



# British Columbia Art Therapy Association

*Carol Prest*  
CAROL PREST

## BYLAWS

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## **Interpretations**

### *Definitions*

1(1) In these Bylaws:

“Act” means the Societies Act of British Columbia, as amended from time to time;

“Association” means the British Columbia Art Therapy Association incorporated as a Society under the Act;

“Board” means the directors of the Association;

“officer” means a director position on the Board as set out in bylaw 27;

“registered address” of a member means a member’s address as recorded in the register of members;

“Voting Member” means a member in good standing in the class of membership of registered professional, professional or honorary life membership as set out in bylaw 42.

(2) The definitions in the Act apply to these Bylaws.

### *Conflict with Act or Regulations*

2. If there is a conflict between these Bylaws and the Act or the regulations under the Act, the provisions of the Act or the regulations prevail, as the case may be.

## **Part 1 – Directors**

### *Number of directors*

3. The number of directors on the Board shall be 6 or a greater number determined from time to time at a general meeting.

### *Composition of the Board*

4. The officers listed in bylaw 27 and the remaining directors-at-large constitute the Board.

### *Eligibility*

5. Only a voting member in good standing may be nominated, stand for election, or be appointed to the Board.

### *Terms of office*

6(1) The directors shall serve for a term of two years.

(2) The term of office for three directors commences at the adjournment of the annual general meeting in an even numbered year, and the term of office of the other three directors commences at the adjournment of the annual general meeting in an odd numbered year.

(3) The Board shall establish a schedule to identify which directors’ terms will end in an even numbered or an odd numbered year.

(4) Notwithstanding subsections (1) to (3), the past-president may remain as a non-voting member of the Board for a two-year term past the date when that director’s term ended.

### *Nominations*

7(1) Every year the Nominations Committee shall do the following:

- (a) notify the membership of the start of the nomination process, and the requirements to submit their nominations of directors to the Committee;
- (b) attempt to identify at least one nominee voting member to stand for election as a director in accordance with the schedule established by the Board under bylaw 6(3);
- (c) inform the voting membership least 30 days and not more than 90 days before the annual general meeting of the names of candidates who have been nominated to be elected as directors to the Board.

(2) A member of the Nominations Committee may not stand for election to the Board nor be nominated by the Committee in any given year.

(3) If an insufficient number of members were nominated to stand for election as directors under subsection (1), then - prior to the election of directors to the Board at an annual general meeting - the chair of the Nominations Committee shall

- (a) call for nominations from those voting members who were not listed in the information provided to the membership pursuant to clause 7(1)(c), and
- (b) give such members an opportunity to accept such a nomination before the chair declares that the nomination process is closed.

### *Elections*

8(1) The election for the directors whose term of office ends in accordance with the provisions of bylaw 6 shall be held at the annual general meeting for the applicable even numbered or odd numbered year.

(2) Where more candidates have been nominated to be directors than the number of director positions that are to be filled in the applicable year,

- (a) the candidates who have been nominated to be elected as directors must be given an opportunity to speak to the membership before the voting members cast a vote, and
- (b) an election shall be held for those director positions by a secret ballot to be conducted at the annual general meeting.

(3) Where the number of candidates nominated to be directors is the same or less than the number of director positions that are to be filled in the applicable year, those candidates are deemed to be elected as directors by acclamation, and those candidates need not be given an opportunity to speak to the membership pursuant to clause (2)(a).

(4) If, notwithstanding the election or acclamation of directors under subsection (2) or (3), there is a vacant director position in any given year, the Board may fill that vacancy pursuant to bylaw 11.

(5) The Board may approve policies and procedures to govern the conduct of the nomination and election process on issues not covered under these Bylaws.

### *Election results*

9(1) The chair of the Nominations Committee shall advise the membership at the annual meeting of the names of the members elected or acclaimed as directors under bylaw 8.

(2) If a successor is not elected, the person previously elected or appointed as a director may continue as a director, so long as the Board has affirmed that continuation pursuant to bylaw 11.

### *Removal of a director*

10(1) The voting members may, by special resolution,

- (a) remove a director before expiration of that director's term of office, and
- (b) elect a successor to complete that term of office.

(2) The notice of resolution for expulsion shall be accompanied by a brief statement of the reason or reasons for the proposed removal.

(3) The director who is the subject of the proposed resolution for removal shall be given an opportunity to be heard at a meeting before the resolution is put to a vote.

### *Filling vacancies*

11(1) The Board may, at any time, appoint a voting member as a director to fill a vacancy that arises on the Board because of a removal, resignation, death or incapacity of a director during that director's term of office.

(2) A director appointed by the Board to fill a vacancy ceases to be a director at the end of the unexpired portion of the term of office of the director whose departure from office created the vacancy.

### *Remuneration of directors*

12. Pursuant to section 46(1) of the Act, Association may not pay to a director remuneration for being a director, but the Association may pay remuneration to a director for services provided by the director to the Association in another capacity.

### *Reimbursement of expenses*

13(1) Pursuant to section 46(2) of the Act, a director must be reimbursed for all expenses necessarily and reasonably incurred by the director while engaged in the affairs of the Association.

(2) The Board may establish policies and procedures governing when an expense is necessary and reasonably incurred, and the process for directors to apply to be reimbursed for their expenses.

## **Part 2 – Role of Directors**

### *Powers of directors*

14. The directors may exercise all the powers and do all the acts and things that the Association may exercise and do, and which are not by these bylaws or by statute or otherwise lawfully directed or required to be exercised or done by the Association in general meeting, but subject, nevertheless, to

- (a) all laws affecting the Association,
- (b) these bylaws, and
- (c) rules, not being inconsistent with these bylaws, which are made from time to time by the Association in general meeting.

### *Prior acts of directors*

15. No rule, made by the Association in general meeting, invalidates a prior act of the Directors that would have been valid if that rule had not been made.

*Signing authority*

16. A contract or other record to be signed by the Association must be signed on behalf of the Association

- (a) by the president, together with one other director,
- (b) if the president is unable to provide a signature, by the vice-president together with one other director,
- (c) if the president and vice-president are both unable to provide signatures, by any 2 other directors, or
- (d) in any case, by one or more individuals authorized by the Board to sign the record on behalf of the Association.

*Hiring authority of the directors*

17(1) The Board may hire or appoint such persons it determines are necessary for carrying on the functions of the Association, but such persons need not be a member of the Association.

(2) Hiring and appointments shall be done in accordance with the recruitment and selection process established by the Board.

(3) Those persons hired or appointed by Board in accordance with this bylaw must fulfill the duties and responsibilities prescribed by the Board.

**Part 3 – Meetings of Directors**

*Calling directors' meeting*

18. A directors' meeting may be called by

- (a) the president, or
- (b) by a director,

and, when so called, the corresponding secretary shall convene a meeting of the directors.

*Notice of directors' meeting*

19(1) At least 2 days' notice of a directors' meeting must be given, unless all the directors agree to a shorter notice period.

(2) Notwithstanding subsection (1), for the first meeting of directors held immediately following the appointment or election of a director or directors at an annual or other general meeting of members, or for a meeting of the directors at which a director is appointed to fill a vacancy in the directors, it is not necessary to give notice of the meeting to the newly elected or appointed director or directors for the meeting to be constituted, if a quorum of the directors is present.

*Proceedings valid despite omission to give notice*

20. The accidental omission to give notice of a directors' meeting to a director, or the non-receipt of a notice by a director, does not invalidate proceedings at the meeting.

