



Association of
Visual Language Interpreters
of Canada

**BYLAW RELATING GENERALLY TO THE CONDUCT
OF THE AFFAIRS OF THE
ASSOCIATION OF VISUAL LANGUAGE
INTERPRETERS OF CANADA**

Ratified by members June 27, 2015
at the AVLIC AGM, New Westminster, BC
And as filed with Industry Canada (Corporations Canada)

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BE IT ENACTED as a bylaw of the Corporation as follows:

Section 1 - General

1.1 DEFINITIONS

In this bylaw and all other bylaws of the Corporation, unless the context otherwise requires:

- i) "Act" means the *Canada Not-For-Profit Corporations Act* S.C. 2009, c.23 including the Regulations made pursuant to the Act, and any statute or regulations that may be substituted, as amended from time to time.
- ii) "Articles" means the original or restated articles of incorporation or articles of amendment, amalgamation, continuance, reorganization, arrangement or revival of the Corporation.
- iii) "Board" means the Board of Directors of the Corporation and "director" means a member of the Board.
- iv) "Bylaw" means this bylaw and any other bylaw of the Corporation as amended and which are, from time to time, in force and effect.
- v) "Meeting of members" includes an annual meeting of members or a special meeting of members; "special meeting of members" includes a meeting of any class or classes of members and a special meeting of all members entitled to vote at an annual meeting of members.
- vi) "Ordinary resolution" means a resolution passed by a majority of not less than 50% plus 1 of the votes cast on that resolution.
- vii) "Proposal" means a proposal submitted by a member of the Corporation that meets the requirements of section 163 (Shareholder Proposals) of the Act.
- viii) "Regulations" means the regulations made under the Act, as amended, restated or in effect from time to time.
- ix) "Special resolution" means a resolution passed by a majority of not less than two-thirds (2/3) of the votes cast on that resolution.

1.2 INTERPRETATION

(1) In the interpretation of this bylaw, words in the singular include the plural and vice-versa, words in one gender include all genders, and "person" includes an individual, body corporate, partnership, trust and unincorporated organization. Other than as specified above, words and expressions defined in the Act have the same meanings when used in these bylaws.

1.3 EXECUTION OF DOCUMENTS

(1) Deeds, transfers, assignments, contracts, obligations and other instruments in writing requiring execution by the Corporation may be signed by any two (2) of its officers or directors. In addition, the Board may from time to time direct the manner in which and the person or persons by whom a particular document or type of document shall be executed. Any director or officer may certify a copy of any instrument, resolution, bylaw or other document of the Corporation to be a true copy thereof.

1.4 FINANCIAL YEAR

(1) The financial year-end of the Corporation shall be March 31 in each year.

1.5 BORROWING POWERS

(1) When authorized by a special resolution, duly passed by the directors and sanctioned by at least two-thirds of the votes cast at a Special General Meeting of the members duly called for considering the bylaw, the directors of the Corporation may from time to time:

- i) Borrow money upon the credit of the Corporation;
- ii) Limit or increase the amount to be borrowed;
- iii) Issue debentures or other securities of the Corporation;
- iv) Pledge or sell such debentures or other securities for such sums and at such prices as may be deemed expedient;
- v) Secure any such debentures, or other securities, or any other present or future borrowing or liability of the Corporation, by mortgage, hypothec, charge or pledge.

1.6 ANNUAL FINANCIAL STATEMENTS

(1) The Corporation shall send to the members a copy of the annual financial statements and other documents referred to in subsection 172(1) (Annual Financial Statements) of the Act or a copy of a publication of the Corporation reproducing the information contained in the documents. Instead of sending the documents, the Corporation may send an electronic summary to each member along with a notice informing the member of the procedure for obtaining a copy of the documents themselves free of charge. The Corporation is not required to send the documents or a summary to a member who, in writing, declines to receive such documents.

Section 2 – Membership Conditions, Termination And Transferability

2.1 MEMBERSHIP CONDITIONS

(1) Subject to the articles, there shall be three classes of members in the Corporation, namely, Class A members, Class B members and Class C members. The Board of Directors of the Corporation may, by resolution, approve the admission of the members of the Corporation. Members may also be admitted in such other manner as may be prescribed by the Board by resolution.

