCHEDULE A - CODE OF ETHICS

The practice of Agrology is a privilege and is regulated by BCIA pursuant to the terms of *The Professional Governance Act* (SBC 2019). In compliance with this legislation the BCIA is mandated under Section 22(h) and Section 57(2) to establish, monitor and enforce standards of professional ethics among all of its Registrants. All BCIA Registrants ***must*** exercise integrity, competence, and objectivity in their professional conduct at all times and ***must***:

1. Hold paramount the safety, health and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace;
2. Practice only in those areas of practice where their training, education, experience and ability make the registrant professionally competent;
3. Have regard for the common law, relevant federal and provincial legislation and regulations, BCIA Bylaws, sound scientific principles, recognized standards of practice and policies relevant to the practice of Agrology;
4. Maintain competence in relevant specializations, including but not limited to active participation in continuing education and technical upgrading to ensure knowledge of advances in regulated practice and relevant science.;
5. Provide accurate information in respect of qualifications and experience;
6. Provide professional opinions that distinguish between facts, assumptions and opinions;
7. Avoid situations and circumstances in which there is a real or perceived conflict of interest and ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed and necessary measures are taken so a conflict of interest does not bias decisions or recommendations;
8. 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 the duty to report outlined in Paragraph 11 below;
9. 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;
10. Abstain from making unwarranted, undignified and misrepresentative statements in public about other Registrants, BCIA, or Registrants of other professional bodies and must ensure their communications with other Registrants and other professionals are characterized by respect, courtesy, honesty and good faith;
11. Report to BCIA and, if applicable, any other appropriate authority or professional regulatory body, if the Registrant, on reasonable and probable grounds, believes that the continued

practice of a regulated practice by another registrant or other person, including firms and employers, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people;

12. Present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded;
13. Clearly identify each Registrant who has contributed professional work, including recommendations, reports, statements or opinions;
14. Undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the profession of agrolgy;
15. Abide by any additional ethical principles and directives as determined by the Lieutenant Governor in Council from time to time.

## SCHEDULE B – OATH OF OFFICE

*(The following oath is prescribed for the purposes of Section 28 of the PGA)*

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 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 Agrolgy 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.

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Printed name

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Office/Position held

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Signature

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Date

## SCHEDULE C - FEES

**Application Fee** \$200.00 (non-refundable)

### **Annual Registrants Fees:**

PAg \$ 475.00

AAg \$ 415.00

TAg \$ 475.00

ATAg \$ 415.00

PAg (Ret) \$ 50.00

PAg (Ret 75+) \$ 0.00

On Leave \$ 75.00

Student \$ 0.00

Honourary Agrologist \$ 0.00

### **Other Fees:**

**Late Annual Dues Payment Fee** (Applied after February 15) PAg, AAg, TAg, 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;

**Late Filing Fee** (annual PD Report) \$75;

**Extension Fee** (AAg) \$ 60.00 applied to AAg Fee (to equal PAg fee) after more than 3 years maintaining AAg status;

**Transfer-in** from another province (PAg, AAg, TAg, 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 TAg) \$50.00

**Refunds:** No refunds will be granted for any portion of the above noted fees, except in accordance with the then current parental and medical leave policy.