*Temporary absence from BC*

21. A director who may be absent temporarily from British Columbia may send or deliver to the address of the Association a Waiver of Notice, which may be by letter, telegram, telex, cable, fax or email, of any meeting of the directors and may at any time withdraw the waiver, and until the

waiver is withdrawn,

- (a) a notice of meeting of directors is not required to be sent to that director, and
- (b) any and all meetings of the directors of the Association, notice of which has not been given to that director, if a quorum of the directors is present, are valid and effective.

#### *Conduct of directors' meetings*

22(1) The directors may regulate their meetings and proceedings as they think fit.

(2) Meetings of directors and committees may be face-to-face or electronic, so long as all participating directors can hear each other, at the same time.

#### *Quorum for director's meetings*

23. The quorum for the transaction of business at a directors' meeting is a majority of the directors then on the Board.

#### *Chair of Board meetings*

24(1) The president is the chair of all meetings of the directors.

(2) If at a meeting of the Board, the president is not present within 30 minutes after the time appointed for holding the meeting, the vice president must act as chair.

(3) If at a meeting of the Board, neither the president nor the vice-president is present, the directors present may choose one of their number to be the chair at that meeting.

#### *Voting by the directors*

25(1) Questions arising at a meeting of the directors and at committee meetings must be decided by a majority of votes.

(2) In the case of a tie vote, the chair does not have a second or casting vote.

(3) A resolution proposed at a meeting of directors or committee members need not be seconded, and the chair of a meeting may move or propose a resolution.

#### *Directors' consent resolution*

26. A resolution in writing, signed by all the directors and placed with the minutes of the directors, is as valid and effective as if regularly passed at a meeting of directors.

### **Part 4 – Duties of Officers**

#### *Officer positions*

27. The following are the officers of the Association:

- (a) president;
- (b) vice-president;
- (c) recording secretary;
- (d) corresponding secretary;
- (e) treasurer.

#### *Election of officers*

28(1) At the first meeting of the Board following each annual meeting, the Directors shall elect or appoint from amongst themselves the officer positions as listed in bylaw 27.



- (2) A director, other than the president, may hold more than one officer position.
- (3) A director who is not elected or appointed by the Board to an officer position is deemed to be a director-at-large.

*Duties of the president*

29. The president is the chair of the Board and is responsible for supervising the other officers in the execution of their duties.

*Role of vice-president*

30. The vice-president is the vice-chair of the Board and is responsible for carrying out the duties of the president if the president is absent or unable to act.

*Duties of the recording secretary*

31(1) The recording secretary is responsible for doing, or making the necessary arrangements, for the following:

- (a) issuing notices of general meetings and directors' meetings;
- (b) taking minutes of general meetings and directors' meetings;
- (c) keeping the records of the Association in accordance with the Act.

(2) If the recording secretary is absent from a meeting, the remaining directors or members must appoint another individual to act as the recording secretary for that meeting.

*Duties of the corresponding secretary*

32. The corresponding secretary is responsible for doing, or making the necessary arrangements, for the following:

- (a) conducting the correspondence of the Board or Association;
- (b) filing the annual report of the Association and making any other filings with the registrar required under the Act;
- (c) mailing out and receipt of ballots regarding all matters requiring a mail ballot vote of the membership;
- (d) maintain the register of members.

*Duties of the treasurer*

33. The treasurer is responsible for doing, or making the necessary arrangements for, the following:

- (a) receiving and banking monies collected from the members or other sources;
- (b) keeping accounting records in respect of the Association's financial transactions, including sending and receiving statements of funds;
- (c) preparing the Association's financial statements and prepare the financial report for presentation to the directors;
- (d) making the Association's filings respecting taxes, if applicable.

## **Part 5 – Committees**

### *Appointment of committees and chairs*

34(1) The Board may

- (a) appoint a committee consisting of members,
- (b) designate a voting member to be the chair of that committee, and
- (c) delegate its powers, assign tasks or set the mandate for that committee.

(2) In acting under subsection (1), the Board may delegate only those of its powers to a committee that are not otherwise to be exercised only by the Board pursuant to the Act or these Bylaws.

(3) A committee appointed by the Board must

- (a) exercise its delegated powers, complete its assigned task or act under its mandate,
- (b) conform to any rules, terms or conditions otherwise set by these Bylaws or the Board,
- (c) through its chair, report every act or thing done in exercise of those powers, assigned tasks or mandate to the earliest meeting of the Board held after the act or thing has been done.

(4) Where the chair of a committee is not a director on the Board, that chair shall report to the Board in accordance to clause (3)(c) as may be directed by the Board.

### *Nomination Committee*

35(1) There shall be a Nomination Committee consisting of at least two voting members, including its chair, to be appointed by the Board pursuant to bylaw 34.

(2) The mandate of the Nominations Committee is as follows:

- (a) to administer the nomination and election process as described in bylaws 7 and 8;
- (b) to prepare application forms and other information as may be required under the nomination and election bylaws;
- (c) to prepare policies and procedures to administer the nomination and election bylaws for later approval by the Board.

### *Membership Committee*

36(1) There shall be a Membership Committee consisting of at least three voting members, including its chair, to be appointed by the Board pursuant to bylaw 34.

(2) The chair of the Membership Committee must be a Registered Professional Member.

(3) The mandate of the Membership Committee is as follows:

- (a) to receive and review applications for registration in the applicable class of membership as listed in bylaw 42, including any recommendations for honorary life memberships;
- (b) if an applicant to a class of membership, other than honorary life membership, meets the criteria set out in bylaws 43 to 46, 48 and 49, to then grant the applicant registration in the applicable class of membership;
- (c) if it is not clear whether an applicant to a class of membership meets the criteria set out in bylaws 43 to 46, 48 and 49, to forward that application to the Board for its final determination;
- (d) to administer and oversee the process leading to the granting of honorary life membership pursuant to bylaw 47;

- (e) to prepare application forms and other information as may be required under the registration bylaws;
  - (f) to prepare policies and procedures to administer the registration bylaws for later approval by the Board under bylaw 78.
- (3) The chair of the Membership Committee shall maintain the directory of members in all classes of membership.

#### *Ethics and Standards Committee*

- 37(1) There shall be an Ethics and Standards Committee consisting of at least two voting members, including its chair, to be appointed by the Board pursuant to bylaw 34.
- (2) At least one member of the Ethics and Standards Committee must be
- (a) a registered professional member, and
  - (b) a professional member.
- (3) The mandate of the Ethics and Standards Committee is as follows:
- (a) to undertake periodic reviews of the Code of Ethics;
  - (b) to prepare proposed changes to the Code as may be required;
  - (c) to prepare standards of practice for art therapists;
  - (d) to consult with the membership regarding the Code or a standard of practice, or any changes to either;
  - (e) to prepare a final Code or standard of practice, or any changes to either, or for approval by the Board pursuant to bylaw 78.
- (4) For clarity, any change to the Code of Ethics or a standard of practice may include the replacement of the current Code or standard with a new Code or standard.