The following conditions of membership shall apply:

i) Class A - Active Members

Active membership shall be available only to individuals whose application has been approved by the Board of Directors, who currently provide visual language interpreting services and who have paid such fees as may be set from time to time by the Board.

The Board of Directors shall approve new applications for Active membership from interpreters who are graduates of an AVLIC-recognized interpreter education program at a post secondary institution or who meet the defined criteria for Deaf interpreters outlined in the AVLIC Membership Policy.

Dual membership in both the Corporation and an Affiliate Chapter of the Corporation is mandatory for members living in provinces or territories with Affiliate Chapters. Eligible Active members who live in a province or territory in Canada where there is no Affiliate Chapter may become Active members under the terms of the In-Lieu-of-Affiliate-Chapter Membership Policy. The term of membership of an Active member shall be annual, subject to renewal in accordance with the policies of the Corporation.

As set out in the articles, each Active member is entitled to receive notice of, attend and vote at all meetings of members and such Active member shall be entitled to one (1) vote at such meetings.

ii) Class B - Student Members

Student membership shall be available only to individuals currently enrolled in an AVLIC-recognized interpreter education program and who have applied and have been accepted for Student membership in the Corporation and who have paid such fees as may be set from time to time by the Board. Student members will not be eligible to vote. Dual membership in both the Corporation and an Affiliate Chapter of the Corporation is mandatory.

The term of membership of a Student member shall be annual, subject to renewal in accordance with the policies of the Corporation.

Student members shall be entitled to receive notice of and attend at meetings of members but, subject to the provisions of the Act (s.199 (2)), not entitled to vote.

iii) Class C - Affiliate Chapter Membership

Affiliate Chapter membership shall be available only to a signed language interpreting organization which submits a copy of its Constitution and bylaws demonstrating that it has similar aims and objectives and whose application has been accepted by the Board and have paid such membership fees as may be determined by the Board from time to time.

The term of membership of an Affiliate Chapter member shall be annual, subject to renewal in accordance with the policies of the Corporation.

Each Affiliate Chapter membership is entitled to receive notice of, attend and vote at all meetings of members and each such membership shall be entitled to three (3) votes at such meetings. Affiliate Chapter members shall designate one (1) Class A member to attend AVLIC meetings to represent the Affiliate Chapter and vote on behalf of the Affiliate Chapter.

2.2 TERMINATION OF MEMBERSHIP

- (1) A membership in the Corporation is terminated when:
- i) The member dies or resigns;
 - ii) The member is expelled or their membership is otherwise terminated in accordance with the articles, bylaws or policies;
 - iii) The member's term of membership expires; or
 - iv) The Corporation is liquidated and dissolved under the Act.

2.3 EFFECT OF TERMINATION OF MEMBERSHIP

(1) Subject to the articles, upon any termination of membership, the rights of the member, including any rights in the property of the Corporation, automatically cease to exist and will not be entitled to any prorated refund fees.

2.4 MEMBERSHIP TRANSFERABILITY

(1) A membership may only be transferred to the Corporation. Any member of any class is entitled to resign at any time, by notice in writing to the Secretary, but will not be entitled to a prorated refund of fees paid.

2.5 FAILURE TO RENEW MEMBERSHIP

- (1) Where an Active member fails to pay their annual membership fee or otherwise fails to renew their membership by the deadline of midnight on March 31 of a membership year,
- i) That member is deemed to be not in good standing as of that deadline, and
 - ii) Any benefits or privileges of membership for that member are deemed to have lapsed at that deadline.
- (2) For the purposes of the following bylaws:
- i) "Expired member" means a member who has failed to pay their annual membership fee or otherwise failed to renew their membership for more than two years past the deadline of midnight on March 31 of a membership year;
 - ii) "Lapsed member" means a member who has failed to pay their annual membership fee or otherwise failed to renew their membership for less than two years past the deadline of midnight on March 31 of a membership year.

2.6 EFFECT OF A LAPSED MEMBERSHIP ON CES STATUS

(1) If at the time of the lapsing of a member's membership under bylaw 2.5 the member is also involved in the Association's Canadian Evaluation System (CES) at any stage, that member's further participation in the CES is suspended until that member has been reinstated pursuant to bylaw 2.7 or 2.8, as applicable.

