



BYLAWS

I. Name

The name of the association shall be the “Association of Professional Archaeologists of New Brunswick Ltd. - Association des archéologues professionnels du Nouveau-Brunswick Ltee (APANB-AAPNB)” herein referred to as the “Association”.

II. Goals

The Association is an incorporated not-for-profit voluntary organization that exists for the purpose of maintaining and promoting the goals of professional archaeology in the province of New Brunswick. These goals include, but are not limited to:

- The promotion and coordination of communication and cooperation within the archaeological community and the wider New Brunswick community;
- The preservation and conservation of the cultural resources of New Brunswick;
- The promotion and dissemination of information that enhances public awareness of the limited and nonrenewable nature of the cultural resources in New Brunswick; and
- Lobbying and consultation with legislative and regulatory bodies where these further the goals of the Association.

III. Powers

The Association shall levy, administer and disburse dues and other moneys to achieve its goals. Funds will be directed primarily towards the operation of the Association, as well as to research, the promotion of archaeology, and lobbying efforts. Funds also will be expended to assist in holding Association meetings. The Association shall have the power to publish newsletters or reports for the benefits of its members, as well as to pursue other member benefits. The Association also shall have the power to (1) draft and forward position papers on matters dealing with archaeology to any agency or individual it deems appropriate, and (2) lobby on issues relating to archaeology. The Association shall have the power to censure or remove from the membership any member who has been found guilty of “unprofessional conduct” as defined by conduct that has been proven to violate the Bylaws of the Association generally, and in particular, the guidelines set out in the Code of Ethics and Code of Conduct of the Association.

IV. Membership

Membership is open to archaeologists, archaeological managers, and related professionals practicing in Archaeology and/or related disciplines (Anthropology, Geology, History, First Nations Studies, Museology, Conservation, Palaeontology) in New Brunswick, as well as students studying Archaeology and related disciplines, who are vocationally involved in New Brunswick archaeology and who subscribe to the goals, the Code of Ethics, and the Code of Conduct of the Association. There are three categories of membership: Member, Associate, and Student. Definitions of the three membership categories are as follows:

Member: This category includes professionals who are active in the field of archaeology in New Brunswick, have held or are able to hold a professional archaeological field research permit/license of any level (site excavation, field evaluation, field survey, reconnaissance, or construction monitoring) in any of the three Canadian Maritime provinces (New Brunswick, Nova Scotia, or Prince Edward Island). Members have the right to vote in all Association matters. Members who have signed a government oath of office (federal, provincial, municipal) may not run for a position on the Association Board of Directors or Executive, as this could present potential for conflict of interest.

Annual Membership Fee: \$40

Associate: This category of membership generally includes professionals who are active in associated fields such as Anthropology, Geology, History, First Nations Studies, Aboriginal Heritage, Museology, Conservation, and Palaeontology, or who are managers of professional archaeological groups. This category may also include professional archaeologists who are archaeological field technicians and graduates with degrees in archaeology or associated fields who are currently working in the field of archaeology, but have not held an archaeological field research permit/license in the Canadian Maritime Provinces. Associates have the right to vote in all Association matters, but may not run for a position on the Association Board of Directors or Executive.

Annual Membership Fee: \$30

Student: This category of membership includes students of archaeology or other related disciplines (Anthropology, Geology, History, First Nations Studies, Museology, Conservation, Palaeontology), or those who are currently working in the field of archaeology in the Maritimes. Students do not have voting privileges and may not run for a position on the Association Board of Directors or Executive.

Annual Membership Fee: \$10

V. The Board of Directors, Executive, Election and Terms, Qualifications, Nominations

Board of Directors

The Board of Directors of the Association (the Board) shall consist of the Executive (President, Vice-President, Secretary, and Treasurer) and a maximum of two other eligible Association Members. No

agency may be represented by more than two people on the Board. An agency is herein defined as a private organization or an educational institution. The Board shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the Board of the Association.

The Board may from time to time form committees to assist the Association in carrying out its goals. Committee chairpersons will report to the Board, but will not have Board voting rights if they are not sitting Board members.

Executive

The Executive of the Association will be sitting members of the Board and shall consist of the President, Vice-President, Secretary, and Treasurer. No agency may be represented by more than one person on the Executive. An agency is herein defined as a private organization or an educational institution. The Executive shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the Board.