#### *Inquiry Committee*

- 38(1) There shall be an Inquiry Committee consisting of at least three voting members, including its chair, to be appointed by the Board pursuant to bylaw 34.
- (2) The mandate of the Inquiry Committee is as follows:
- (a) to receive and undertake an initial assessment of any complaint that may be filed against a member;
  - (b) to undertake an investigation of a bona fide complaint that is within the jurisdiction of the BCATA;
  - (c) to attempt to resolve a bona fide, intra-jurisdictional complaint by informal means;
  - (d) if a bona fide, intra-jurisdictional complaint cannot be resolved by informal means, to then consider whether it is in the public interest to issue a citation against the subject member pursuant to bylaw 88;
  - (e) if a complaint proceeds to a citation and hearing before a Discipline Panel, to present the Association's case against the respondent member named in the issued citation;
  - (f) to prepare a set of policies and procedures governing the receipt, investigation and resolution of complaints for subsequent approval by the Board pursuant to bylaw 78;
  - (g) develop any form or information document necessary to administer the complaints and resolution bylaws or any Board-approved policies and procedures.

### *Discipline Panel*

39(1) If the Inquiry Committee issues a citation pursuant to bylaw 88, as soon as possible after that step the Board shall appoint, pursuant to bylaw 34, a Discipline Panel consisting of at least three voting members, including its chair.

(2) The mandate of the Discipline Panel is as follows:

- (a) to conduct a hearing into the allegations set out in the citation, and to render a decision in relation to each allegation;
- (b) to prepare a set of policies and procedures governing the conduct of a disciplinary hearing for subsequent approval by the Board pursuant to bylaw 78;
- (c) develop any form or information document necessary to administer the discipline hearing bylaws or any Board-approved hearing policies and procedures.

### *Committee meetings*

40(1) Unless otherwise prescribed elsewhere in these Bylaws, the members of a committee may meet and adjourn as they think proper.

(2) If at a meeting of a committee the chair is not present within 10 minutes after the time appointed for holding the meeting, the committee members present may choose one of their numbers to be the chair of the meeting.

## **Part 6 – Membership**

### *General requirements*

41(1) Those persons who were members under the previous bylaws, continue as members under these bylaws in their applicable class of membership.

(2) The membership shall consist of the all persons who make written application to the Membership Committee to become members, meeting the requirements for membership and pay the dues set for the appropriate class of membership, and in either case have not ceased to be members.

(2) The membership of the Association shall be open to persons regardless of race, creed, sex, ethnic background or national origin.

(3) An applicant must complete the application process within one year from the date that candidate's initial application is first reviewed by the Membership Committee, otherwise that application is deemed to have been abandoned and the applicant is not entitled to a refund of any application or other fees paid to that time.

### *Classes of membership*

42. The following are the classes of membership in the Association:

- (a) registered professional;
- (b) professional;
- (c) associate;
- (d) student;
- (e) honorary life;
- (f) retired.

*Registered professional membership criteria*

43(1) For the purposes of this bylaw, an “acceptable supervisor” means a BCATR (a BC Art Therapist, Registered), or equivalent therapist acceptable to the Membership Committee (e.g. ART or RCAT) who holds current professional liability insurance and is in good standing with their professional association.

(2) To become a registered professional member an applicant must meet each of following criteria:

- (a) submit an application to the Membership Committee on the form approved by the Committee;
- (b) be a Professional Member of BCATA under bylaw 44 in good standing for a period of at least three months prior to the date of application to this class;
- (c) have completed (with signed documentation) at least 1,000 post-graduate direct client contact hours in a clinical setting or agency setting, supervised by an acceptable supervisor, at a ratio of 1 hour for every 20 client contact hours;
- (e) sign a statement that, when practicing as an art therapist, the applicant will obtain and maintain liability insurance coverage.

(3) In terms of meeting the 1,000 hours of post-graduate direct client contact requirements as set out in clause (2)(c), the following also apply:

- (a) the Membership Committee may count any volunteer art therapy services to a maximum of 50% of the time requirement;
- (b) the hours must be documented and supervised by an acceptable supervisor;
- (c) the location where the art therapy services were offered must be an established agency or organization acceptable to the Committee;
- (d) the post-graduate hours of supervision are the hours accumulated after all practicum hours and all course work has been completed, except the thesis or date of graduation.

(4) Notwithstanding the specificity of the requirement for an acceptable supervisor as set out in clause (2)(c), the Membership Committee may – on application by the applicant – accept another, alternative supervisor, such as another mental health professional, with at least 5 years of clinical experience, who holds current professional liability insurance and is in good standing with their professional association.

(5) If group supervision is included in the calculation of the 1,000 hours of post-graduate direct client contact requirements as set out in clause (2)(c), such group supervision must

- (a) include a maximum of five supervisees per group,
- (b) be a 50% maximum of total supervised hours,
- (c) be clinically focused, (i.e. not administrative) and based on work with clients, and
- (d) ensure that each art therapist has individual time within that group to present their own work.

(6) Notwithstanding the requirements of clauses (2)(b) to (d), an applicant who is currently a registered member in good standing of another art therapy association (or if not currently in good standing, with membership that lapsed within the period of one year and was not revoked), may submit to the Committee proof of such registered membership, along with two letters of recommendation and documentation for current liability insurance, and do so in lieu of the requirements set out in those clauses.

*Professional membership criteria*

44(1) To become a professional member an applicant must meet each of following criteria:

- (a) submit an application to the Membership Committee on the form approved by the Committee;
  - (b) have completed a graduate level training program or a Master's degree program in Art Therapy from a university or institute of art therapy in Canada, the United States or another country that has been approved by the Canadian Art Therapy Association;
  - (c) have completed at least 600 practicum hours during the academic training program;
  - (d) sign a statement that if practicing Art Therapy, they will have liability insurance coverage.
- (2) Notwithstanding the requirements of clauses (1)(b) and (c),
- (a) an applicant whose qualifications are from outside Canada may apply to the Membership Committee to be granted equivalency to those requirements, and
  - (b) the Committee may accept equivalent graduate level training and experience in the use of art in therapy as may be evaluated by and acceptable to the Committee.
- (3) In applying for equivalency under subsection (2), an applicant must, in addition to meeting the requirements of clauses (1)(a) and (d), submit both original and translated copies of their supporting documentation, which must include the number of practicum hours specified under clause (1)(c).
- (4) If the required 600 practicum hours are incomplete, the applicant may submit up to 300 post-graduate client contact hours in a clinical or agency setting, supervised at a ratio of 1 hour to each 20 client contact hours, provided such supervision was provided by a registered art therapist, or equivalent acceptable to the Membership Committee, who holds current professional liability insurance and is in good standing with their professional association.

*Associate membership criteria*

45. To become an associate member, an applicant must meet each of following criteria:
- (a) submit an application to the Membership Committee on the form approved by the Committee;
  - (b) agree to support the field of art therapy and the Association;
  - (c) be either
    - (i) a volunteer or an individual who is not a professional art therapist, or
    - (ii) an educational institution, agency or non-profit organization.

*Student membership criteria*

46. To become a student member, an applicant must meet each of following criteria:
- (a) submit an application to the Membership Committee on the form approved by the Committee;
  - (b) be officially enrolled as a student in an art therapy training course acceptable to the Committee.

*Honorary life membership*

47(1) Only a registered professional or professional member is eligible to be granted honorary life membership.

- (2) A registered professional or professional member may be nominated for honorary life membership if that member has provided outstanding service to the Association.
- (3) The Membership Committee may identify and propose a registered professional or professional member to be granted honorary life membership.
- (4) Only a voting member may vote to grant a candidate honorary life membership.
- (5) A honorary life member is exempt from paying annual fees, but must inform the Membership Committee using the prescribed form if that member retires or, if retired, later returns to active practice.
- (6) The Board may approve such policies and procedures as are necessary to administer this category of membership.

