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# ABC FP Bylaws

November 2014

**Current Bylaws**

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## **BYLAW 1: FORMATION OF COUNCIL**

1.1 Registered Forest Technologists (RFTs) shall hold two (2) council positions until such time as their proportionate share of the total registered membership class reaches thirty (30) per cent after which they shall hold three (3) council positions, until such time as their proportionate share of the total registered membership reaches forty (40) per cent after which they shall hold four (4) council positions. From then on a minimum of four (4) council positions shall be held by each of the Registered Professional Forester and Registered Forest Technologist members and the remainder of council will be determined by ballot of the membership regardless of whether they are a Registered Forest Technologist or Registered Professional Forester.

1.2 Registered members and retired registered members, in good standing and not on a leave of absence as of the date of record set by council for elections and for balloting, shall elect new council members each year from the candidates nominated pursuant to this bylaw. For the purpose of this bylaw, a year shall be defined as the time between one (1) annual general meeting (as hereinafter defined) and the next.

1.3 To serve, councillors must be Canadian citizens or permanent residents of Canada and, other than the lay councillors, registered members or retired registered members in good standing.

1.4 Elected councillors shall be elected for three (3) year terms as follows:

1.4.1 The member elected to the position of vice-president shall serve one (1) year in that office, and then shall serve one (1) year in the offices of president and immediate past-president.

1.4.2 Other elected councillors shall serve for two (2) years, and may elect to continue to serve for an optional third year by notifying the registrar, in writing, not less than one (1) week before the date set for the first meeting of the nominations committee of their second year in office.

1.5 A nominating committee consisting of at least (three) 3 members shall be appointed by council not less than five (5) months before the date set for the annual general meeting for the purpose of nominating candidates:

1.5.1 For the position of vice-president; and

1.5.2 To fill vacancies created by Registered Professional Forester and Registered Forest Technologist councillors whose term of office is ending or who have not been elected under Bylaw 1.4.2 to serve for a third year.

1.6 Wherever possible, the nominating committee shall nominate at least one (1) more candidate than the number of vacancies available for both Registered Professional Forester and Registered Forest Technologist council positions.

1.7 The list of candidates put forward by the nominating committee, accompanied by their written consent to stand for election, must be in the hands of the registrar not less than three (3) months before the date set for the annual general meeting and must be published for the information of all members not less than two (2) months before the date set for the annual general meeting.

1.8 Additional nominations of candidates for election to the office of vice-president and to council for both Registered Professional Forester and Registered Forest Technologist council positions, other than those proposed by the nominating committee, may be made in writing, signed by ten (10) or more voting members (as defined in these bylaws) and mailed, prepaid, to the registrar at the office of the association giving full current address, phone number, registration number and, where available, fax number and electronic mail address of the person nominated and each of the persons nominating.

1.9 Nominations made under Bylaw 1.8 must be accompanied by the written consent of the nominee, and must be in the hands of the registrar not less than two (2) months before the date set for the annual general meeting.

1.10 Following receipt of all nominations, the registrar shall prepare the necessary ballot papers and shall mail or transmit a ballot paper to each voting member in accordance with the procedures set out in Bylaw 4 to that member's last known mailing or electronic mail address recorded in the association's files. In the event a candidate is acclaimed for any vacancy, notice of this fact shall be mailed or transmitted via e-mail by the registrar either along with or in place of the ballot package."

1.10.1 The ballot forms will clearly indicate which candidates are running for election to a Registered Professional Forester position on council or to a Registered Forest Technologist position on council.

1.11 Ballots shall be counted in accordance with the procedures set out in Bylaw 4.

1.12 The candidates elected to council are:

1.12.1 Those candidates who receive the most votes for the available Registered Professional Forester positions on council; plus

1.12.2 Those candidates who receive the most votes for the available Registered Forest Technologist positions on council.

1.13 A run-off ballot shall be required in the event of a tie not broken by a re-count or agreement amongst the affected candidates.

1.14 As soon as the results of the election are known, the returning officer will inform council, and the president shall then inform the candidates. The results shall also be reported to all members as soon as convenient and must be reported at the annual general meeting.

1.15 Council may appoint either:

1.15.1 A Registered Professional Forester to fill a vacancy caused by the incapacity, resignation or death of an elected council member who is a Registered Professional Forester; or

1.15.2 A Registered Forest Technologist to fill a vacancy caused by the incapacity, resignation or death of an elected council member who is a Registered Forest Technologist.

1.16 Council may, by vote of not less than two-thirds (2/3) of its members in attendance at a council meeting and in accordance with criteria established by council from time-to-time, remove a council member for non-performance of their duties or failure to live up to their obligations as councillors.

1.16.1 Any council member against whom a vote of removal is proposed must be given at least five (5) business day's notice of the proposed vote and the reasons for proposed removal.

## BYLAW 2: ASSOCIATION MEETINGS

2.1 Unless otherwise stated in these bylaws, the meeting rules contained in this bylaw shall apply to all meetings of the association membership called under Section 6 of the *Foresters Act* and or under these bylaws.

2.2 There are three (3) types of association meetings (hereinafter collectively called “association meetings”) possible:

2.2.1 A general meeting which must be held at least once in each calendar year in accordance with Section 6(1) of the *Foresters Act* (referred to as the “annual general meeting”);

2.2.2 A special general meeting which must be called by council in accordance with Section 6(2) of the *Foresters Act*; or

2.2.3 A general meeting which can be called at the discretion of council.

2.3 Council shall decide the location of association meetings.

2.4 The registrar shall give each voting member notice of an association meeting stating the date, place, and time of such meetings at least forty-nine (49) days before the date set for the meeting. Notice shall be deemed valid if either:

2.4.1 Mailed by regular mail to each voting member at that member’s last known address recorded in the association’s files; or

2.4.2 For those members for whom the association has an electronic mail address, transmitted by electronic mail to each voting member at that member’s last known electronic mail address in the association’s files.

2.5 The president shall chair all association meetings. If the president is unwilling or unable to act as chair, or is not present within thirty (30) minutes of the scheduled starting time, the vice-president shall chair the meeting. If both the president and vice-president are unwilling or unable to act as chair, or are not present within thirty (30) minutes of the scheduled starting time, the voting members present may choose the chair amongst themselves.

2.6 The chair shall appoint a person present at an association meeting to record the minutes of such meeting in the form and manner prescribed by council from time-to-time. The minutes so taken shall be presented to the voting members for approval at the next association meeting. Once approved by resolution of the voting members, minutes of all association meetings shall be signed by the president and the registrar.

2.7 The quorum necessary to conduct business at an association meeting shall be forty (40) voting members. No person shall be counted as present by proxy or vote by proxy.

2.8 Each voting member is entitled to one (1) vote for each matter requiring a vote at an association meeting.

2.9 Unless otherwise specified in these bylaws, the conduct of all association meetings shall be guided by Robert’s Rules of Order.

2.10 All resolutions proposed at an association meeting, with the exception of resolutions proposed by council and advisory resolutions (as described in Bylaw 3.6.), shall require a mover and not less than ten (10) seconders who, along with the mover, must be voting members.

2.11 The mover of a business resolution must provide the registrar with the written text of the proposed resolution along with the names, original signatures, and registration numbers of the mover and all seconders. These must be provided not less than thirty-five (35) days before the date set for the meeting at which the resolution is to be decided. Failure to meet these provisions means the resolution shall not be placed on the agenda.

2.12 Written notice of proposed business resolutions, including those proposed by council, must be mailed or, in the case of electronic mail, transmitted to all voting members at least twenty-one (21) days before the date set for the meeting.

2.13 The chair may, with the consent of any association meeting, and shall, if directed by the association meeting, adjourn that meeting to another time and place. No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

2.14 When an association meeting has been adjourned sixty (60) days or more, notice of that adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give notice of an adjournment or of the business to be transacted at any adjourned association meeting.

2.15 A resolution put to a vote at an association meeting shall be decided on a show of hands, unless a poll is demanded by at least twenty-five (25) voting members before or on the result of the show of hands. Unless a poll is so demanded, the chair shall declare that a resolution has, on a show of hands, been carried or defeated. An entry to that effect made in the minutes of the meeting shall be conclusive evidence of the fact without proof of the number or proportion of the votes in favour of or against the resolution.