(2) If at the time of the lapsing of a member's membership under bylaw 2.5, that member had obtained a Certificate of Interpretation, that COI is deemed to be automatically suspended until that member has been reinstated pursuant to bylaw 2.7 or 2.8, as applicable.

2.7 APPLYING TO REINSTATE MEMBERSHIP: LAPSED MEMBER

(1) A lapsed member who has been deemed not to be a member in good standing pursuant to bylaw 2.5 may, by no later than March 31 of the second year following the lapse of membership, apply to be reinstated as a member in good standing.

(2) In applying for reinstatement under this bylaw, the lapsed member seeking reinstatement must meet the following terms and conditions:

- i) The lapsed member must continue to meet the criteria to be an Active member as set out in bylaw 2.1(i);
- ii) The lapsed member must retroactively pay the Active member membership fee for the lapsed membership years, as set by the Board;
- iii) The lapsed member must pay a reinstatement of membership fee, as set by the Board;
- iv) If the lapsed member is applying for reinstatement 30 days before the start of the next membership year, the lapsed member must also pay the Active member membership fee for the coming membership year, as set by the Board.

(3) The Board may:

- i) Grant a reinstatement of membership to a lapsed member who meets the conditions set out in subsection (1) and (2); and
- ii) Allow a lapsed member to pay the fees prescribed in subsection (2) by installments and on such terms and conditions as the Board determines are reasonable in the circumstances.

(4) For clarity, a lapsed member who has been a member not in good standing for longer than two years following the lapse of membership must apply for membership under bylaw 2.8.

2.8 APPLYING TO REINSTATE MEMBERSHIP: EXPIRED MEMBER

(1) An expired member who has been deemed not to be a member in good standing pursuant to bylaw 2.5 for more than two years following their lapse of membership may apply to be reinstated as a member in good standing.

(2) In applying for reinstatement under this bylaw, the expired member seeking reinstatement must meet the following terms and conditions:

- i) The expired member must continue to meet the criteria to be an Active member as set out in bylaw 2.1(i), but may not apply under the grandfathering clause;
- ii) The expired member must retroactively pay the Active member membership fee for the lapsed membership years, as set by the Board;
- iii) The expired member must pay a reinstatement of membership fee, as set by the Board;
- iv) If the expired member is applying for reinstatement 30 days before the start of the next membership year, the expired member must also pay the Active member membership fee for the coming membership year, as set by the Board.

- (3) The Board may:
- i) Grant a reinstatement of membership to an expired member who meets the conditions set out in subsection (1) and (2); and
 - ii) Allow an expired member to pay the fees prescribed in subsection (2) by installments and on such terms and conditions as the Board determines are reasonable in the circumstances.

2.9 EFFECT OF REINSTATEMENT: LAPSED OR EXPIRED MEMBERS

(1) If the Board has reinstated a lapsed member to full Active membership pursuant to bylaw 2.7, that member is entitled to all the benefits and privileges of a Active member, including a return to their position within the CES, as may be applicable and as directed by the Board.

(2) If the Board has reinstated an expired member to full Active membership pursuant to bylaw 2.8, that member is entitled to all the benefits and privileges of a Active member, but must re-enter the CES at Phase One.

2.10 MEMBERSHIP LEAVE

- (1) If the Board pursuant to the Membership Leave Policy has granted a member a leave of absence,
- i) The provisions of bylaws 2.5, 2.7 and 2.8 do not apply to that member during the granted leave; and
 - ii) The Board may decide whether bylaw 2.6 applies to that member for the purposes of the CES.

Section 3 – Meetings Of Members

3.1 NOTICE OF MEMBERS' MEETING

(1) Notice of the time and place of a meeting of members shall be given to each member entitled to attend at the meeting by telephonic, electronic or other communication facility to each member entitled to vote at the meeting, during a period of 21 to 35 days before the day on which the meeting is to be held.

3.2 ABSENTEE VOTING AT MEMBERS' MEETINGS

(1) Notice of each meeting of members shall remind the members of their right to vote by proxy. Proxy submissions can be received by the AVLIC office via mail, online form provided to members by the Corporation via the website or fax at least nine (9) days prior to the annual general meeting. Otherwise, proxy forms can be carried by the chosen proxy holder, submitted and registered for at the beginning of the annual general meeting.