#### *Retired membership*

- 48(1) A registered professional, professional or honorary member who no longer practices as an art therapist but wants to remain a member of the Association may apply to the Membership Committee using the prescribed form to become a retired member.
- (2) For clarity, only a registered professional, professional or honorary member may apply to be granted retired membership.
- (3) The Board may approve such policies and procedures as are necessary to administer this category of membership.

#### *Inactive member (leave of absence)*

- 49(1) A registered professional, professional or honorary member who wants to become inactive or take a leave of absence from the practice of art therapy must so inform the Membership Committee and their liability insurance provider using the prescribed form.
- (2) During their absence or inactivity, the inactive member must continue to hold liability insurance for a minimum of three years, after which time the member must inform the association of their inactive (or leave of absence) status annually using the prescribed form.
- (3) An inactive member or a member on a leave of absence cannot practice art therapy while inactive or on leave.
- (4) To become active in the former class of membership, an inactive member must inform the Membership Committee and the liability insurance provider of that member's return to active practice using the prescribed form.
- (3) The Board may approve such policies and procedures as are necessary to administer this category of membership.

#### *Changing class of membership*

50. A member may apply to the Membership Committee to change their current class of membership to a difference class so long as
  - (a) that member meets the criteria of the proposed new class, and
  - (b) pays the difference between the dues already paid in their current class and the dues that would apply to the new class of membership.

#### *Rights and privileges of membership*

- 51(1) A registered professional, professional and honorary life member (voting member)
  - (a) may participate in all activities of the Association,
  - (b) shall receive all official publications,

- (c) may propose resolutions and vote at meetings, and
  - (d) may stand for election or appointment to the Board, or hold office.
- (2) Only a registered professional member in good standing may use the occupational title, “British Columbia Art Therapist, Registered” granted to the Association in 1994, or the corresponding initials “BCATR”.
- (3) A retired member
- (a) may participate in all activities of the Association,
  - (b) shall receive all official publications, but
  - (c) may not propose resolutions, vote, become a director or hold office.
- (4) An associate member
- (a) may attend meetings and special programs,
  - (b) shall receive all official publications, but
  - (c) may not propose resolutions, vote, become a director or hold office.
- (5) A student member
- (a) may attend meetings and special programs,
  - (b) shall receive all official publications,
  - (c) may be a non-voting student representative on the Board, representing their art therapy institution, and
  - (d) may be a non-voting member of any committee, if so appointed, but
  - (e) may not propose resolutions, vote, become a director or hold office.

*Copy of the constitution and bylaws*

52(1) On being admitted to membership, each member is entitled to, and the Association must give the member on request and without charge, a copy of the constitution, bylaws and code of ethics of the Association.

(2) Subsection (1) does not apply if the Association has posted a copy of its constitution, bylaws and code of ethics at the website.

*Duties of members*

53. Every member must

- (a) uphold the Constitution of the Association,
- (b) comply with these Bylaws;
- (c) adhere to the Code of Ethics;
- (d) pay the membership dues set by the Board pursuant to bylaw 55.

*Membership year*

54. The membership year shall coincide with the fiscal year.

*Setting and payment of annual dues*

55(1) The Board may set the annual dues for all classes of membership, and – when so set – such dues are effective as of the first day of the membership year.

(2) All dues must be paid in full via the PayPal link on the Association website or by cheque payable to “BC Art Therapy Association”.



*Dues notification and failure to pay*

56(1) At least 30 days but not more than 60 days before the end of the fiscal year, members shall be notified of the deadline for payment of dues.

- (2) A member who has failed to pay the prescribed due by the end of the fiscal year
- (a) is not a member in good standing, and
  - (b) shall be sent a second notice advising them of the consequences of a continued failure to pay the due then owing for an additional 30 days
- (3) A member who fails to pay the due within 30 days of the second notice ceases to be a member in good standing and that member's rights of membership are automatically suspended.

*Ceasing to be a member*

57. In addition to the provisions of section 69 of the Act, a person ceases to be a member of the Association in any one of the following circumstances:

- (a) by delivering a written resignation to the secretary, or by mailing or delivering it to the address of the Association;
- (b) on being expelled, in accordance with section 70 of the Act;
- (c) on being suspended or expelled in accordance with Part 8 of these Bylaws;
- (d) on having been a member not in good standing for twelve consecutive months or for failing to pay dues in accordance with bylaw 56.

*Member not in good standing may not vote*

58. Notwithstanding the rights and privileges of membership set out in bylaw 51, a member who is not in good standing

- (a) may not propose a resolution or vote at a general meeting, and
- (b) is deemed not to be a voting member for the purpose of consenting to a resolution of the voting members.

*Time-limited reinstatement*

59(1) A person who ceased to be a member because of a failure to pay dues in accordance with bylaw 57 may apply to the Membership Committee for reinstatement so long as that person

- (a) has not been a former member for more than three years from the dues deadline, and
- (b) provides payment in full of the past unpaid dues and the current period, as well as an administration charge set by the Board.

(2) A person who ceased to be a registered professional or professional member because of a failure to pay dues in accordance with bylaw 67 for longer than three years from the dues deadline, may apply to the Membership Committee for reinstatement to their former class of membership so long as that person meets the current requirements as a registered professional or professional member as set out in bylaw 43 or 44, as the case may be.

## **Part 7 – General Meetings**

### *Date and time of general meeting*

60. A general meeting must be held at the date and time the Board determines.

### *Content of notice re: a meeting*

61(1) In addition to the requirements of section 77(1) of the Act, the notice of a general meeting of the members must

(a) include a proposed agenda or a general description of the nature of any business to be conducted at the meeting, and

(b) be sent to members

(i) no more than 90 days and not less than 30 days before the meeting, and

(ii) by mail or electronic means, and also posted at the Association's website.

(2) If the notice concerns an annual general meeting, then – in addition to the requirements of subsection (1) – the notice must include a copy of the minutes of the previous year's annual general meeting or a link allowing members to access those minutes.

(3) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of member entitled to receive notice does not invalidate the proceedings at that meeting.

### *Ordinary business at general meeting*

62. At a general meeting, the following business is ordinary business:

(a) adoption of rules of order;

(b) consideration of any financial statements of the Association presented to the meeting;

(c) consideration of the reports, if any, of the directors or auditor;

(d) election or appointment of directors;

(e) appointment of an auditor, if any;

(f) business arising out of a report of the directors not requiring the passing of a special resolution.

### *Notice of special business*

63. A notice of a general meeting must state the nature of any business, other than ordinary business, to be transacted at the meeting in sufficient detail to permit a member receiving the notice to form a reasoned judgment concerning that business.

### *Rules for meetings*

64. The latest edition of *Robert's Rules of Order* shall be the authority for all questions of procedure not governed by the Act or these Bylaws.

### *Chair of general meeting*

65(1) The following individual is entitled to preside as the chair of a general meeting:

(a) the individual, if any, appointed by the Board to preside as the chair;

(b) if the Board has not appointed an individual to preside as the chair or the individual appointed by the Board is unable to preside as the chair,

(i) the president,

(ii) the vice-president, if the president is unable to preside as the chair, or

- (iii) one of the other directors present at the meeting, if both the president and vice-president are unable to preside as the chair.
- (2) If there is no individual entitled under subsection (1) who is able or willing to preside as the chair of a general meeting within 15 minutes from the time set for holding the meeting, the voting members who are present must elect an individual present at the meeting to preside as the chair.