2.16 If a poll is duly demanded, it shall be taken in such manner as the chair directs and the results shall be deemed to be the resolution of the meeting.

## **BYLAW 3: ANNUAL GENERAL MEETING**

3.1 There shall be two (2) times during the annual general meeting at which resolutions may be considered; the business session and the advisory resolutions session.

3.2 All resolutions proposed at the business session (“business resolutions”), with the exception of resolutions necessary under Bylaw 3.7, shall follow the procedures and timelines set out in Bylaw 2.

3.3 No business resolution adopted is binding unless and until ratified by ballot of the members.

3.4 Within six (6) months from the date a business resolution is adopted at an association meeting, council shall put the subject matter of that business resolution before the voting members for ballot in accordance with the procedures established under Bylaw 4.

3.5 Council may include such other information as it deems prudent to inform the members of the subject matter of the special resolution, the context in which it was adopted at the association meeting, and the debate both for and against the motion.

3.6 All resolutions proposed at the advisory resolutions session (“advisory resolutions”) shall:

3.6.1 Be submitted in writing within the timeline specified by council;

3.6.2 Require one mover and one seconder, at least one of whom must speak to the resolution;

3.6.3 Not require prior written notice to the members; but

3.6.4 If carried, be advisory only and shall not bind council or the association.

3.7 The business that must be conducted in the business session of the annual general meeting shall include, at a minimum:

3.7.1 Adoption of minutes of the previous annual general meeting;

3.7.2 Adoption by resolution of annual reports;

3.7.3 Adoption by resolution of the audited financial statements;

3.7.4 Appointment by resolution of auditors;

3.7.5 Appointment by resolution of one (1) or more the returning officer and scrutineers for the purposes of Bylaw 4.7;

3.7.6 Reporting of council election results;

3.7.7 Ratification by resolution of actions taken by council and staff on behalf of the association in the preceding year; and

3.7.8 Any other business specified in the notice of meeting.



## **BYLAW 4: BALLOTING**

4.1 A voters list will be established for each ballot as follows:

4.1.1 Council will establish a date of record being not more than two (2) weeks before the date set for sending out ballots to voting members; and

4.1.2 The voters list will contain the names of all voting members as of the date of record.

4.2 For the purpose of these bylaws, voting members eligible to be included on the voters list are:

4.2.1 Those registered and retired registered members in good standing and those members as per bylaws 6.7.4, 6.8.5 and 6.9.4 not on a leave of absence as of the date of record for all ballots.

4.3 Ballots shall be in such form as council determines and shall be sent to each voting member on the voters list as follows:

4.3.1 By electronic mail, transmitted to each voting member on the voters list who has opted to receive their ballots electronically and for whom the association has an electronic mail address;

4.3.2 By first class mail, posted to each voting member on the voters list who has not opted to receive their ballots electronically or for whom the association does not have a current electronic mail address; and

4.3.3 Whether transmitted electronically or posted by first class mail, the ballots shall bear the last known address appearing in the association's files for the addressee.

4.4 The date ballots are posted by first class mail shall coincide with the date the electronic ballots are transmitted and shall be deemed the mailing date for all the ballots;

4.5 Council shall satisfy itself that the necessary control and security measures are in place to ensure that the integrity of the balloting process and the confidentiality of ballots cast is maintained.

4.6 To be counted, returned ballots must be in the hands of the registrar by the date and time set by the registrar. In no cases will the date and time for the return of ballots be less than thirty (30) days from the date they were originally mailed or transmitted.

4.7 Ballots shall be counted by a returning officer and two or more scrutineers appointed under Bylaw 3.7.5, and the registrar. Association staff may assist in counting ballots as directed by the returning officer and or registrar.

4.8 Council shall, by resolution, adopt policies and procedures not otherwise specified in these bylaws for the counting of ballots.

4.9 Any balloting systems used by the association shall ensure that:

4.9.1 Only voting members on the voters list may cast a valid ballot;

4.9.2 The identity of the voter and their ballot remains secret;

4.9.3 No ballots can be accepted and counted after the date and time established as the deadline for receipt of ballots and

4.9.4 Systems used to tabulate votes cast are accurate.

4.10 As soon as the result of a ballot is known, the returning officer will inform council, which shall then communicate the result to the membership as soon as is possible.

## **BYLAW 5: CATEGORIES OF MEMBERSHIP**

5.1 There are six (6) classes of membership under the *Foresters Act* as follows:

5.1.1 Registered members;

5.1.2 Enrolled members;

5.1.3 Retired registered members;

5.1.4 Holders of special permits;

5.1.5 Associate members; and

5.1.6 Honorary members.

### **Registered Members**

5.2 There shall be two (2) categories of the registered member class:

5.2.1 Registered Professional Foresters; and

5.2.2 Registered Forest Technologists.

5.3 Council shall admit to the registered class of membership, all those applicants who meet the requirements of Section 14 of the *Foresters Act*, these bylaws, and the policies and procedures established by council and who pay the fees prescribed by council.

5.4 Any registered member who does not conform to the requirements outlined in the *Foresters Act*, these bylaws, resolutions of council, and the policies and procedures published by council from time-to-time, shall be liable to have his/her registration suspended or cancelled as the case may warrant.

### **Enrolled Members**

5.5 There shall be three categories of enrolled members:

5.5.1 Foresters-in-Training;

5.5.2 Forestry Pupils; and

5.5.3 Trainee Forest Technologists.

5.6 Upon receipt of fees as set out in the fee schedule published to the members, council shall enroll an applicant to the Forester-in-Training category if that person provides evidence satisfactory to council that he/she:

5.6.1 Has met the academic requirements specified by council;

5.6.2 Is of good character and repute; and

5.6.3 Meets all other requirements set out in these bylaws and by resolution or policy of council.

5.7 The membership of Forestry Pupils category established under Bylaw 5.5.2 consists of those individuals who were previously enrolled as Forestry Pupils before December 1, 2005, and who have maintained that enrolment in good standing or who have been reinstated by the association as a Forestry Pupil.

5.8 Upon receipt of fees as set out in the fee schedule published to the members, council shall enroll an applicant to the Trainee Forest Technologist category if that person provides evidence satisfactory to council that he/she:

5.8.1 Has graduated from a forest technologist program recognized by council; or

5.8.2 Not having graduated from a forest technologist program recognized by council, possesses such academic requirements specified by council;

5.8.3 Has had such experience in forestry work as prescribed by council;

5.8.4 Is of good character and repute; and

5.8.5 Meets all other requirements set out in these bylaws and by resolution or policy of council.

5.9 If council is dissatisfied with the evidence submitted by an applicant for enrolment, council may refuse enrolment until the applicant furnishes satisfactory evidence.

5.10 Forestry Pupils and Foresters-in-Training must satisfy the requirements of council and, along with Trainee Forest Technologists, must take such courses, pass such exams, and attain such work experience as may be required by council before they shall be eligible for registration.

5.11 Any Enrolled Member who does not conform to the requirements outlined in the *Foresters Act*, these bylaws, resolutions of council, and the policies and procedures published by council from time-to-time, shall be liable to have his/her application for enrolment rejected or his/her enrolment suspended or cancelled as the case may warrant.

### **Retired Registered Members**

5.12 There shall be two (2) categories of retired registered members:

5.12.1 Retired members; and

5.12.2 Life members.

5.13 Council may admit a registered member to the retired membership category who:

5.13.1 Submits to the association the application forms and supporting documentation required by council;

5.13.2 Satisfies council that they are not engaged in the practice of professional forestry as defined in the *Foresters Act* and they do not intend to return to practice in the future;

5.13.3 Signs a non-practice declaration;

5.13.4 Is fifty-five (55) years of age or older, or if not fifty five (55) years of age or older, can demonstrate extenuating circumstances to the satisfaction of council; and

5.13.5 Agrees to pay the required membership fees set out in the fee schedule published to the members.

5.14 Council may admit a registered member to the life membership category who:

5.14.1 Has:

5.14.1.1 Been nominated by not less than five (5) registered members or retired registered members; and/or

5.14.1.2 Is recommended by the Board of Examiners for life membership.

5.14.2 Satisfies council that they are not engaged in the practice of professional forestry as defined in the *Foresters Act* and have signed a non- practice declaration.