3.3 QUORUM AT MEMBER MEETINGS

(1) A quorum at any meeting of the members shall consist of 25 percent of the votes eligible to be cast at the meeting. If a quorum is present at the opening of a meeting of members, the members present may proceed with the business of the meeting even if a quorum is not present throughout the meeting.

3.4 MEMBERS' MEETING HELD ENTIRELY BY ELECTRONIC MEANS

(1) If the directors or members of the Corporation call a meeting of members pursuant to the Act, those directors or members, as the case may be, may determine that the meeting shall be held, in accordance with the Act and the Regulations, entirely by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.

Section 4 – Directors And Officers

4.1 NUMBER OF DIRECTORS

(1) The Board shall be comprised of Class A members and shall consist of no less than five (5) and no more than fourteen (14) directors.

4.2 TERM OF OFFICE OF DIRECTORS

(1) The directors shall be elected to hold office for a term expiring not later than the close of the second annual meeting of members following the election. No member of the Board of Directors shall serve more than five (5) consecutive 2-year terms or ten (10) years in total.

4.3 NOTICE OF MEETING OF BOARD OF DIRECTORS

(1) Notice of the time and place for the holding of a meeting of the Board shall be given in the manner provided in the section on giving notice of meeting of directors of this bylaw to every director of the Corporation not less than 5 days before the time when the meeting is to be held. Notice of a meeting shall not be necessary if all of the directors are present, and none objects to the holding of the meeting, or if those absent have waived notice of or have otherwise signified their consent to the holding of such meeting. Notice of an adjourned meeting is not required if the time and place of the adjourned meeting is announced at the original meeting.

4.4 VOTES TO GOVERN AT MEETINGS OF THE BOARD OF DIRECTORS

(1) At all meetings of the Board, every question shall be decided by a majority of the votes cast on the question. In case of an equality of votes, the question fails.

4.5 OFFICERS OF THE CORPORATION

(1) The Officers of the Corporation shall be the President, Past President, First Vice President, Second Vice President, Secretary, Treasurer, Evaluations Officer, with any other such officers determined by special resolution of the membership.

i) President

The President shall preside as Chair for all General and Special Meetings of the Corporation and of the Board of Directors. The Chair shall have the general management of the affairs of the Corporation. The Chair shall see that all orders and resolutions of the Board of Directors are

carried into effect.

ii) Past President

The Past President supports and advises the President and performs the duties as shall from time to time be imposed upon him/her by the Board of Directors.

iii) First Vice President

The First Vice President shall, in the absence or inability of the President, perform the duties and exercise the powers of the President, and perform the duties as shall from time to time be imposed upon him/her by the Board of Directors.

iv) Second Vice President

The Second Vice President shall, in the absence or inability of the First Vice President, perform the duties and exercise the powers of the First Vice President, and perform the duties as shall from time to time be imposed upon him/her by the Board of Directors.

v) Secretary

The Secretary shall attend meetings of the Board of Directors and members and act as a clerk thereof and record all votes and minutes of all proceedings in the books to be kept for that purpose. The Secretary shall give or cause to be given notice of all meetings of the members and of the Board of Directors. The Secretary shall promulgate the appropriate minutes to each Board Member, Class A Member, Class B Member and Class C Member representative. The Secretary shall also perform such other duties as may from time to time be directed by the Board of Directors.

vi) Treasurer

The Treasurer shall have custody of the funds and securities of the Corporation and shall keep full and accurate accounts of all assets, liabilities, receipts and disbursements of the Corporation in the books belonging to the Corporation and shall deposit all monies, securities and other valuable effects in the name and to the credit of the Corporation in such chartered bank or trust company, or as may be designated by the Board of Directors from time to time. The Treasurer shall disburse the funds of the Corporation as may be directed by proper authority taking proper vouchers for such disbursements, and shall render to the President and directors at the regular meeting of the Board of Directors, or whenever they may require it, an accounting of all transactions and a statement of the financial position of the Corporation. The Treasurer shall also perform such other duties as may from time to time be directed by the Board of Directors.

vii) Evaluations Officer

The Evaluations Officer shall oversee the Canadian Evaluation System and perform the duties as shall from time to time be imposed upon him/her by the Board of Directors.

All other directors of the Corporation shall perform the duties as imposed upon him/her by the Board of Directors.