#### *Quorum for general meetings*

- 66(1) The quorum for the transaction of business at a general meeting is 3 voting members or 10% of the voting members, whichever is greater.
- (2) Business, other than the election of the chair of the meeting and the adjournment or termination of the meeting, must not be transacted at a general meeting unless a quorum of voting members is present.

#### *Lack of quorum at commencement of meeting*

67. If, within 30 minutes from the time set for holding a general meeting, a quorum of voting members is not present,
- (a) in the case of a meeting convened on the requisition of members, the meeting is terminated, and
  - (b) in any other case, the meeting stands adjourned to the same day in the next week, at the same time and place, and if, at the continuation of the adjourned meeting, a quorum is not present within 30 minutes from the time set for holding the continuation of the adjourned meeting, the voting members who are present, if at least three in number, constitute a quorum for that meeting.

#### *If quorum ceases to be present*

68. If, at any time during a general meeting, there ceases to be a quorum of voting members present, business then in progress must be suspended until there is a quorum present or until the meeting is adjourned or terminated.

#### *Adjournments by chair*

69. The chair of a general meeting may, or, if so directed by the voting members at the meeting, must, adjourn the meeting from time to time and from place to place, but no business may be transacted at the continuation of the adjourned meeting other than business left unfinished at the adjourned meeting.

#### *Notice of continuation of adjourned general meeting*

70. It is not necessary to give notice of a continuation of an adjourned general meeting or of the business to be transacted at a continuation of an adjourned general meeting except that, when a general meeting is adjourned for 10 days or more, notice of the continuation of the adjourned meeting must be given.

#### *Order of business at general meeting*

71. The order of business at a general meeting is as follows:
- (a) elect an individual to chair the meeting, if necessary;

- (b) determine that there is a quorum;
- (c) approve the agenda;
- (d) approve the minutes from the last general meeting;
- (e) deal with unfinished business from the last general meeting;
- (f) if the meeting is an annual general meeting,
  - (i) receive the directors' report on the financial statements of the Association for the previous financial year, and the auditor's report, if any, on those statements,
  - (ii) receive any other reports of directors' activities and decisions since the previous annual general meeting,
  - (iii) elect or appoint directors, and
  - (iv) appoint an auditor, if any;
- (g) deal with business, including any matters about which notice has been given to the members in the notice of meeting;
- (h) terminate the meeting.

#### *Methods of voting*

72(1) At a general meeting, voting (other than for the election of directors) must be by a show of hands, an oral vote or another method that adequately discloses the intention of the voting members.

(2) Notwithstanding subsection (1), if before or after a vote, 2 or more voting members request a secret ballot or a secret ballot is directed by the chair of the meeting, voting must be by a secret ballot.

(3) Voting by proxy is not permitted.

#### *Resolutions*

73(1) A resolution proposed at a meeting does not need to be seconded, and the chair of a meeting may move or propose a resolution.

(2) In the case of a tie vote, the chair does not have a casting or second vote in addition to the vote to which he or she may be entitled as a member, and the proposed resolution does not pass.

#### *Announcement of result*

74. The chair of a general meeting must announce the outcome of each vote and that outcome must be recorded in the minutes of the meeting.

#### *Matters decided at general meeting by ordinary resolution*

75. A matter to be decided at a general meeting must be decided by ordinary resolution unless the matter is required by the Act or these Bylaws to be decided by special resolution or by another resolution having a higher voting threshold than the threshold for an ordinary resolution.

## Part 8 – Complaints and Discipline

### *General*

76(1) The bylaws in this part are approved pursuant to section 70 of the Act, and a Member may only be disciplined or expelled pursuant to these bylaws.

(2) The provision of this Part apply to a member in the following classes of membership:

- (a) registered professional;
- (b) professional;
- (c) honorary life;
- (d) retired.

(3) For clarity, the provision of this Part do not apply to a member in the following classes of membership:

- (a) associate;
- (b) student.

### *Definitions for this part*

77. The following definitions apply for the purposes of the following complaints and discipline bylaws in this part:

- (a) “alternative dispute resolution” means any process either a Complainant or a Subject Member, or both, may agree to participate in that provides a way to resolve a complaint other than holding a disciplinary hearing, and which may include mediation, arbitration or a restorative justice process;
- (b) “Code” means the *Code of Ethics of the BCATA* as approved by the Board pursuant to bylaw 78, and as may be amended from time to time;
- (c) “complaint” means a communication that documents a Complainant’s concerns about the conduct of a Member that meets the requirements of bylaw 82;
- (d) “Complainant” means a person who has filed a complaint against a Member under bylaw 82;
- (e) “Inquiry Committee” means the committee appointed by the Board pursuant to bylaw 34 to investigate and try to resolve a complaint;
- (f) “facilitated agreement” means a written agreement between the parties that is reached through an alternative dispute resolution process;
- (g) “facilitator” means a person who has been appointed by the Inquiry Committee to be a facilitator, mediator or arbitrator for an alternative dispute resolution process;
- (h) “Member” means a member registered in a class of membership listed in bylaw 76(2);
- (i) “Respondent Member” means a Member who has been named in a citation issued pursuant to bylaw 88;
- (j) “Subject Member” means a Member who has been named in a complaint filed under bylaw 82;
- (k) “third party” means any person who is not a Complainant, a Member, a member of the Board, Inquiry Committee or Adjudication Panel, but who may be a witness during a disciplinary hearing.

### *Board authorities*

78. The Board may by resolution do the following:

- (a) approve a Code of Ethics to govern the ethical conduct of Members of the BCATA;
- (b) approve one or more sets of practice standards to help guide the art therapy practices of Members;
- (c) approve one or more sets of policies and procedures to set out the details in support of the complaint, investigation, resolution, disciplinary or appeal bylaws in this Part;
- (d) if the Inquiry Committee issues a citation pursuant to bylaw 88, to appoint an ad hoc Discipline Panel to adjudicate an allegation set out in that citation;
- (e) if a Respondent Member initiates an appeal to a Discipline Panel decision pursuant to bylaw 96, to either sit as a full Board or to appoint an Appeal Panel of the Board to consider that appeal.

### *Confidentiality and record retention*

79(1) Except as otherwise directed or permitted in this or any other bylaw in this Part or the *Personal Information Protection Act*, the Inquiry Committee, a Discipline Panel or the Board must not disclose to a third party any documents or information

- (a) obtained during an investigation of a complaint,
- (b) concerning a resolution of a complaint or an attempt to resolve a complaint, or
- (c) provided to the Discipline Panel during a discipline hearing,

unless the person about whom that information relates or the appropriate committee, as the case may be, consents to such a disclosure.

(2) The Association shall keep

- (a) all records of an investigation of the Inquiry Committee,
- (b) all evidence presented to a disciplinary panel during a hearing, and
- (c) all decisions of the Discipline Panel

for a period of not less than seven years, but if the circumstances warrant and after consulting with legal counsel, the Association may keep these records for a longer period of time that counsel may advise.

### *Member cooperation*

80(1) A Member must cooperate with the Association or any committee during an investigation or resolution of a complaint, and must attend and participate in a disciplinary hearing if one is initiated by a citation and notice of hearing.