5.14.3 Is fifty-five (55) years of age or older, or if not fifty five (55) years of age or older, can demonstrate extenuating circumstances to the satisfaction of council;

5.14.4 Has been a registered member in good standing for a minimum of twenty-five (25) years unless the member can demonstrate extenuating circumstances to the satisfaction of council (previous professional registration in the practice of forestry will be considered) ; and

5.14.5 In the opinion of council, has made an exemplary contribution to the profession of forestry or the practice of forest technology, as the case may be.

## **Special Permits**

5.15 There shall be three (3) categories of special permits:

5.15.1 Special permits for Visiting Professional Foresters as defined in Section 19 of the *Foresters Act*;

5.15.2 Special permits for Transferring Professional Foresters as defined in Section 19 of the *Foresters Act*; and

5.15.3 Limited licenses.

5.16 Council may grant a special permit to a Visiting Professional Forester on such terms and conditions it deems appropriate, such terms and conditions to be clearly stated on any permit so issued.

5.16.1 Special permits for Visiting Professional Foresters shall be limited to the time required to undertake a specific task or project and shall normally not exceed a term of twelve (12) months.

5.16.2 If a Visiting Professional Forester granted a special permit applies to extend the term of his/her special permit prior to its expiration, council may grant such application; otherwise, each application shall be considered a separate and new application.

5.16.3 Unless special circumstances acceptable to council can be demonstrated, a special permit for a Visiting Professional Forester may only be renewed once.

5.17 Council may grant a special permit to a Transferring Professional Forester on such terms and conditions it approves, such terms and conditions to be clearly stated on any permit so issued.

5.17.1 Special permits for Transferring Professional Foresters may grant rights of title and either full or partial rights of practice to those persons who have obtained the status of Registered Professional Forester (RPF) in another recognized Canadian jurisdiction.

5.17.2 Council may impose terms and conditions on a Transferring Professional Forester's practice until such time as he/she passes the registration examination. Any terms and conditions imposed under authority of this bylaw will be consistent with commitments made by, or agreements entered into by the association from time-to-time, pertaining to inter-provincial labour mobility.

5.18 Council may grant a Limited Licence to practise professional forestry with respect to a particular work or Limited purpose to a person who does not have the training required of a Registered Professional Forester or Registered Forest Technologist where it is satisfied that the applicant:

5.18.1 Is of good character and repute; and

5.18.2 Has a science degree in a discipline and from a university program approved by council; a diploma from a college program or other academic qualification approved by council; or

5.18.3 Has other qualifications acceptable to council; and

5.18.4 Has five (5) years of experience in forestry work satisfactory to council. The experience requirement may include up to a maximum of three (3) years spent in obtaining post-secondary academic education acceptable to council. At least the last two (2) years experience must have been gained from working within the area of the practice of professional forestry to which the Limited Licence is to apply, one (1) year of which must have been within British Columbia, and

5.18.5 Has secured and presented four (4) references acceptable to council including at least two (2) from registered members; and

5.18.6 Has successfully completed the Limited Licence application process and examination process adopted by council from time-to-time and has been recommended for acceptance as a Limited licensee by the board of examiners; and

5.18.7 Has paid the fees prescribed by council; and

5.18.8 Has met all other requirements, policies and procedures pertaining to limited licenses adopted by council from time-to-time.

5.19 Limited licenses shall only be valid for the term of years specified in the permit but may be renewed at the discretion of, and on such other terms and conditions deemed appropriate by, council:

5.19.1 Upon application by the limited license holder; and

5.19.2 Approval of that application by council on such further terms and conditions as it deems appropriate.

5.20 The names of each limited license holder, along with details describing the terms and scope of his/her license shall be maintained by the registrar on a separate Roll designated for such permit holders.

5.21 Any applicant for a special permit or holder of a special permit who does not conform to the requirements outlined in the *Foresters Act*, these bylaws, resolutions of council, and the policies and procedures published by council from time-to-time shall be liable to have his/her application rejected or permit suspended or cancelled as the case may warrant.

## **Associate Members**

5.22 There shall be one category of associate member:

5.22.1 council may admit an associate member to the retired membership category who:

5.22.1.1 Submits to the association the application forms and supporting documentation required by council;

5.22.1.2 Satisfies council that they are not engaged in the practice of professional forestry as defined in the *Foresters Act* and they do not intend to return to practice in the future;

5.22.1.3 Signs a non-practice declaration;

5.22.1.4 Is fifty-five (55) years of age or older, or if not fifty five (55) years of age or older, can demonstrate extenuating circumstances to the satisfaction of council; and

5.22.1.5 Agrees to pay the required membership fees set out in the fee schedule published to the members.

5.23 In the event an associate member later applies for and is admitted to another membership class, he/she shall assume the rights and obligations associated with that other class.

5.24 An associate member who does not conform to the requirements outlined in the *Foresters Act*, resolutions of council, these bylaws, and policies and procedures published by council from time-to-time shall be liable to have his/her membership cancelled.

## **Honorary Members**

5.25 Upon nomination signed by ten (10) or more voting members, council and past presidents may elect a person who is not a member but has made an outstanding contribution to forestry to be an honorary member.

5.26 In the event an honorary member later applies for and is admitted to another membership class, he/she shall assume the rights and obligations associated with that other class.

5.27 Any honorary member who does not conform to the requirements outlined in the *Foresters Act*, resolutions of council, these bylaws, and policies and procedures published by council from time-to-time shall be liable to have his/her membership cancelled.



## BYLAW 6: MEMBERSHIP RIGHTS AND OBLIGATIONS

### Registered Members

6.1 Registered members shall:

6.1.1 In the case of Registered Professional Foresters:

6.1.1.1 Be entitled to engage in the full range of practice of professional forestry as defined in the *Foresters Act* and to the extent consistent with their education, training and experience; and

6.1.1.2 Be entitled to use the titles "Registered Professional Forester, or "Professional Forester" and the designations "RPF", "R.P.F.", or any other title or designation which would lead a member of the public to believe he/she is entitled to engage in the practice of professional forestry.

6.1.2 In the case of Registered Forest Technologists:

6.1.2.1 May engage in aspects of the practice of professional forestry to the extent consistent with their education, training and experience:

6.1.2.1.1 While executing, supervising the execution of or inspecting work designed by a Registered Professional Forester or special permit holder acting within the scope of their permit;

6.1.2.1.2 Under the direct supervision of a Registered Professional Forester or special permit holder acting within the scope of their permit; or

6.1.2.1.3 Independently, if carrying out those aspects of professional forestry practice within the following general practice areas as are described in guidelines established by council from time-to-time:

6.1.2.1.3.1 Forest measurements;

6.1.2.1.3.2 Silviculture;

6.1.2.1.3.3 Forest operations; and

6.1.2.1.3.4 Forest protection.

6.1.2.2 Be entitled to use the title "Registered Forest Technologist" and the designations "RFT", or "R.F.T."

6.1.2.3 Not use any such other designation or title which could lead a member of the public to believe that he/she is entitled to engage in the practice of professional forestry;

6.1.3 Enjoy full voting and participation rights in the affairs of the Association; and

6.1.4 Not be eligible for annual renewal of membership unless:

6.1.4.1 The registered member has completed any mandatory peer review required by a quality assurance program established by council under Section 11(1)(a.1) of the *Foresters Act*, by the applicable deadline or any permitted extension of that deadline; or

6.1.4.2 Alternative arrangements satisfactory to the Continuing Competence Committee have been made for the registered member to complete, or, if there are exceptional circumstances, to excuse the registered member from completing, the mandatory peer review.

6.1.5 Be eligible to apply for leaves of absence in accordance with the guidelines prescribed from time-to-time by council.

6.2 The guidelines established pursuant to Bylaw 6.1.2.1.3 will take into account the:

6.2.1 Level of education required for;

6.2.2 Complexity of; and

6.2.3 Scope of accountability and authority that may be assumed for, a given task or set of tasks within each of the areas of practice listed in Bylaw 6.1.2.1.3.