Election and Terms

- a. The Board of Directors shall be elected by ballot at the regular Annual Meeting. Board Members shall serve terms of two years or until their successors are elected.
- b. The Executive shall be elected by ballot at the regular Annual Meeting. The President, Vice-President, Secretary, and Treasurer shall serve terms of two years or until their successors are elected.
- c. A plurality vote shall constitute an election.
- d. No member shall serve more than two consecutive terms in the office of President.
- e. Each Board/Executive/committee member shall be a member in good standing who has paid dues.
- f. In the event an office is open or an Executive member is unable to complete his/her term, the remaining members of the Executive will meet (either in person, by email, or by telephone) and appoint a person to fill the vacant position until an election can be held at the next regular or specially-called meeting. If the office of the President is vacant, the Vice-President will become the President for the remainder of the term. Should both the President and the Vice-President positions become vacant before an election can be held, the office of President will succeed first to the Secretary, and if that office is vacant, to the Treasurer. Members of the Executive will retain their elected offices except to serve as needed in the position of President following the above outlined order of succession.

Nominations

- a. The Board shall serve as the Nominating Committee to nominate candidates for the Board positions and Executive offices to be filled at the regular Annual Meeting. Individuals who wish to stand for a Board or Executive position must submit their candidacy, or the nomination of another member, in writing to the Nominating Committee prior to the Annual Meeting. The Nominating Committee shall confer with all persons nominated in order to determine their willingness to serve if elected.
- b. No agency may be represented by more than two people on the Board.

- c. No agency may be represented by more than one person on the Executive or on the Nominating Committee.
- d. Before the election of the Board and the Executive at the regular Annual Meeting, additional nominations from the floor shall be permitted.

VI. Duties of Board and Executive Members

Duties of the President

The President shall:

- a. Maintain continuity of the Executive by executing the provisions of these Bylaws.
- b. Preside at Board Meetings.
- c. Make necessary arrangements for each Board meeting in accordance with the date and location selected by the membership at the preceding meeting.
- d. Provide an agenda for each Board meeting.
- e. Appoint committees and their chairs, unless otherwise specified herein, in accordance with these Bylaws and with the assistance and approval of the elected Board.
- f. Speak for the Association as a whole when so authorized by the membership and/or with the assistance and approval of the elected Board. In all such cases, statements issued by the President shall be subject to ratification by a majority vote of the Board at the next regular or special meeting of the Board. The President shall notify the membership as to the contents of any statements made on their behalf, in an email or newsletter.
- g. Convey all records, correspondence, and property of the Association to his/her successor.
- h. With the approval of the Board, present an annual budget for the coming year at the Annual Meeting of the Association. The budget will be approved by a majority vote.

Duties of the Vice-President

The Vice-President shall:

- a. Maintain continuity of the Executive by working closely with the President and other elected Board members.
- b. Call meetings in the absence of the President.
- c. Represent the Association as necessary in the absence of the President.
- d. Convey all records, correspondence, and property of the Association to his/her successor.

Duties of the Secretary

The Secretary shall:

- a. Maintain an up-to-date list of the members.
- b. Carry on necessary correspondence with the membership through a website, a listserv, and/or by email, and as directed by the President.
- c. Report on the activities of the Secretary to the membership at every regular meeting.
- d. Record the proceedings of all Board meetings and maintain a complete set of records, newsletters, and membership lists.
- e. Keep copies of the Bylaws and "Robert's Rules of Order" and record amendments to the Bylaws.

- f. Call the meeting to order in the absence of the President and Vice-President and preside over the election of a temporary presiding officer.
- g. Send notices of all meetings to members.
- h. Convey all records, correspondence, and property of the Association to his/her successor.

Duties of the Treasurer

The Treasurer shall:

- a. Receive dues and deposit them in an account in the name of the Association and disburse funds from this account for publication and distribution of newsletters and for other necessary Association expenses.
- b. Coordinate an up-to-date list of the members with the Secretary.
- c. Report at every regular meeting to the membership the receipts, expenses, and financial condition of the Association. No funds from dues are to be used for salaries or otherwise to reimburse persons for time spent on Association business.
- d. Call the meeting to order in the absence of the President, Vice-President, and Secretary and preside over the election of a temporary presiding officer.
- e. Close the books within 15 days of the end of the fiscal year (April 1 through March 31) and submit them to the chair of the Auditing Committee.
- f. File necessary federal and provincial tax forms.
- g. Maintain Internet accounts and transfer funds received on regular basis.
- h. Coordinate outreach donations.
- i. Convey all records, correspondence, and property of the Association to his/her successor.