(2) Without limiting the generality of subsection (1), a Member must

- (a) cooperate with the Inquiry Committee or whatever other committee or person the Board may appoint to administer these bylaws;
- (b) not withhold information from the Inquiry Committee;
- (c) not hinder or obstruct the Committee or any investigator appointed by the Committee.

(3) If a Member resigns during an investigative, resolution or disciplinary process as set out in the bylaws in this part, those processes may continue and a final decision may be made without the further or direct participation of the (former) member.

### *Failure to cooperate*

81(1) If a Subject Member fails to comply with a requirement of bylaw 80, the Inquiry Committee may, subject to subsection (2),

- (a) suspend that Member's membership in the Association until such time as the Member cooperates with the committee or responds to the committee's request, or
  - (b) add the Member's failure as an allegation in a citation issued under bylaw 88.
- (2) Before acting under subsection (1)(a), the Inquiry Committee must notify the Subject Member that
- (a) his or her membership in the Association may be suspended because of a failure to comply with a requirement of bylaw 80, and
  - (b) the Member has 30 days from the receipt of the notification to provide the committee with an explanation for that member's failure to comply with a requirement of bylaw 80.
- (3) A Subject Member who has been notified pursuant to subsection (2) has the burden to explain to the satisfaction of Inquiry Committee why he or she should not be suspended pursuant to subsection (1)(a), and the member's explanation must be reasonable and acceptable to the committee.
- (4) If a Subject Member has been suspended pursuant to subsection (1)(a), that member's membership in the Association may not be renewed unless the Inquiry Committee otherwise approves that member's real.
- (5) For clarity, a show cause proceeding under this bylaw is separate and distinct from a disciplinary hearing initiated by a citation issued under bylaw 88.

### ***Filing a Complaint***

#### *Complaints against a Member*

82(1) A person may file a complaint against a Member.

(2) To constitute a complaint against a Member, the information in the complaint filed under subsection (1) must meet the following requirements:

- (a) be in writing or submitted by email, and sent to the postal or email address of the Association, as posted at its website;
  - (b) disclose the name and contact information of the person who is making the complaint;
  - (c) name the person who was affected by the Member's alleged improper conduct and give that person's contact information, in particular if the person affected was not the Complainant;
  - (d) name a Member who is alleged to have acted improperly, or provide such information that would then allow the Member to be identified;
  - (e) describe the Member's conduct so that it would be possible to determine
    - a. if the allegation was proven as alleged, it would constitute a breach of the Code of Ethics or might otherwise constitute professional misconduct,
    - b. if the allegation concerns a matter that is within the Association's jurisdiction to address, and
    - c. whether the allegation has already been addressed or is currently being addressed in another legal forum, or could or should be addressed in another legal forum;
  - (f) must be received within two years of the events taking place.
- (3) In the absence of a formal complaint, the Inquiry Committee may on its own motion investigate a Member in relation any of the following:
- (a) a contravention or failure to comply with the Constitution or Bylaws of the Association;
  - (b) a contravention or failure to comply with the Code of Ethics;
  - (c) any type of professional misconduct;

- (d) concerns regarding the Member's competence or the failure to follow a standard of practice;
- (e) a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the Member's ability to work as an art therapist.

#### *Role of the Inquiry Committee*

83(1) Where a complaint has been filed against a Member, the chair of the Committee shall assess the complaint to ensure it meets the requirements of bylaw 84 or if additional information is required from the Complainant.

(2) If the chair of the Committee ascertains if the complaint is *bona fide* and within the jurisdiction of the BCATA, the chair may then forward the complaint to the full Committee, which may then

- (a) investigate any matters raised by the complaint, and
- (b) attempt to resolve the complaint as soon as possible after it has been received.

(3) In relation to its investigation of a complaint, the Inquiry Committee may do any of the following:

- (a) request the Complainant and the Subject Member to provide the Committee with such information the Committee may require regarding the matter under investigation, and to do so within a specified period of time;
- (b) make copies of any documents;
- (c) appoint an investigator to collect additional information pertinent to the complaint.

#### *Member notification of a complaint*

84(1) Within a reasonable period of time after receiving a complaint that meets the requirements of bylaw 82, the Inquiry Committee must inform the member who is the subject of that formal complaint about the complaint and such details as the Committee determines are useful or necessary to disclose at that time.

(2) A Member who has been informed of a complaint under subsection (1) must be given a reasonable period of time to respond to the issues raised therein.

#### ***Resolving a Complaint***

##### *Committee's remedial action by consent and consent agreements*

85(1) In relation to a matter investigated under this Section, the Inquiry Committee may request the Subject Member to do one or more of the following:

- (a) undertake not to repeat the conduct to which the matter relates;
- (b) undertake to take educational courses specified by the Inquiry Committee;
- (c) accept a reprimand;
- (d) accept a limit or condition on the member's practice, including a suspension for a defined period of time;
- (e) accept a cancellation of the member's membership in the Association;
- (f) undertake or consent to any other action specified by the Inquiry Committee.

(2) If the Committee believes a Subject Member's undertaking, acceptance or consent should be documented, it may ask the member to enter into a consent agreement.

(3) A consent agreement must

- (a) be in writing and be signed by the Subject Member and the chair of the Committee;



- (b) include an undertaking, acceptance or consent given by the Subject Member under subsection (1),
  - (c) specify the length of time that an undertaking, acceptance or consent is binding on the Subject Member,
  - (d) specify the procedure that the Subject Member may follow to be released from an undertaking, acceptance or consent, and
  - (e) specify which terms of the consent agreement may be disclosed to the public, and the timing of such disclosure.
- (4) If the Subject Member accepts a proposal from the committee received under subsection (1),
- (a) the Inquiry Committee must within 30 days enter into a consent agreement with the member that is consistent with the proposal, and
  - (b) on completion of the consent agreement, the chair of the Inquiry Committee must cancel any issued citation and the hearing if one has been scheduled.
- (5) If the Subject Member rejects a proposal received under subsection (1),
- (a) a hearing of the citation must proceed as though the proposal had not been made, and
  - (b) the Discipline Panel must not consider the member's admissions or consents, if any, in determining the matter or in making an order under bylaw 96.

#### *Facilitated agreements*

86(1) Where a facilitated agreement between the parties has been reached through an alternative dispute resolution process,

- (a) the terms of the resulting agreement must be set out in a facilitated agreement approved and signed by the parties,
  - (b) the facilitated agreement must contain monitoring and enforcement provisions that is acceptable to the Inquiry Committee, and
  - (c) the facilitator must submit the original of the signed facilitated agreement to the Inquiry Committee at the Association's office.
- (2) Where the term of a facilitated agreement requires the member to undertake or consent to an action referred to in bylaw 86(1), the Inquiry Committee may request the member to make such an undertaking or consent where the Inquiry Committee considers the undertaking or consent to be appropriate in the circumstances.
- (3) Where a facilitated agreement is reached through an alternative dispute resolution process, the Inquiry Committee shall
- (a) report the resolution of the matter to the Board, and
  - (b) retain a copy of the agreement on file.

#### *Facilitated agreement not reached*

87. Where a facilitated agreement is not reached through an alternative dispute resolution process,

- (a) the facilitator must refer the matter back to the Inquiry Committee with or without recommendations, and
- (b) on receipt that referral, the Inquiry Committee may then take such actions as are permitted under these bylaws.