## **Enrolled Members**

6.3 Foresters-in-Training and Forestry Pupils shall:

6.3.1 only be entitled to practice under the direct supervision of a registered member or special permit holder acting in accordance with the special permit.

6.3.2 Only use the titles and designations "Forester-in-Training", "FIT", "F.I.T.", "Forestry Pupil", "FP", or "F.P." as the case may be;

6.3.3 Not use any such other designation or title which could lead a member of the public to believe that he/she is a registered member qualified to independently practice.

6.4 Trainee Forest Technologists shall:

6.4.1 Only be entitled to practice under the direct supervision of a registered member;

6.4.2 Only use the title "Trainee Forest Technologist" and the designations "TFT" or "T.F.T."; and

6.4.3 Not use any such other designation or title which could lead a member of the public to believe that he/she is a registered member qualified to independently practice.

6.5 All enrolled members, whether Foresters-in-Training, Forestry Pupils, or Trainee Forest Technologists shall:

6.5.1 Not sign, seal, or stamp professional documents;

6.5.2 Not enjoy voting rights;

6.5.3 Be able to serve on such association committees or subcommittees as council may deem appropriate except for: council; the Board of Examiners; or any complaints resolution or discipline related committee or subcommittee; and

6.5.4 Be eligible to apply for leaves of absence in accordance with the guidelines prescribed from time-to-time by council.

### **Retired Registered Members**

6.6 Retired and Life members shall:

6.6.1 Not enjoy practice rights;

6.6.2 Not sign, seal, or stamp professional documents;

6.6.3 Only use the titles "Retired Professional Forester", or "Retired Forest Technologist" (as the case may be), or the designations "RPF (Ret)", "R.P.F. (Ret.)", "RFT (Ret)", or "R.F.T. (Ret)" (as the case may be);

6.6.4 Not use any such other designation or title which could lead a member of the public to believe that he/she is qualified to practice;

6.6.5 Unless otherwise limited in these bylaws, enjoy voting and participation rights in the affairs of the association; and

6.6.6 Not be eligible to apply for leaves of absence.

### **Special Permit Holders**

6.7 A person who is a Visiting Professional Forester and Transferring Professional Foresters shall:

6.7.1 Only engage in the practice of professional forestry in strict accordance with the terms of their permit;

6.7.2 Sign, seal, or stamp only those professional documents, if any, they are authorized to sign, seal, or stamp in their grant of permit;

6.7.3 Clearly indicate or publish along with any use of a prescribed title or designation that:

6.7.3.1 They are a special permit holder;

6.7.3.2 The number of the special permit issued; and

6.7.3.3 All words of limitation contained in the grant of special permit;

6.7.4 A person who is a Visiting Professional Forester and Transferring Professional Foresters shall not enjoy voting rights except as to matters relating solely to special permit holders as determined by council;

6.7.5 May serve on only such association committees or subcommittees as the chief executive officer (CEO) or council determines is appropriate; and

6.7.6 Not be eligible for annual renewal of membership unless:

6.7.6.1 The person has completed any mandatory peer review required by a quality assurance program established by council under Section 11(1)(a.1) of the *Foresters Act*, by the applicable deadline or any permitted extension of that deadline; or

6.7.6.2 Alternative arrangements satisfactory to the Continuing Competence Committee have been made for the person to complete, or, if there are exceptional circumstances, to excuse the person from completing, the mandatory peer review.

6.7.7 Not be eligible to apply for leaves of absence.

6.8 Holders of a limited license shall:

6.8.1 Only engage in those aspects of the practice professional forestry permitted and in strict accordance with the terms and conditions of his/her limited license;

6.8.2 Only sign, seal, or stamp those professional documents, if any, they are authorized to sign, seal or stamp in the grant of license;

6.8.3 Only use the title "ABC FP Limited Licensee xxx", where xxx is the Limited Licence number, followed by any words of limitation prescribed by council unless they are also a Registered Forest Technologist or a Registered Professional Forester;

6.8.4 Not use any other designation or title which could lead a member of the public to believe that he/she is entitled to engage in the practice of professional forestry other than as stipulated in the terms of his or her Limited Licence unless they are also a Registered Forest Technologist or Registered Professional Forester;

6.8.5 Holders of a limited license shall not enjoy voting rights except as to matters relating solely to holders of a limited license as determined by council;

6.8.6 Not be eligible to serve on council unless they are also a Registered Forest Technologist or Registered Professional Forester;

6.8.7 Not be eligible for annual renewal of membership unless:

6.8.7.1 The holder of a limited license has completed any mandatory peer review required by a quality assurance program established by council under Section 11(1)(a.1) of the *Foresters Act*, by the applicable deadline or any permitted extension of that deadline; or

6.8.7.2 Alternative arrangements satisfactory to the Continuing Competence Committee have been made for the holder of a limited license to complete, or, if there are exceptional circumstances, to excuse the holder of a limited license from completing, the mandatory peer review

6.8.8 Not be eligible to apply for leaves of absence, unless the limited license has been granted for a term of five (5) or more years and extenuating circumstances can be demonstrated to the satisfaction of council.

## **Associate Members**

### 6.9 Associate members:

6.9.1 Shall not enjoy any rights of professional forestry practice except for certificate holders who have been granted a certificate of accreditation under section 16.1 of the *Foresters Act*.

6.9.2 May only use the title "ABC FP Associate Member" and/or "Accredited Timber Cruiser," "ATC," "Accredited Timber Evaluator," "ATE," "Silvicultural Accredited Surveyor," "SAS," or a title and designation that the associate member is allowed to use as per the Certificate and/or the Certificate of Accreditation granted by council.

6.9.3 Must not use any other title or designation which could lead a member of the public to believe that he/she is entitled to engage in the practice of professional forestry or forest technology;

6.9.4 Associate members shall not enjoy voting rights except as to matters pertaining solely to associate members as determined by council;

6.9.5 May serve on only such association committees or subcommittees as the chief executive officer (CEO) or council determines is appropriate; and

6.9.6 Shall only be eligible to apply for leaves of absence as council determines is appropriate

### 6.10 Retired Associate Members shall:

6.10.1 Not enjoy practice rights;

6.10.2 Not sign, seal, or stamp professional documents;

6.10.3 Only use the titles "Retired Associate Member", or "Retired Accredited Timber Cruiser" or "Retired Accredited Timber Evaluator" (as the case may be), or the designations "ATC (Ret)", "ATE (Ret)" (as the case may be);

6.10.4 Not use any such other designation or title which could lead a member of the public to believe that he/she is qualified to practise;

6.10.5 Be subject to the complaint resolution processes described in these bylaws; and

6.10.6 Not be eligible to apply for leaves of absence."

## **Honourary Members**

### 6.11 Honourary Members:

6.11.1 Shall not enjoy any rights of professional forestry practice;

6.11.2 Shall not sign, seal, or stamp any professional documents;

6.11.3 May only use the title "ABC FP Honourary Member;"

6.11.4 Must not use any other title or designation which could lead a member of the public to believe that he/she is entitled to engage in the practice of professional forestry or forest technology;

6.11.5 Do not enjoy voting rights; and

6.11.6 May serve on only such association committees or subcommittees as the chief executive officer (CEO) or council determines is appropriate

## **BYLAW 7: BOARD OF EXAMINERS**

7.1 The Board of Examiners consists of the following people appointed by council:

7.1.1 At least one council member;

7.1.2 At least five (5) voting members appointed by council, of which at least two (2) shall be RFTs; and

7.1.3 Up to two (2) persons who need not be association members.

7.2 The Board of Examiners shall:

7.2.1 Examine the proficiency of candidates for enrolment, registration, or special permits;

7.2.2 Examine the proficiency of candidates for enrolment as Trainee Natural Resource Professionals (T-NRP) and for associate membership as Natural Resource Professionals (NRP) and the granting of their certificates of accreditation.