Duties of Non-Executive Board Member

The Non-Executive Board Member shall:

- a. Assist the Executive in the execution of their duties as stated in the Bylaws.
- b. Attend regular Board meetings.
- c. Sit on and chair Association committees.

Committees Formation and Membership

Committees will be struck through the authority of the Board. All committees will be composed of voting members and will, for the most part, be chaired by a current Board member. Voting members may serve on committees as contributing members and as committee chairs, where a Board member is unable to chair the committee. Committee members shall be appointed by the President or elected by the Board.

VII. Meetings

Parliamentary Authority

The rules contained in the current edition of "Robert's Rules of Order" shall govern both Board meetings and membership meetings in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Board or the Association may adopt.

Regular Meetings

The Association shall meet at least semi-annually to foster the exchange of information amongst its members. The attending membership shall constitute a quorum. Meetings of the Association shall be open to any person with an interest in the proceedings. However, any meeting, or portion thereof, may be closed to all but the membership if a request to do so is presented to the chair. The meeting will be declared open again at the discretion of the chair. As the proceedings will not be recorded after a request for closure, such requests cannot be entertained during elections, during the reading of the Treasurer's Report, or at other times when minutes are required under the *Companies Act*. Notification of members to their last known address shall be made at least 15 days prior to any meetings. The annual business meeting shall be held within the last two months of the fiscal year. Thirty days notice must be given to all members prior to the annual business meeting.

VIII. Changes to the Bylaws

These Bylaws may be amended at a general meeting of the membership by simple majority of votes of eligible members present and voting, provided that the amendment has been submitted by special notice to the membership at least 30 days prior to the meeting at which the vote on the proposed amendment is taken. In addition, motions to amend the Bylaws may also be conducted via a mail-in ballot process, provided the ballots are mailed to the membership at least 30 days prior to the counting of the ballots. Ballots shall be returned to the Secretary of the Association. Changes to the Bylaws shall be passed by a simple majority of votes from eligible membership at a general meeting or of returned votes in a mailed ballot.

IX. Finances

The fiscal year of the Association will be from April 1 to March 31. Funds from the annual dues and other sources shall be administered by the Treasurer and shall be available for all expenses consistent with the goals and the approved budget of the Association. Changes in the annual dues shall be passed by a simple majority vote of eligible membership at the annual business meeting.

X. Disposal of Assets

In the event of dissolution, the Association shall dispose of all of its assets to an archaeology related institution, agency, association, or society as determined by a vote of the entire Association membership at the time of dissolution.

CODE OF ETHICS

The Code of Ethics of these Bylaws provides principles of professional conduct for the benefit of the members of the Association. Archaeology is a profession, and the privilege of professional practice requires professional morality and professional responsibility, as well as professional competence, on the part of each practitioner.

1. All members of the Association undertake, as a condition of membership, that they will comply with these Bylaws.
2. The Association subscribes to the following principles:
 - a. that the archaeological record is the physical remains of past human activity, and as such, members of the Association hold it as of importance to all people;
 - b. that members of the Association have a responsibility to work for the preservation and protection of the archaeological record.
3. Members of the Association have a responsibility to contribute to the advancement of archaeology by developing professional knowledge and skills.
4. Members of the Association have a responsibility to share their archaeological experience and information.
5. Members of the Association have a responsibility to conduct themselves with integrity, in accordance with the goals, standards, and principles of the Association.
6. Members of the Association support and abide by the Canadian Archaeological Association (CAA) Objectives, Principles of Ethical Conduct, and Statement of Principles for Ethical Conduct Pertaining to Aboriginal Peoples.

CODE OF CONDUCT

The Code of Conduct of these Bylaws elaborates standards of professional conduct for the benefit of the members of the Association. Members of the Association have responsibilities to:

- a. the archaeological record,
- b. the public,
- c. cultural groups,
- d. the discipline of Archaeology and the Profession of Archaeology,
- e. other archaeologists,
- f. clients,
- g. operational standards, and
- h. standards of research performance.