## ***Citations and Disciplinary Hearings***

### *Citation for a disciplinary hearing*

88(1) Where as a result of its investigation, the Inquiry Committee determines it is necessary to do so, it may issue a citation that

- (a) names the affected member as the Respondent Member,
- (b) describes the nature of the complaint or other matter that is to be the subject of the hearing, including the particulars of any evidence in support of that subject matter,
- (c) specifies the date, time and place of the hearing, if known, and
- (d) advises the Respondent Member that the Discipline Panel is entitled to proceed with the hearing in his or her absence.

(2) The chair of the Inquiry Committee shall have a citation either delivered to the Respondent Member by personal service or sent by registered mail to the Respondent Member at the last known address for that person not fewer than 30 days before the date of the hearing.

(3) Where the subject matter of a citation is a complaint, the chair of the Inquiry Committee shall notify the complainant in writing of the date, time and place of the hearing not fewer than 14 days before the date of the hearing.

(4) The Inquiry Committee may direct that a citation that has been issued be subsequently cancelled if the Committee determines that a hearing by the Discipline Panel is not required.

(5) The Inquiry Committee may do the following:

- (a) join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances;
- (b) sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances;
- (c) amend a citation issued under this bylaw.

(6) Where a citation is amended under clause (5)(c) prior to a discipline hearing, the amended citation shall be delivered to the Respondent Member by personal service or sent by regular mail to the Respondent Member at the last known address for the person not fewer than 30 days before the date of the hearing, unless the Respondent Member consents to a shorter notice period.

(7) Where a citation is amended under clause (5)(c) prior to a discipline hearing and the amended citation changes the date, time or place of the hearing, the chair of the Inquiry Committee shall notify any complainant of the amendment not fewer than 14 days before the date of the hearing, unless the Respondent Member consents to a shorter notice period.

### *Notice of a disciplinary hearing*

89(1) If a citation issued under bylaw 88 does not specify the date, time or location of the disciplinary hearing, the chair of the Inquiry Committee may issue a separate notice of hearing after the date when that citation was issued, but at least 30 days before the hearing date, unless the Respondent Member consents to a shorter notice period.

(2) If the date, time or location of the disciplinary hearing changes from the information that was set out in either a citation or a notice of hearing, the chair of the Inquiry Committee must issue a notice of hearing containing that change at least 30 days before the date, time or location, unless the Respondent Member consents to a shorter notice period.

*Posting of a notice of disciplinary hearing*

90(1) If the chair of the Inquiry Committee issues a citation or notice of hearing pursuant to bylaw 88 or 89, the chair must, subject to subsection (2), post at the Association website a notice of disciplinary hearing setting out the following information:

- (a) the name of the Respondent Member;
- (b) a summary description of the general nature of the complaint or other matter that is to be the subject of the discipline hearing;
- (c) the date, time and place for the discipline hearing.

(2) The chair of the Inquiry Committee may refuse to post a notice of disciplinary hearing if the Inquiry Committee determines that

- (a) there are reasons for confidentiality respecting financial, personal or other matters that may be disclosed at the hearing that outweigh the public interest in having an open hearing,
- (b) an open hearing may result in prejudice to a person involved in a criminal or civil proceeding, or
- (c) an open hearing may jeopardize the safety of a person.

(3) The accidental omission or failure to post a notice of disciplinary hearing at the Association's website in accordance with this bylaw does not invalidate the proceedings at that hearing.

(4) The chair of the Inquiry Committee shall post the notice of disciplinary hearing at the Association's website not fewer than 14 days before the date of the hearing, but may post the notice in a shorter period of time if circumstances so warrant and the Inquiry Committee so directs.

*Discipline hearings*

91(1) The Discipline Panel shall hear and determine a matter that has been set for hearing by a citation issued pursuant to bylaw 88.

(2) The Respondent Member, an investigator, any member of the Inquiry Committee, or any other person authorized by the Discipline Panel may appear as parties and with counsel at a discipline hearing.

(3) Information about the date, time and subject matter of the hearing shall be provided to any person on request.

(4) A discipline hearing shall be in public unless

- (a) the Complainant, a witness or the Respondent Member requests the Discipline Panel hold the hearing in private, and
- (b) the Discipline Panel is satisfied that a private hearing would be appropriate in the circumstances.

(5) The Discipline Panel may order the Respondent Member or any other person to attend at a hearing to give evidence and to produce records in the possession of or under the control of the Respondent Member or person.

(6) The Discipline Panel shall provide notice by registered mail or by personal service to a person who is required to attend a hearing.

*Respondent member resigns, fails to renew or does not attend a hearing*

92(1) For the purposes of this bylaw, "**absent respondent**" means a Respondent Member who has

- (a) resigned his or her membership,

- (b) failed to renew his or her membership,
  - (c) failed to attend a discipline hearing, or
  - (d) left a discipline hearing before it is completed.
- (2) If the Discipline Panel is satisfied that an absent respondent has been
- (a) served with the citation or notice of discipline hearing,
  - (b) provided with an opportunity to be heard, and
  - (b) informed the hearing may continue in his or her absence,
- the Panel may order the hearing to continue in the absence of the absent respondent and, on completion of the hearing, the panel may act or make any order it could have made if the absent respondent had continued to be a member or had attended the hearing.
- (3) For clarity, the fact that a Respondent Member
- (a) resigns or failed to renew his or her membership in the Association, and, therefore, ceases to be a member under bylaw 57, or
  - (b) fails to attend or leaves a hearing,
- does not automatically mean that the Discipline Panel no longer has the jurisdiction to continue the hearing into that absent respondent's conduct, and the Panel may take such actions or make such decisions as it would otherwise be able to take or make under this Division.

*Scope of an inquiry*

- 93(1) The Discipline Panel is not limited to inquiry into only that conduct of the Respondent Member that is described in the citation, but may also inquire into other conduct of the member that is related or similar to the allegations described in the citation.
- (2) If the Discipline Panel proceeds under subsection (1), the Respondent Member may request an adjournment of the hearing, and that request may be granted if the committee considers it is necessary to do so in fairness to the member.

*Action by the Discipline Panel*

- 94(1) On completion of a hearing, the Discipline Panel may, by order, do one or more of the following:
- (a) dismiss the matter;
  - (b) reprimand the Respondent Member;
  - (c) impose limits or conditions on the practice art therapy by the Respondent Member, including practicing under supervision for a defined period of time;
  - (d) suspend the registration or membership of the Respondent Member for a defined period of time;
  - (e) cancel the registration or membership of the Respondent Member;
  - (f) assess costs or part of the costs of the investigation of the Respondent Member's conduct and the hearing of the citation.
- (2) An order of the Discipline Panel under subsection (1) shall be in writing and shall be delivered to the Respondent Member and to the complainant, if any.
- (3) Unless the Discipline Panel directs otherwise, the chair of the Inquiry Committee may disclose to any person on request
- (a) an order of the Discipline Panel under subsection (1), or
  - (b) any reasons the panel may issue in relation to the results of a discipline hearing.

### *Penalty hearing*

95(1) If the Discipline Panel determines that a Respondent Member is guilty of an allegation set out in a citation, it must hold a later and separate hearing on the question of the appropriate penalty to apply as per bylaw 94, unless the member agrees that the penalty hearing can be held sooner.

(2) The Discipline Panel may consider a request from the Respondent Member or the Inquiry Committee to hold a later, separate hearing on the question of penalty.