7.2.3 Advise council on, and develop policies and procedures pertaining to:

7.2.3.1 Academic standards;

7.2.3.2 Accreditation;

7.2.3.3 Enrolment;

7.2.3.4 All other matters leading up to registration not otherwise covered herein;

7.2.3.5 Registration;

7.2.3.6 The granting of special permits; and

7.2.3.7 Certificates of accreditation to Natural Resource Professional (NRPs).

7.2.4 Conduct examinations, including registration examinations, examinations for certificates of accreditation to Natural Resource Professionals (NRPs) and examinations in subject or course areas deemed necessary and appropriate by council;

7.2.5 Hear and decide upon matters before the academic appeals committee; and

7.2.6 Advise council on such other matters as council requests from time-to-time.

7.3 To the extent not otherwise addressed in these bylaws, council may, by resolution, establish policies and procedures for the conduct of Board of Examiners' business, or may request that the Board of Examiners do so on its own behalf.

## **BYLAW 8: INDICATORS OF MEMBERSHIP AND THE PRACTICE OF PROFESSIONAL FORESTRY**

### **Indicators of Registration**

8.1 The registrar, on direction of council, must issue a certificate of registration signed by the president and registrar and bearing the seal of the association to each registered member of the association.

8.2 The certificate of registration must be prominently displayed by the member at the member's office or other place of business.

8.3 On receipt of the annual membership fee in each year subsequent to registration, the registrar must make available to each registered member a receipt and an annual membership card bearing that member's registration number, the date on which that annual membership expires, and the signature of the registrar.

8.4 Members entitled under these bylaws may procure a seal and/or stamp, the production and form of which must be authorized by council, and the use of which is prescribed in the bylaws.

8.5 Some members may become conditionally registered if they meet specific entrance requirements regarding experience and education as determined by council. For conditionally registered members the registrar may issue a letter outlining that the member is entitled to practise under certain conditions and may withhold a membership certificate until all conditions are met.

### **Indicators of Accreditation**

8.6 The registrar, on direction of council, must issue a certificate of accreditation signed by the president and CEO and bearing the seal of the association to each certificate holder of the association.

8.7 The certificate of accreditation must be prominently displayed by the member at the members' office or other place of business.

8.8 Members entitled under these bylaws may procure a seal and/or a stamp, the production and form of which must be authorized by council, and the use of which is prescribed in the bylaws.



## **BYLAW 9: FEES**

9.1 The fees, levies, assessments, and charges applicable for a given fiscal year shall be set out in a schedule to be published to the membership annually.

9.2 Annual membership fees for all classes and categories of membership are due and payable in full on the first day of the association's fiscal year.

9.3 For persons applying for certification, or certificates of accreditation, or to become enrolled or re-enrolled as Foresters-in-Training, Forestry Pupils, or Trainee Forest Technologists, the enrolment or re-enrolment fee, as the case may be, plus any applicable exam fees, and applicable annual membership fee are payable at the time of application. In the event the application is not approved, the enrolment or re-enrolment fee shall be forfeited and the applicable annual membership fee shall be returned to the applicant.

9.4 Abatements, if any, for annual membership fees may only be granted on such terms and conditions as council deems appropriate.

9.5 The terms and conditions for abatements, if any, established by council may differ between classes of membership and between categories within classes of membership.

9.6 Council may assess one (1) or more penalties for overdue fees, levies, assessments, or charges.

9.7 No memberships shall be renewed until any and all outstanding fees, levies, assessments, charges, and/or penalties, including, without limitation, those assessed in the course of disciplinary proceedings, have been paid in full or until such time as arrangements satisfactory to council for their payment have been made.

9.8 On written application and for due and sufficient cause council may, at its discretion, remit or defer a member's annual membership fees or associated penalties or both without removing the member's name from registration.

9.9 Except as determined by council resolution, examination fees are payable at the time of application to write any single examination or group of examinations. In the event that an applicant does not write an examination as scheduled, the examination fee shall be forfeited unless the applicant can show extenuating circumstances satisfactory to council.

9.10 When an enrolled member applies to change his/her status from the enrolled to registered membership class, he/she must pay the prescribed registration fee at the time application is made. If the application is prior to the end of the fiscal year, the applicable annual membership fees shall be levied on the next billing cycle.

9.11 Individuals who have retired or resigned, are life members, are on a leave of absence, or have been suspended or struck from the Rolls and who wish to and are eligible to reinstate their membership status to that of a registered member must, at the time application is made, pay a reinstatement fee, applicable annual membership fees, plus any other penalties, fines, levies, assessments, and/or charges remaining outstanding at the time application is made, in addition to any other non financial related requirements established by council.

## **BYLAW 10: USE OF PROFESSIONAL SEAL & SIGNATURE**

10.1 Every member engaged in the practice of professional forestry must ensure that the member's responsibility for any professional work prepared by or under the supervision of the member, or for which the member is otherwise responsible, is identified in accordance with the standards described in this Bylaw.

10.2 For the purpose of this Bylaw, "professional work" means all written or oral communications directly or indirectly related to activities included within the practice of professional forestry under the *Foresters Act*, including but not limited to: advice; estimates; specific actions; reports; letters; memoranda; documents; plans; and all such other materials containing professional opinion or work product in any format used for transmitting information.

10.3 The minimum standard for identifying a member's responsibility for professional work shall allow for confirmation of the member's identity, professional designation, and date as established by policy approved by council resolution.

10.3.1 Additionally, members may affix a stamp or seal, authorized by the association or its predecessors, to their professional work.

10.4 Where some or all of the work described in a professional document was not carried out directly by the member who is identified as responsible for that professional work, and where the member is satisfied that the work has been carried out to the standards expected of a member of the association, he or she shall add a certification statement in one the following two forms:

10.4.1 "I certify that the work described herein fulfills the standards expected of a member of the Association of British Columbia Forest Professionals and that I did personally supervise the work"; or

10.4.2 "I certify that I have reviewed this document and, while I did not personally supervise the work described, I have determined that this work has been done to the standards expected of a member of the Association of British Columbia Forest Professionals."

10.5 Despite any other provision in these bylaws, members are professionally accountable for all professional work that they prepare or that is prepared under their supervision, regardless of the means by which the work is presented to others, and regardless of whether or not the work is stamped or sealed by the member or whether or not the member's responsibility for the work is otherwise identified.

## **BYLAW 11: CODE OF ETHICS**

11.1 All members, however and wherever they may practice, are bound by the Code of Ethics set out hereunder.

11.2 A member has responsibilities to:

11.2.1 The public;

11.2.2 The profession;

11.2.3 His/her client or the employer; and

11.2.4 Other members.

11.3 The responsibility of a member to the public is:

11.3.1 To advocate and practice good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society.

11.3.2 To uphold professional principles above the demands of employment.

11.3.3 To have regard for existing legislation, regulation, policy and common law; and to seek to balance the health and sustainability of forests, forest lands, forest resources, and forest ecosystems with the needs of those who derive benefits from, rely on, have ownership of, have rights to, and interact with them.

11.3.4 Where a member believes a practice is detrimental to good stewardship of forest land:

11.3.4.1 To advise the responsible person promptly and if the matter is not resolved, to inform council immediately in writing of the particulars; or

11.3.4.2 If it is not possible to raise the matter with the responsible person or if it is inappropriate in the circumstance to do so, to inform council immediately in writing of the particulars.

11.3.5 To work to improve practices and policies affecting the stewardship of forest land.

11.3.6 To work to extend public knowledge of forestry, and to promote truthful and accurate statements on forestry matters.

11.3.7 To practice only in those fields where training and ability make the member professionally competent.

11.3.8 Not to make misleading or exaggerated statements regarding the member's qualifications or experience.

11.3.9 To express a professional opinion only when it is founded on adequate knowledge and experience.

11.3.10 To have proper regard in all work for the safety of others.

11.4 The responsibility of a member to the profession is:

11.4.1 To inspire confidence in the profession by maintaining high standards in conduct and daily work.

11.4.2 To contribute to the work of forestry societies and educational institutions and to advance scientific and professional knowledge.

11.4.3 Where a member believes another member may be guilty of infamous or unprofessional conduct, conduct unbecoming a member, negligence, or a breach of the *Foresters Act* or these bylaws:

11.4.3.1 To raise the matter with that other member, and if the matter is not resolved, to inform council immediately in writing of the particulars; or

11.4.3.2 If it is not possible to raise the matter with that other member or it is inappropriate in the circumstances to do so, to advise council immediately in writing of the particulars.