A. Responsibility to the Archaeological Record

A member of the Association shall:

- actively support conservation of the archaeological resource base;

- support and comply with the terms of the UNESCO Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property, as adopted by the General Conference, 14 November 1970, Paris;
- not participate in the illicit import, export, or buying and selling of archaeological materials;
- avoid and discourage statements that could encourage others to engage in activities that jeopardize the archaeological record;
- inform the parties responsible for the management of archaeological resources of any undertaking that is detrimental to the archaeological record; and
- exercise independent professional judgment.

B. Responsibility to the Public

A member of the Association shall:

- present archaeology and the results of archaeological investigations to the public in a responsible manner;
- encourage the public to comply with heritage legislation;
- not give a professional opinion, make a public report, or give legal testimony involving archaeological matters without being as thoroughly informed as might reasonably be expected;
- not engage in conduct involving dishonesty, fraud, deceit or misrepresentation about archaeological matters;
- not engage in any illegal or unethical conduct involving archaeological matters or knowingly permit the use of his/her name in support of any illegal or unethical activity involving archaeological matters; and
- not knowingly be involved in the recovery or excavation of artifacts for commercial exploitation, or knowingly be employed by or knowingly contract with an individual who — or entity that — recovers or excavates archaeological artifacts for commercial exploitation.

C. Responsibility to Cultural Groups

A member of the Association shall:

- strive to respect the archaeological concerns of cultural groups whose histories and/or resources are the subject of investigation;
- encourage partnerships with cultural groups in archaeological research, management, and education, based on respect and mutual sharing of knowledge and expertise;
- recognize that First Nations have an interest in the protection and management of the aboriginal archaeological record, and its interpretation and presentation;
- identify, to the best of his or her ability, those First Nations that have an interest in an area, prior to conducting any archaeological field investigation. In areas where more than one First Nation has an interest, all will be recognized;
- inform, to the best of his or her ability, those First Nations who have an interest in an area, prior to conducting any archaeological field investigation, that field work is planned, except where such disclosures contravene an agreement for confidentiality. In areas where more than one First Nation has an interest, all will be informed; and

- communicate the results of archaeological investigations to cultural groups in a timely and accessible manner, where such disclosures do not contravene an agreement for confidentiality.

D. Responsibility to the Discipline of Archaeology and the Profession of Archaeology

A member of the Association shall:

- be familiar with and comply with relevant federal, provincial, and municipal laws and regulations;
- work toward effective protection of the archaeological record through federal, provincial, and municipal laws and regulations;
- stay informed of developments in his or her own field or fields of specialization;
- not undertake any archaeological research or services for which he or she is not qualified;
- not sign reports or opinions which involve professional judgment unless they were prepared under his or her direct supervision;
- disseminate the results of archaeological investigations without undue delay, unless such disclosures contravene an agreement for confidentiality;
- not attempt to destroy or distort archaeological data;
- not conceal archaeological data, provided that it is not a breach of confidentiality;
- not make misleading statements about his or her qualifications and experience;
- not purport to represent the Association without prior written authorization from the Directors; and
- report violations by members of the Association's Bylaws to the Association.

E. Responsibility to Other Archaeologists

A member of the Association shall:

- not refuse a reasonable request for data unless such disclosures contravene an agreement for confidentiality;
- communicate and cooperate with colleagues having common professional interests;
- give due respect to colleagues' interests in, and rights to, information about sites, areas, collections, or data where there is a mutual active or potentially active research concern;
- take responsibility for his or her own work;
- give appropriate credit for work undertaken by others;
- not commit plagiarism in oral or written communications;
- not bring the professional reputation of a colleague into disrepute;
- review the work of other archaeologists in a fair and professional manner;
- not attempt to supplant an archaeologist currently working on a project during the tenure of a contract; and
- in a formal evaluation of the works of another archaeologist, attempt to notify the archaeologist under review, unless such disclosures contravene an agreement for confidentiality.

F. Responsibility to Clients

A member of the Association shall:

- respect the interests of her/his employer or client, so far as is consistent with the public welfare and this Code;
- refuse to comply with any request or demand of an employer or client which conflicts with the Code;
- not accept compensations for recommending the employment of a consulting archaeologist unless such compensation is fully disclosed to clients;
- not use confidential information of a non-archaeological nature provided by the client, unless the client consents in writing or the use is required by law;
- not use confidential information to the disadvantage of a client or employer;
- not use confidential information for the advantage of herself/himself or a third person, unless the client consents after full disclosure;
- not provide professional services if there is an actual or apparent conflict of interest without full written disclosure;
- not recommend or participate in any research which does not comply with the requirements of the Standards of Research as stated within the Association Bylaws or as regulated by provincial authorities;
- only levy charges for work performed; and
- solicit or provide services only if they can responsibly be performed within the time limits agreed upon between the consulting archaeologists and the client.