4.6 VACANCY IN OFFICE

(1) The Board may remove, whether for cause or without cause, any officer of the Corporation. Unless so removed, an officer shall hold office until the earlier of:

- The officer's successor being appointed;
- The officer's resignation;
- Such officer ceasing to be a director (if a necessary qualification of appointment); or
- Such officer's death.



Section 5 - Notices

5.1 INVALIDITY OF ANY PROVISIONS OF THIS BYLAW

(1) The invalidity or unenforceability of any provision of this bylaw shall not affect the validity or enforceability of the remaining provisions of this bylaw.

5.2 OMISSIONS AND ERRORS

(1) The accidental omission to give any notice to any member, director, officer, member of a committee of the Board or public accountant, or the non-receipt of any notice by any such person where the Corporation has provided notice in accordance with the bylaws or any error in any notice not affecting its substance shall not invalidate any action taken at any meeting to which the notice pertained or otherwise founded on such notice.

5.3 BYLAWS AND EFFECTIVE DATE

(1) The Board of Directors may not make, amend or repeal any bylaws that regulate the activities or affairs of the Corporation without having the bylaw, amendment or repeal confirmed by the members by ordinary resolution. The bylaw, amendment or repeal is only effective on the confirmation of the members and in the form in which it was confirmed. This section does not apply to a bylaw that requires a special resolution of the members according to subsection 197(1) (fundamental change) of the Act.



Section 6 – Professional Conduct Review Process

6.1 DEFINITIONS

(1) In addition to the definitions set out in Section 1.1, throughout this section:

- i) “Adjudication Panel” means a panel of members appointed by the Board pursuant to bylaw 6.4 to adjudicate the allegations against a member as set out in the citation issued pursuant to bylaw 6.23.
- ii) “Alternative dispute resolution” means any process a Complainant or a 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 as described in Division E – Alternative Dispute Resolution.

- iii) “Approved Affiliate Chapter” means an Affiliate Chapter that has been approved by the Board pursuant to bylaw 6.2 as having bylaws, rules or procedures that provide a mechanism to investigate and resolve a complaint, and conduct disciplinary hearings are substantially similar to the bylaws in this section.
- iv) “Association” means the Association of Visual Language Interpreters of Canada or any committee or person appointed by the Board to administer the applicable bylaw.
- v) “CoEGPC” means the *Code of Ethics and Guidelines for Professional Conduct* approved by the Board, and as may be amended from time to time.
- vi) “Complaint” means a communication that documents a Complainant’s concerns about the conduct of a member that meets the requirements of bylaw 6.11.
- vii) “Complainant” means a person who has filed a complaint against a member under bylaw 6.11.
- viii) “Concern” means a communication that a Person with a Concern provides to the Association pursuant to bylaw 6.10, but which is not a complaint filed under bylaw 6.11.
- ix) “Inquiry Committee” means the committee appointed by the Board pursuant to bylaw 6.4 to investigate and try to resolve a complaint filed under bylaw 6.11.
- x) “Facilitated agreement” means a written agreement between the parties that is reached through an alternative dispute resolution process.
- xi) “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.
- xii) “Member” means a Class A - Active Voting member of the Association.
- xiii) “Respondent member” means a member who has been named in a citation issued pursuant to bylaw 6.23.
- xiv) “Person with a Concern” means a person who has a concern about the conduct of a member and approaches the Association to try to resolve that concern informally under bylaw 6.10.
- xv) “Subject member” means a member who has been named in a complaint filed under bylaw 6.11.
- xvi) “Third party” means any person who is not a Complainant, a member, a Person with a Concern, nor a member of the Board, Inquiry Committee or Adjudication Panel.

DIVISION A – JURISDICTION AND ADMINISTRATION

6.2 APPROVAL OF AN AFFILIATE CHAPTER'S COMPLAINTS AND DISCIPLINE BYLAWS

(1) If requested by an Affiliate Chapter, the Board may determine that the bylaws, rules or procedures of an Affiliate Chapter that provide a mechanism to investigate and resolve a complaint and conduct disciplinary hearings are substantially similar to the bylaws in this section.

(2) If the Board determines that an Affiliate Chapter complaint and discipline bylaws, rules or procedures are substantially similar to the bylaws in this section the Board shall so notify the approved Affiliate Chapter within 30 days of that decision.