11.4.4 Not to misrepresent facts.

11.4.5 To sign and seal professional documents only in accordance with the provisions of Bylaw 10 and any other bylaws and resolutions pertaining to the signature and sealing of professional documents.

11.4.6 To keep informed in the member's field of practice and to be aware of current issues and developments in forestry.

11.4.7 To state clearly on whose behalf professional statements or opinions are made.

11.5 The responsibility of a member to the client or employer is:

11.5.1 To act conscientiously and diligently in providing professional services.

11.5.2 Not to disclose confidential information without the consent of the client or employer except as required by law.

11.5.3 To obtain a clear understanding of the client's or employer's objectives.

11.5.4 To accept only those assignments for which the member is qualified or seek assistance from knowledgeable peers or specialists whenever a field of practice is outside the member's competence.

11.5.5 To inform the client or employer of any action planned or undertaken by the client or employer that a member believes is detrimental to good stewardship of forest land.

11.5.6 To refuse any assignment that creates a conflict of interest.

11.5.7 To levy only those charges for services rendered that are fair and due.

11.5.8 Not to accept compensation from more than one (1) employer or client for the same work, without the consent of all.

11.6 The responsibility of a member to other members is:

11.6.1 To abstain from undignified public communication with another member.

11.6.2 Not to unfairly criticize the work of other members or attempt to injure the professional reputation or business of another member.

11.6.3 To provide opportunity for the professional development and advancement of other members in the member's employ or supervision.

11.6.4 To give credit for professional work to whom the credit is due.

11.6.5 To share knowledge and experience with other members.

11.7 A member who violates this Code may be subject to one or more of the remedial actions authorized under the *Foresters Act*.

11.8 This Code of Ethics does not deny the existence of other important duties which are not specifically included.

11.9 This Code of Ethics is to be broadly, rather than narrowly, interpreted, such that the responsibilities owed by a member to the categories of: the public; the profession; his/her client or employer; or other members, are not exclusive to that category. They apply to each of the other categories insofar as it is possible to do so.

## **BYLAW 12: STANDARDS OF PROFESSIONAL PRACTICE**

12.1 All members, however and wherever they may practice, are bound by these standards of professional practice.

### 12.2 Competence

12.2.1 Competent members maintain sufficient knowledge in their field(s) of practice.

12.2.2 Competent members ensure their work is complete, correct and clear.

12.2.3 Competent members exercise appropriate judgment and discretion with due care.

12.2.4 Competent members provide professional work that is measurable or verifiable and can provide a rationale as to the methods used in measuring or verifying.

### 12.3 Independence

12.3.1 Members hold paramount, public interest and professional principles.

### 12.4 Integrity

12.4.1 Members, in private life, professional practice, or outside professional activities, always conduct themselves honourably and in ways which sustain and enhance their professional integrity and the integrity of the profession as a whole.

### 12.5 Due Diligence

12.5.1 Members exercise due diligence by being prudent and doing all work with constant and careful attention.

### 12.6 Stewardship

12.6.1 Members demonstrate stewardship by balancing present and future values against the capacity of the land to provide for those values.

### 12.7 Safety

12.7.1 Members maintain safe work practices and consider the safety of workers and others in the practice of professional forestry.

## 12A: Forest Resource Operations

### 12A.1 In this Bylaw:

12A.1.1 “Guidelines” means the *Guidelines for Professional Services in the Forest Sector – Crossings* approved by council, as updated and amended from time to time; and

12A.1.2 “crossing” has the same meaning as in the *Guidelines*.

12A.2 Subject to Bylaw 12A.3, every member providing services included in the practice of professional forestry in relation to a crossing project must comply with the *Guidelines*.

12A.3 In exceptional circumstances, a member may depart from a particular standard set out in the *Guidelines* if it is appropriate to do so for an identified reason, which must be specifically documented and supported by a written rationale that is consistent with the Code of Ethics in Bylaw 11 and the standards of professional practice in Bylaw 12.

## BYLAW 13: COMPLAINT RESOLUTION PROCEDURES

### Definitions

13.1 In these procedures:

13.1.1 “agent” means an agent as defined in the *Foresters Act*, and for the purposes of Section 24 of the *Foresters Act*, includes:

13.1.1.1 The registrar

13.1.1.2 Members of the complaints resolution committee;

13.1.1.3 A person or persons designated by the complaints resolution committee to investigate a matter or act as a fact finder to assist with attempts at alternative complaint resolution;

13.1.1.4 Members of the standing investigations committee; or

13.1.1.5 A person or persons designated by the standing investigations committee to investigate a complaint made against a subject member;

13.1.2 “alternative complaint resolution” means a process or processes established under these bylaws, in accordance with Section 23 of the *Foresters Act*, to assist in appropriate circumstances in the resolution of complaints without completion of a discipline hearing and includes without limitation:

13.1.2.1 Negotiation of a resolution;

13.1.2.2 Mediation;

13.1.2.3 Arbitration; or

13.1.2.4 A combination of the above; but does not include a proposal under Bylaw 13.41 for issuance of a consent order;

13.1.3 “citation” means a citation issued under Section 24(4)(a) of the *Foresters Act*;

13.1.4 “complaints resolution committee” means a committee appointed by council under bylaw 13.7.

13.1.5 “consent order” means an order issued by a panel under Section 27(4) of the *Foresters Act* upon acceptance of a proposal tendered by a member under Bylaw 13.41;

13.1.6 “discipline committee” means a pool of registered members designated by council to serve as panel members to conduct discipline hearings and such other functions as may be called for under the *Foresters Act* and these bylaws;

13.1.7 “investigation committee” means those persons designated by the standing investigation committee to investigate a particular complaint and shall be deemed agents for those purposes;



13.1.8 “panel” means members of the discipline committee designated by the chair of the discipline committee:

13.1.8.1 to act as a panel under Section 27 of the *Foresters Act* to conduct discipline hearings once a citation has been issued, or to decide whether to accept or reject proposals tendered under Bylaw 13.41 for issuance of a consent order ; and

13.1.8.2 to hear and decide upon alternative complaint resolution proposals under Bylaw 13.15.

13.1.9 “standing investigations committee” means those persons designated by council to the standing investigations committee having the duties set out herein;

13.1.10 “parties to a complaint” or “parties” means the person(s) making a complaint under Section 22 of the *Foresters Act* and the member(s) in respect of whom a complaint is made.

13.1.11 “review conditions” means the conditions described in Section 22(6) of the *Foresters Act*.

13.1.12 “any term defined in the *Foresters Act* has the same meaning for the purposes of these bylaws.”

### **Complaints against Members or Former Members**

13.2 A person may make a written complaint, addressed to the registrar, against a member as specified in subsections 22(1) through (3) of the *Foresters Act*

### **Member’s Opportunity to Comment**

13.3 If all review conditions have been met, the registrar will invite the subject member to provide a written response to the complaint.

13.4 If the subject member chooses to provide a written response he or she must do so within the time period stipulated by the registrar which will, in no event, be less than seven (7) business days.

### **Anonymity**

13.5 If the registrar deems it appropriate, the identity of the complainant may be withheld from the subject member to protect the identity of the complainant.

13.6 The identity of the complainant shall only be withheld in circumstances where the registrar is satisfied that to do otherwise would put the safety of the complainant at risk, expose him or her to potential punitive action (as defined in the *Foresters Act*), or would unduly hinder the ability of the association to investigate the complaint.

### **Complaints Resolution Committee**

13.7 Council shall appoint a complaints resolution committee consisting of not less than five (5) persons, the majority of whom must be registered members and at least one (1) of whom shall be a lay person.

## **Referral of Complaint to Complaints Resolution Committee**

13.8 No more than ten (10) business days after receiving the subject member's comments under Bylaw 13.4., or the expiration of the date set for receipt of the subject member's comments, the registrar shall refer all complaints that meet review conditions set out in the Act and not otherwise resolved between the parties to the complaints resolution committee.

## **Complaints Resolution Committee Procedures**

13.9 To the extent not already provided for in the *Foresters Act* and these bylaws, council may, by resolution, establish complaints resolution committee processes/procedures and decision making criteria.