G. Operational Standards

- The Association may issue Operational Standards binding on members of the Association. The Operational Standards take effect after they have been adopted by a simple majority of the members present at a general meeting, or by a simple majority of member ballots during a mail-in vote.
- The Association may issue Notes clarifying, or further defining, the principles and standards of conduct within these Bylaws. These Notes take effect after they have been adopted by a simple majority of the members present at a general membership meeting or a simple majority of member ballots during a mail-in vote.

H. Standards of Research Performance¹

The research archaeologist has a responsibility to attempt to design and conduct projects that will add to our understanding of past cultures and/or that will develop better theories, methods, or techniques for interpreting the archaeological record, while causing minimal attrition of the archaeological resource base. In the conduct of a research project, the following minimum standards should be followed:

- The archaeologist has a responsibility to prepare adequately for any research project, whether fieldwork-based or otherwise. The archaeologist must:

¹ Adapted, with minor modification, from the Register of Professional Archaeologists (RPA)

- assess the adequacy of her/his qualifications for the demands of the project, and minimize inadequacies by acquiring additional expertise, by bringing in associates with the needed qualifications, or by modifying the scope of the project;
- inform herself/himself of relevant previous research;
- develop a scientific plan of research which specifies the objectives of the project, takes into account previous relevant research, employs a suitable methodology, and provides for economical use of the resource base (whether such base consists of an excavation site or of specimens) consistent with the objectives of the project;
- ensure the availability of adequate and competent staff and support facilities to carry the project to completion, and of adequate curatorial facilities for specimens and records;
- comply with all legal requirements, including, without limitation, obtaining all necessary governmental permits and necessary permission from landowners or other persons; and
- determine whether the project is likely to interfere with the program or projects of other scholars and, if there is such a likelihood, initiate negotiations to minimize such interference.
- In conducting research, the archaeologist must follow her/his scientific plan of research, except to the extent that unforeseen circumstances warrant its modification.
- Procedures for field survey or excavation must meet the following minimal standards:
 - if specimens are collected, a system for identifying and recording their proveniences must be maintained;
 - uncollected entities such as environmental or cultural features, depositional strata, and the like, must be fully and accurately recorded by appropriate means, and their locations recorded;
 - the methods employed in data collection must be fully and accurately described. Significant stratigraphic and/or associational relationships among artifacts, other specimens, and cultural and environmental features must also be fully and accurately recorded;
 - all records should be intelligible to other archaeologists. If terms lacking commonly held referents are used, they should be clearly defined; and
 - insofar as is possible, the interests of other researchers should be considered. For example, upper levels of a site should be scientifically excavated and recorded whenever feasible, even if the focus of the project is on underlying levels.
- During accessioning, analysis, and storage of specimens and records in the laboratory, the archaeologist must take precautions to ensure that correlations between the specimens and the field records are maintained, so that provenience and contextual relationships are not confused or obscured.
- Specimens and research records resulting from a project must be deposited at an institution with permanent curatorial facilities, unless otherwise required by law.
- The archaeologist has responsibility for appropriate dissemination of the results of her/his research to the appropriate constituencies with reasonable dispatch:

- results reviewed as significant contributions to substantive knowledge of the past or to advancements in theory, method or technique should be disseminated to colleagues and other interested persons by appropriate means such as publications, reports at professional meetings, or letters to colleagues;
- requests from qualified colleagues for information on research results should be honoured, if consistent with the researcher's prior rights to publication and with her/his other professional responsibilities;
- failure to complete a full scholarly report within 10 years after completion of a field project shall be construed as a waiver of an archaeologist's right of primacy with respect to analysis and publication of the data. Upon expiration of such a 10-year period, or at such earlier time as the archaeologist shall determine not to publish the results, such data should be made fully accessible to other archaeologists for analysis and publication;
- while contractual obligations in reporting must be respected, archaeologists should not enter into a contract which prohibits the archaeologist from including her or his own interpretations or conclusions in the contractual reports, or from a continuing right to use the data after completion of the project; and
- archaeologists have an obligation to accede to reasonable requests for information from the news media.