(3) In determining the penalty to be imposed on a Respondent Member after making a determination on the facts, the Discipline Panel may consider a previous relevant disciplinary decision regarding the member or an undertaking or consent to a reprimand given by the member under this Part.

### *Panel decision*

96(1) The Discipline Panel may give its decision on the matter in sign language or orally at the end of the hearing, but if the Panel's decision will be issued later in writing, it shall be so issued as soon as practical after the hearing, but not more than 60 days after the hearing.

(2) The Panel's written decision must:

- (a) be written in a manner that protects the personal privacy of the third parties, and is suitable for public disclosure in full;
- (b) include the names of the panel members issuing the decision;
- (c) identify the parties in the proceeding, and their legal counsel or representatives, including the Respondent;
- (d) not include the names of a complainant or any witnesses, except when they have appeared at an open hearing in an official capacity;
- (e) not include other possible personal identifiers or health care information of a complainant or a third party, except where necessary to adequately explain the reasons for the decision;
- (f) be written in plain language.

(3) A decision of a Discipline Panel does not have to be unanimous, but must be in writing and signed by each concurring member.

(4) A Panel member not concurring may make a minority decision, which may be issued separately from the majority decision, but must be issued within 60 days of the hearing.

### *Panel remains active*

97. Until the Discipline Panel issues its final written decision under bylaw 96, the Panel remains active, is seized of the matter and may re-open the hearing at the request of the parties and as may be required.

### *Publication and notification of a Panel decision*

98(1) Where disciplinary proceedings result in a limitation imposed on a Respondent's practice or the suspension of the Respondent's membership, the chair of the Inquiry Committee shall advise the membership and the general public of

- (a) the name of the Respondent,
- (b) the facts of the case,
- (c) the reasons for the Panel's decision, and
- (d) the nature of a limitation or suspension and the date it is in effect.

(2) In addition to advising the membership and public, the chair of the Inquiry Committee may also notify the following of the member's limitation or suspension:

- (a) any college, regulatory body or association responsible for the regulation of the profession in every Canadian jurisdiction;
- (c) on request, to any other college, regulatory body or association in a jurisdiction outside Canada;
- (d) the institution where the member is or was employed.

(3) If the chair of the Inquiry Committee is aware that the member is or was a member of another regulatory body, the chair must also notify that other body.

#### *Member under suspension or termination*

99(1) For the purposes of this and the following two bylaws:

- (a) “**termination of membership**” (or similar phrase) means a decision or order of the Discipline Panel that ends the registration or membership of the Respondent Member on a permanent basis;
- (b) “**suspension of membership**” (or similar phrase) means a decision or order of the Discipline Panel that suspends the registration or membership of the Respondent Member for a defined period of time.

(2) A Member while under suspension or whose registration or membership has been terminated must not

- (a) represent herself or himself as a Member of the Association, or
- (b) display a certificate of registration as a Member.

#### *Return to membership after suspension*

100(1) At the end of a member's suspension, that member may apply to the Membership Committee to return to full registration or membership in their previous class of membership, subject to any terms and conditions to that return the Discipline Panel may have articulated in its original decision.

(2) In considering an application of a suspended member for return to full registration or membership, the Membership Committee may consider the facts and conclusions of the Discipline Panel as set out in its original decision.

#### *Applying for membership after termination*

101(1) A member whose registration or membership has been terminated by the Discipline Panel is not entitled to an automatic return to full membership, but must apply for membership as if that member had never been a member of the Association previously.

(2) In considering an application of member whose registration or membership was terminated by a Discipline Panel for re-instatement to full membership, the Membership Committee must

- (a) consider the facts and conclusions of the Discipline Panel as set out in its original decision, and
- (b) ascertain if that former member is sufficiently rehabilitated so as to be granted membership in the former class of membership.

## *Appeals*

### *General*

102(1) Any appeal to the Board shall be conducted in accordance with the appeal bylaws in this section, and any appeal policies and procedures the Board may approve in accordance with bylaw 78.

### *Type of appeals*

103(1) A Respondent Member who is the subject of a negative decision issued by the Discipline Panel under bylaw 96 may appeal that decision to the Board pursuant to bylaw 104.

(2) For clarity, no other person is entitled to appeal any other decision made or issued by the Discipline Panel.

### *Appeals to the Board*

104(1) An appeal to the Board must

- (a) be in writing,
- (b) set out the grounds for the appeal,
- (c) provide evidence to be considered by the Board, if it is required to support the appeal, and
- (d) be delivered to the Association within 15 days of the decision or order.

(2) If an appeal has been received in accordance with subsection (2), the Board may

- (a) hear the appeal as the full Board, or
- (b) strike an appeal panel of at least three members of the Board,

but no member of the Board who has been involved in the decision or order may consider the matter under appeal.

(3) If the Board appoints an appeal panel pursuant to subsection (2)(b), that panel may exercise all of the powers and duties assigned to the Board in the remainder of this bylaw.

### *Conduct of an appeal*

105(1) In hearing an appeal under this bylaw, the Board may

- (a) review any information, documents, or other evidence whether or not that information was produced before the original committee,
- (b) make such inquiries of any person it considers necessary, and
- (c) at its sole discretion, hold an oral hearing to hear the appeal.

### *Appeal decisions*

106(1) After it has completed its review, inquiries or hearing, the Board shall

- (a) confirm, vary or reverse the decision or order of the committee,
- (b) refer the matter back to the committee, with or without directions, or
- (c) make any other decision or order that it considers appropriate in the circumstances.

(2) A decision of the Board under subsection (1) is final and conclusive, and is not open to question or review in any court, and proceedings by or before the Board shall not be restrained by injunction, prohibition or other process or proceeding in any court or be removable by certiorari or otherwise in any court.

## **Part 9 – Administration**

### *Giving a notice to members (general)*

107(1) Any notice required under these Bylaws may be given to a member

- (a) in person,
- (b) by mail to that member's registered address, or
- (e) by email to that member's email address.

(2) A notice sent by mail shall be deemed to have been given on the second day following that on which the notice is posted.

(3) In proving that notice a mailed notice has been given, it is sufficient to prove the notice was properly addressed and put in a Canadian post office receptacle.

(4) For clarity, a person who is not a member is not entitled to receive a notice of general meeting.

### *Seal*

108(1) The Directors may provide a common seal for the Association and may destroy a seal and substitute a new seal in its place

(2) The common seal shall be affixed only when authorized by a resolution of the Directors and then only in the presence of the persons prescribed in the resolution.

### *Borrowing*

109(1) In order to carry out the purposes of the Association the directors may, on behalf of and in the name of the Association, raise or secure the payment or repayment of money in the manner they decide, and, in particular but without limiting that power, by the issue of debentures.

(2) A debenture must not be issued without the authorization of a special resolution.

(3) The members may, by special resolution, restrict the borrowing powers of the directors, but a restriction imposed expires at the next annual general meeting.

### *Fiscal year*

110. The fiscal year shall end on April 30.

### *Amending the constitution and bylaws*

111. Pursuant to sections 15 to 17 of the Act, the constitution and the bylaws of the Association may be amended by special resolution.

### *Provisions transferred from the Constitution on transition to New Act*

112. The Society shall be carried on without purpose of gain for its members and any profits or other accretions to the Society shall be used for promoting its objectives.

113. In the event that the Society should at any time be wound up or dissolved, the remaining assets after payment of all debts and liabilities shall be turned over to a recognized charitable organization in the Province or elsewhere in Canada as directed by the members.