## **Selection of Appropriate Complaint Resolution Mechanism**

13.10 If the complaints resolution committee determines that one or more alternative complaint resolution processes are appropriate in the circumstances, and the parties to a complaint agree to engage such complaint resolution processes, the complaints resolution committee will identify which process or processes shall be attempted and shall make a recommendation to the registrar accordingly. At any time the registrar, with the consent of the parties to a complaint, may refer a complaint to be resolved by alternative complaint resolution.

## **Association May Be Party to Alternative Complaint Resolution Processes**

13.11 The association, at its option, may be a party to any alternative complaint resolution process undertaken.

## **Arbitration**

13.12 Should the registrar and the parties to a complaint agree to resolve that complaint by arbitration, the registrar shall request that the chair of the discipline committee designate a panel to act as a board of arbitration to arbitrate the complaint.

13.13 The board of arbitration designated to arbitrate the complaint:

13.13.1 May be a panel of one (1);

13.13.2 Shall, in addition to the duties, powers and functions agreed to by the parties to the complaint, have all of the powers of a panel granted under the *Foresters Act*, including, without in any way limiting the generality of the foregoing, the power to determine remedy and costs; and

13.13.3 To the extent not otherwise provided for in the *Foresters Act*, and these bylaws, shall have the power to determine its own procedures.

13.14 The board of arbitration's decision shall be binding on the parties and shall be subject only to those appeal provisions granted under the *Foresters Act*, for decisions of a panel under Section 30 of the *Foresters Act*.

### **Panel Approval of Outcome of Alternative Complaint Resolution**

13.15 Any proposed resolution of a complaint arrived at through alternative complaint resolution, other than cases in which, with the consent of the registrar, the complaint is withdrawn or in cases resolved through arbitration as set out above, must be approved by a panel.

### **Referral of Complaints Back to Registrar**

13.16 After review of a complaint referred to them under Bylaw 13.8 and Bylaw 13.23 the complaints resolution committee will refer the matter back to the registrar with recommendations if:

- 13.16.1 They determine that alternative complaint resolution processes are appropriate in the circumstances; or
- 13.16.2 One (1) or more alternative complaint resolution processes directed by the complaints resolution committee have been attempted and the matter has not been resolved; or
- 13.16.3 They believe further investigations are required; or
- 13.16.4 They believe there are insufficient grounds to support an investigation; or
- 13.16.5 They believe there are sufficient grounds to support the issuance of a citation; or
- 13.16.6 They believe there are insufficient grounds to support a citation.

### **Registrar to Consider Referrals by Complaints Resolution Committee**

13.17 Within fifteen (15) business days of receipt, the registrar will consider referrals of complaints by the complaints resolution committee under Bylaw 13.16 along with the recommendations, if any, of the complaints resolution committee and may either:

- 13.17.1 Attempt alternative complaint resolution as described in the Act and these Bylaws; or
- 13.17.2 Forward the complaint and any comments received from the subject member to the chair of the standing investigations committee for investigation under Section 24 of the *Foresters Act*; or
- 13.17.3 Issue a citation, if the matter has been investigated, and the registrar is satisfied that:
  - 13.17.3.1 The investigation is complete; and
  - 13.17.3.2 The investigation report is in the form of an agreed statement of facts; or
  - 13.17.3.3 Where not in the form of an agreed statement of facts, the subject member has had an opportunity to review and comment on the investigation report; and
  - 13.17.3.4. All other criteria set out in Section 24(4) of the *Foresters Act* for issuance of a citation have been met; or
- 13.17.4 Decline to issue a citation; or
- 13.17.5 Dismiss the complaint.

## **Deliberations of Standing Investigations Committee**

13.18 Where the registrar forwards a complaint under Bylaw 13.17.2 the chair of the standing investigations committee will table the complaint and comments, if any, received from the subject member for consideration at the next scheduled standing investigations committee meeting, or may call a special meeting of the standing investigations committee to do so.

13.19 Notwithstanding the provisions of Bylaw 13.18, the standing investigations committee must meet to consider the complaint and any comments not more than forty (40) business days from the date it was referred by the registrar.

## **Standing Investigations Committee Processes and Procedures**

13.20 To the extent not already provided for in the *Foresters Act* and these bylaws, council may, by resolution, establish processes/procedures and decision making criteria for the standing investigations committee and for agents designated to investigate a complaint, either under the provisions of Section 24 of the *Foresters Act* or in aid of alternative complaint resolution.

## **Standing Investigations Committee May Designate an Agent to Investigate**

13.21 The standing investigations committee, after deliberation, may designate an agent to investigate the complaint pursuant to Section 24 of the *Foresters Act* and will inform the subject member of its decision.

## **Agent's Report**

13.22 On completion of an investigation, the agent must consider the information, records, and things obtained under Sections 24 and 25 of the *Foresters Act* and the credibility of any person interviewed in the course of the investigation. to make a preliminary assessment of:

13.22.1 Whether there is a reasonable basis for a belief described in Section 22(1) of the *Foresters Act*; and

13.22.2 If so, whether there may be a reasonable basis to issue a citation against the subject member for a discipline hearing.

13.23 The agent must report its findings in writing to the registrar who may forward all such reports to the complaints resolution committee for their consideration.

## **Notification of Registrar's Determination if No Grounds Exist**

13.24 If the registrar determines that there is no reasonable basis for a belief described in Section 22(1) of the *Foresters Act*, the registrar will, within fifteen (15) business days of making the determination notify the subject member and the complainant.

## **Subject Member's Right to Comment on Report if Grounds Exist**

13.25 If the registrar determines that that there is a reasonable basis for a belief described in Section 22(1) of the *Foresters Act*, the registrar will, within fifteen (15) business days of making the determination, inform the subject member and complainant and will send a copy of the report to the subject member by registered mail to the address last appearing in the association's registry of members for that member.

13.26 The registrar will invite the subject member to comment on the report, and on whether a citation should be issued for a discipline hearing. The subject member's comments must be received by the registrar no later than twenty (20) business days after mailing of the report to the subject member.

### **Determination Whether Matter Should Go to Hearing**

13.27 The registrar will, within five (5) business days of the last date for the receipt of comments from the subject member, forward the agent's report and the comments, if any, received from the subject member to the complaints resolution committee.

13.28 The complaints resolution committee will, within thirty (30) business days of receiving the agent's report and comments from the subject member, if any, make a recommendation to the registrar as to whether a citation should be issued against the subject member for a discipline hearing.

### **Notification if Matter Not to Proceed to Hearing**

13.29 If the registrar decides not to issue a citation for a discipline hearing the registrar will, within fifteen (15) business days, notify the subject member and the complainant.

### **Citation**

13.30 If the registrar decides to issue a citation, under Section 24(4)(b) of the *Foresters Act* the registrar must send the citation to the subject member by registered mail or courier to the address last appearing in the association's records for that member.

### **Deemed Receipt**

13.31 Receipt of the citation, or any other document mentioned in these procedures, is deemed to occur after proof of posting.

### **Contents of Citation**

13.32 The citation may contain one (1) or more allegations against the subject member and each allegation will:

13.32.1 Be sufficiently clear and specific to give the subject member notice of each of the allegations against him or her; and

13.32.2 Contain sufficient detail of the circumstances of the allegation(s) to give the subject member reasonable information with respect to the act or omission to be proved against him or her and to identify the matter or matters which is or are the subject of the discipline hearing and such information about the discipline process as is reasonably necessary.

### **Designation of Panel to Conduct Discipline Hearing**

13.33 Once a citation has been issued, the registrar will forward it to the chair of the discipline committee with a request that the chair designate a panel to conduct a discipline hearing into the allegations contained in the citation.

13.34 The panel designated to conduct a discipline hearing shall be constituted of:

13.34.1 Not less than three (3) discipline committee members.

13.35 Notwithstanding the provisions of Bylaw 13.34, if the registrar and the subject member consent, the panel designated to conduct a discipline hearing may be a panel of one (1).

13.36 No member of the discipline committee who has served as a panel member to consider alternative complaint resolution proposals or any proposal for issuance of a consent order for the same matter subject to a citation may be a panel member designated to conduct the discipline hearing into that same matter.

### **Panel May Determine Own Procedure**

13.37 To the extent not otherwise provided for in *Foresters Act*, these bylaws, or policies or procedures established by council, a panel has the power to determine its own procedures.