GRIEVANCE PROCEDURES²

1. **Protection from Law Suits** - The Association, its Executive, Directors or members shall not be liable to a member for anything done in good faith as a result of any proceeding commenced under the bylaws.

2. **Complaints Against Members**
 - a. Any person, including a Director of the Association, who believes a member of the Association may be guilty of unprofessional conduct may make a complaint against the member to a Director of the Association.
 - b. "Unprofessional conduct" is defined as conduct which violates the bylaws of the Association generally and in particular, the guidelines set out in the Code of Ethics and the Code of Conduct of the Association.
 - c. A complaint against a member must be made in writing and must include the particulars of the conduct alleged to be unprofessional.
 - d. A Director shall, upon receipt of a complaint against a member, acknowledge receipt of the complaint and inform the Board of the complaint within seven days of receiving the complaint.
 - e. Within thirty days after being informed of the complaint, the Board shall notify all named parties involved of the complaint, shall meet to discuss the complaint and shall vote on appropriate action.
 - f. Where the Board consider unprofessional conduct did not occur they shall:
 - i. vote no further action shall be taken and prepare a written report describing the reasons for this decision. The report shall be made available to the complainant and the member; or,
 - ii. select a mutually agreeable facilitator to aid in resolution of the issue and prepare a written report describing the reasons for this decision. This report shall be made available to the complainant and the member.
 - g. Where the Board consider unprofessional conduct may have occurred they shall:
 - i. appoint a Mediation Committee to mediate between the complainant and the member. The Board shall prepare a written report describing the reasons for this decision and shall distribute their report to the complainant and the member; or,
 - ii. appoint an Investigation Committee to further investigate the request and prepare a written report describing the reasons for this decision. This report shall be made available to the complainant and the member.

² Adapted, with minor modification, from the British Columbia Association of Professional Archaeologists (BCAPA)

3. Mediation

- a. A Mediation Committee appointed by the Board shall consist of three individuals. At least one member of the Mediation Committee shall be a member of the Association.
- b. A quorum shall consist of a majority of the members of the Mediation Committee. The Mediation Committee shall fix its own procedure.
- c. The Mediation Committee may, for its duties under the bylaws, employ at expense of the Association legal or other services it considers necessary.
- d. The Mediation Committee shall make all attempts to complete its duties within ninety days of its members being confirmed by the Board. If more than ninety days are required to fulfill its duties, the Mediation Committee shall inform the Board of this need prior to this date, stating the reasons for the need in writing and the expected time of completion.
- e. Where the Mediation Committee is satisfied the mediation resolves the complaint and proposes to take no further action, it shall:
 - i. prepare a written report describing the mediation and solution; and,
 - ii. send a copy of the report to the Board who will distribute the report to the complainant and the member.
- f. Where the Mediation Committee is satisfied a complaint cannot be resolved through mediation it shall:
 - i. prepare a written report describing the mediation process; and,
 - ii. send a copy of the report to the Board who will distribute the report to the complainant and the member.
- g. The Board, within twenty-one days of the receipt of a report stating that mediation is unsuccessful, shall initiate the process to appoint an Investigation Committee to investigate the complaint.

4. Investigation Committee

- a. An Investigation Committee appointed by the Board under shall consist of three individuals. At least one member of the Investigation Committee shall be a member of the Association and at least one member shall not be a member of the Association.
- b. A quorum shall consist of a majority of the members of the Investigation Committee.
- c. The Investigation Committee may, for its duties under the bylaws, employ at expense of the Association legal or other services it considers necessary.
- d. The Investigation Committee has the right to compel members of the Association to respond and produce documents necessary for the investigation.
- e. The Investigation Committee may at its discretion delay the procedure pending the outcome of any private civil dispute between the complainant and the member.
- f. In the event that subsection (e.) does not apply, the Investigation Committee shall make all attempts to complete its duties within ninety days of its members being confirmed by the Board. If more than ninety days are required to fulfill its duties, the Investigation Committee shall inform the Board of this need prior to this date, stating the reasons for the need in writing and the expected time of completion.
- g. Where the Investigation Committee is satisfied the member has not engaged in unprofessional conduct, it shall:

- i. prepare a written report describing the information upon which its decision is based and stating the reasons for not proceeding with disciplinary action; and,
 - ii. send a copy of the report to the Board who will distribute the report to the complainant and the member.
- h. Where the Investigation Committee is satisfied the member has engaged in unprofessional conduct, it shall order a disciplinary hearing into the conduct of the member by directing the Board to issue a citation against the member.