### **Duties of Judicial Member**

13.38 If requested by the panel, the discipline committee chair may appoint legal counsel for a panel where matters of the complaint require such counsel.

13.38.1 The discipline committee chair must ensure that the expenditures for legal counsel required by the bylaws are in compliance with the *ABC FP Discipline Expense Policy*.

### **Death or Disability of a Panel Member**

13.39 If a panel member is unable for any reason to serve on the panel, the remaining panel members may continue the discipline hearing and the vacancy does not invalidate the proceeding. If it is a panel of one (1) then the registrar will ask the discipline committee chair to appoint another panel of one.

### **Citation May Be Disclosed**

13.40 After a citation has been issued and served on the subject member, the registrar may disclose the citation and its status to the public and to association members.

### **Consent Orders**

13.41 A subject member may, at any time after the referral back to the registrar under bylaw 13.16, and before the conclusion of a discipline hearing tender a written proposal to the registrar.

13.41.1 Conditionally admitting some or all of the allegations against him or her; and

13.41.2 Consenting to the making of an order under Section 27(4) of the *Foresters Act*.

13.42 The terms of a proposal tendered under Bylaw 13.41, may be negotiated between the registrar and the subject member.

13.43 If the registrar and the subject member reach agreement on the terms of a proposal under Bylaw 13.42, the registrar will, within seven (7) business days of reaching such agreement, request that the chair of the discipline committee designate a panel to decide whether to accept or reject the proposal.

13.44 Despite Bylaw 13.34 a panel under Bylaw 13.43 may be a panel of one (1).

13.45 If the panel accepts the proposal:

13.45.1 The panel will make an order under Section 27(4) of the *Foresters Act* consistent with the proposal; and

13.46 The registrar will deliver a copy of the panel's order to the subject member within five (5) business days of receiving it.

13.47 If no agreement can be reached between the registrar and the subject member on the terms of a proposal or if a panel decides to reject the proposal:

13.47.1 The matter will continue in accordance with these procedures as though the proposal had not been made; and

13.47.2 The subject member's conditional admission described in Bylaw 13.41.1 and consent described in Bylaw 13.41.2 will not be disclosed to or considered by any panel subsequently hearing or deciding upon any alternative complaint resolution proposals under Bylaws 13.10 to 13.15 or conducting a discipline hearing and determining the matter under Section 27 of the *Foresters Act*.

### **Consent Order May Be Published**

13.48 The registrar may publish a consent order issued under Bylaw 13.45.1 in such manner as the registrar decides, subject to ABCFP policy on publication of the names of members.

### **Failure to Attend Hearing**

13.49 If the subject member fails to attend at the discipline hearing, the panel, on proof of posting of the citation by registered mail, may proceed with the inquiry in the subject member's absence and may make its findings and its decisions without further notice to the subject member.

### **Disclosure and Notice**

13.50 The rules of disclosure imposed under these Complaint Resolution Procedures shall be the same for any party to a complaint resolution or discipline process under these Complaint Resolution Procedures and at all stages of a complaint resolution or discipline process under these Complaint Resolution Procedures.

13.51 In addition to the obligations imposed under Bylaw 13.50 above, all parties to a proceeding before a panel must disclose all documents, records, and things on which they intend to rely or refer to at the hearing, at least fifteen (15) business days before the date set for commencement of the proceeding.

13.52 If any party to a proceeding before a panel intends to raise any preliminary issues of process or procedure, they must, at least five (5) business days before the date set for the commencement of the proceeding, provide notice to the panel and all other parties.



13.52.1 Notice of an intention to raise issues of process or procedure under Bylaw 13.52 must include particulars of all issues the party intends to raise and a brief of argument, including case-law on which that party intends to rely.

### **Proceedings to Be Recorded**

13.53 All proceedings of a disciplinary hearing will be recorded and any party may obtain, at his or her own expense, a transcript of any part of the hearing.

### **Proof of Posting of Citation**

13.54 Before hearing any evidence respecting the allegations set out in the citation, the panel will determine whether the citation was served in accordance with these bylaws.

### **Citation to Be Exhibit**

13.55 If the requirements for notice under these bylaws have been met, or have been waived by the subject member, the citation and proof of service will be filed as an exhibit at the hearing and the hearing shall proceed.

### **Scope of Inquiry**

13.56 The panel may consider at one (1) discipline hearing a citation which contains one or more allegations.

### **Amendment of Citation**

13.57 The citation may be amended prior to commencement of a hearing by counsel for the association, providing at least fifteen (15) business days-notice to the subject member, or otherwise after the commencement of a hearing by the panel on such terms as it determines including an adjournment of the proceedings.

### **Subject Member Compellable to Give Evidence**

13.58 The association may require the subject member to give evidence at the hearing. If the association requires the subject member to give evidence on behalf of the association, counsel for the association, or the registrar, will give the subject member reasonable notice of this fact. For the purpose of this provision reasonable notice is no less than fifteen (15) business days prior to the date set for commencement of the hearing.

### **Testimony**

13.59 The testimony of witnesses will be taken under oath or affirmation. Witnesses may be cross-examined and evidence given in defense and reply.

### **Rules of Evidence**

13.60 A panel may receive, accept, and consider evidence and information it considers relevant to the issues before it, whether or not that evidence or information would be admissible under the rules of evidence in a court of law under the Supreme Court Rules or the Rules of the Court of Appeal.



## **Summons**

13.61 Witnesses may be summoned to attend the hearing by personal service of a summons in the form established by the registrar from time-to-time for that purpose.

## **Subpoena**

13.62 The attendance of witnesses may be compelled through issuance of a subpoena in accordance with the provisions of Section 28 of the *Foresters Act*.

## **Witness Allowances**

13.63 Witnesses required to attend a hearing may be granted the same allowances as witnesses attending in the Supreme Court.

## **Panel Decision**

13.64 Unless affected by the death or disability of a panel member and Bylaw 1.39 applies, a panel must decide any matter by a majority and the decision of the majority is the decision of the panel.

13.64.1 If Bylaw 13.39 applies and only two (2) panel members are either available to or are empowered to make a decision on a matter, the decision must be unanimous.

13.65 If a majority decision under Bylaw 13.64 or a unanimous decision under Bylaw 13.64.1 cannot be reached, the citation shall be referred back to the registrar for a re-hearing in its entirety.

13.66 The decision of the panel will be in writing.

13.67 If there is a minority opinion, it too shall be in writing.

## **Notification of Member**

13.68 Where a disciplinary hearing proceeds in the absence of the subject member, in accordance with Bylaw 13.49, the panel will notify the subject member of its decision by registered mail.

13.69 The subject member is deemed to have received notice of the decision ten (10) days after proof of posting.

## **Publication**

13.70 The registrar may publish the decision of the panel in such manner as he or she decides as per the ABCFP policy on the publication of names.

## **Costs**

13.71 A panel may consider all factors it deems relevant in determining what, if any, costs the subject member shall be required to pay. Specifically, a panel is not limited by any provisions of case law pertaining to the awarding of costs or provisions for the awarding of costs under the Rules of Court for the Supreme Court of British Columbia and may award full costs to the association if one or part of an allegation in a citation is proven regardless of whether the remainder of the allegation or allegations in a citation are proven.

13.72 An award of costs, made against a subject member shall not, in the aggregate, exceed the actual amount of money spent by the association for the investigation of the complaint and the discipline hearing itself.

13.73 Once an award of costs has been made, the registrar may, at the request of the subject member, consider proposals for extending any time limit for the payment of costs made in such an order as well as payment schemes for such payment and may enter into an agreement or agreements to extend the time for payment or establish a payment scheme if, in the registrar's opinion, it is reasonable and prudent to do so.

## **BYLAW 14: INDICTABLE OFFENCES**

14.1 On conviction in British Columbia or elsewhere for an indictable offence, council may summarily:

14.1.1 Suspend or rescind the membership of a member so convicted; or

14.1.2 Place terms and restrictions on that member's continued membership; as deemed appropriate by council given the individual circumstances of the case.

14.2 Council may reject an application for any applicant known to have been convicted in British Columbia or elsewhere for an indictable offence.

*Ensuring BC's Forests Are In Good Hands.*



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