5. Disciplinary Hearing

- a. A citation issued under 4(h.) shall set out the particulars of the complaint or matter of inquiry and shall be served on the member (the “respondent”).
- b. Upon issuing the citation, the Board shall appoint a Disciplinary Panel of five individuals.
- c. The Disciplinary Panel shall consist of members and non-members as the Board, in its discretion, may require. No member of the Board or of the Investigation Committee shall be eligible to be appointed to the Disciplinary Panel and at least one member of the Disciplinary Panel shall not be a member of the Association.
- d. The Board shall appoint a chairperson of the Disciplinary Panel. The Disciplinary Panel will set its own procedure with the intention of providing the Association, the complainant, and the respondent with a full and fair hearing.
- e. The Disciplinary Panel shall hold a hearing into a respondent’s conduct at which the Association and the respondent have the right to be represented by legal counsel.
- f. At least one month’s written notice of the time and place of the hearing shall be served on the respondent and the complainant.
- g. The Disciplinary Panel has the right to compel members of the Association to respond and produce documents necessary for a full hearing.
- h. If the respondent fails to attend, on proof of service of notice, the Disciplinary Panel may proceed with the hearing in the respondent’s absence and make its findings and its determination without further notice to the respondent.
- i. The Disciplinary Panel may at its discretion delay the procedure pending the outcome of any private civil dispute between the complainant and the respondent.
- j. A Disciplinary Panel shall at the conclusion of its hearing, make a determination whether or not a respondent has engaged in unprofessional conduct.
- k. A Disciplinary Panel shall decide any matter by a majority and the decision of the majority of Panel members is the decision of the Panel.

6. Discipline Resolution

- a. Where at the completion of the hearing a Disciplinary Panel is satisfied that a respondent has engaged in unprofessional conduct, it may do one or more of the following:
 - i. reprimand the respondent;
 - ii. declare the respondent a member not in good standing of the Association;
 - iii. expel the respondent from the Association;
 - iv. make an award of costs against the respondent of any mediation, investigation, hearing or other proceedings under the Grievance Procedures of these bylaws.

- b. Where a Disciplinary Panel declares a respondent a member not in good standing under bylaw, the Panel shall require the respondent to undertake specific remedial action on or before a date fixed by the Panel. If the respondent does not complete remedial action to the satisfaction of the Panel by the date specified by the Panel, then the Disciplinary Panel may:
 - i. extend the time period for completion of the remedial action; or,
 - ii. expel the member from the Association.If the member completes the remedial action on or before the date specified by the Panel to the satisfaction of the Panel, the Panel shall declare that the respondent is no longer a member not in good standing under the terms of its former determination.
- c. Where at the completion of the hearing a Disciplinary Panel is satisfied that the member has not engaged in unprofessional conduct it shall recommend no disciplinary action be taken.
- d. The Disciplinary Panel shall record its decisions in writing and shall give a copy of its written decision and the reasons for it to the Board. The Board shall deliver a copy of the report to the complainant, the respondent, and the Investigation Committee. The Board may distribute a summary of the findings of the Disciplinary Panel to the membership of the Association.

7. Review by the Board

- a. Within 30 days of the report of the Disciplinary Panel, the Investigation Committee or the respondent may request the Board to reconsider the complaint.
- b. The Board may at their sole discretion:
 - i. refuse to reconsider the complaint; or,
 - ii. reconsider the complaint and in doing so may hear further argument and evidence and/or may appoint a Mediation Committee, except that allowing for the appointment of an Investigation Committee will not apply.
- c. If the Board reconsiders the complaint, then they may substitute their decision for the decision of the Disciplinary Panel. The decision of the Board on the complaint will be final. If a Mediation Committee has brought the parties to a mediated solution, then the Board will give effect to the mediated solution.
- d. The Board will prepare a written report of their decision, which will include the written report made by a Mediation Committee (if any). The Board will distribute their report under this paragraph to the respondent, the complainant, the Investigation Committee, and the Disciplinary Panel. The Board may distribute a summary of their report to the membership of the Association.