6.3 INVESTIGATION AND RESOLUTION OF COMPLAINTS BY AN APPROVED AFFILIATE CHAPTER

(1) If the Association receives a complaint against a member who at the time of the alleged events was also a member of an approved Affiliate Chapter, rather than investigate and resolve that complaint under this section, the Association must refer that complaint to the approved Affiliate Chapter for its investigation and resolution.

(2) An approved Affiliate Chapter that receives a complaint under bylaw (1) must do the following, as applicable:

- i) Notify the Association within 30 days of receipt of the complaint whether or not it will accept jurisdiction over that complaint and proceed to investigate and try to resolve the complaint under its bylaws, rules or procedures;
- ii) Within 30 days of the completion of its investigation or resolution of that complaint, notify the Association of the outcome of its investigation or resolution;
- iii) Within 30 days of the completion of its disciplinary hearing into that complaint, notify the Association of the outcome of its disciplinary hearing, including any orders that may have been issued during or at the end of that hearing.

(3) If an approved Affiliate Chapter refuses to investigate a complaint that has been referred to it under subsection (1), the Association may proceed to investigate and try to resolve that complaint under this section, and the Board will so notify that Affiliate Chapter.

6.4 APPOINTMENTS, POLICIES AND PROCEDURES

(1) The Board may by ordinary resolution do the following:

- i) Appoint an Inquiry Committee, and name its chair, and such other persons as are necessary to administer the bylaws in Divisions C to E;
- ii) Appoint an Adjudication Panel, and name its chair, and such other persons as are necessary to administer the bylaws in Division F;
- iii) Maintain a roster of members who can be called on to sit as members of a Adjudication Panel, if a citation is issued pursuant to bylaw 6.23;
- iv) Approve such Policies and Procedures that are consistent with this section to provide guidance on how the bylaws in this section are to be administered.

(2) Notwithstanding the generality of subsection (1):

- i) The person who tries to help a Person with a Concern resolve a concern under bylaw 6.10 must not be appointed as a member of either
 - a) The Inquiry Committee that might subsequently investigate the resulting complaint under bylaw 6.11, or
 - b) An Adjudication Panel that might adjudicate a citation issued against a member pursuant to bylaw 6.23 flowing from that same concern, and
- ii) No member of the Inquiry Committee that investigated and attempted to resolve a complaint filed against a member under bylaw 6.11 may be appointed to an Adjudication Panel that is subsequently adjudicating a citation issued against that member pursuant to bylaw 6.23 based on that same complaint.

6.5 CONFIDENTIALITY AND RECORD RETENTION

(1) Except as otherwise directed or permitted in this or any other bylaw in this section, the Inquiry Committee, an Adjudication Panel or the Board must not disclose to a third party any documents or information:

- i) Obtained during an investigation of a complaint;
- ii) Concerning a resolution of a complaint or an attempt to resolve a complaint; or
- iii) Provided to the Adjudication 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:

- i) All records of an investigation of the Inquiry Committee,
- ii) All evidence presented to a disciplinary panel during a hearing; and
- iii) All decisions of the Adjudication 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.

DIVISION B – GENERAL REQUIREMENTS

6.6 COMPLIANCE WITH THE BYLAWS, COEGPC ETC.

(1) A member must comply with:

- i) The Bylaws and the provisions of this section;
- ii) The CoEGPC;
- iii) Any professional standards or similar rules approved by the Board; and
- iv) Any subsequent amendments made to any of the above.

6.7 CONTINUING EDUCATION

(1) A member must complete continuing education within a defined period of time in relation to understanding and upholding the CoEGPC and to follow any approved standards, and do so in accordance with any policies and procedures the Board may approve for this purpose.

6.8 MEMBER COOPERATION

- (1) A member must cooperate with the Association during an investigation or resolution of a complaint, and must attend and participate in a disciplinary hearing if one is called.
- (2) Without limiting the generality of subsection (1), a member must:
- i) Cooperate with the Inquiry Committee or whatever other committee or person the Board may appoint under bylaw 6.4 to administer the bylaws in this section;
 - ii) Not withhold information from the Inquiry Committee;
 - iii) 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, those processes may continue and a final decision may be made without the further or direct participation of the (former) member.

6.9 FAILURE TO COOPERATE

- (1) If a subject member fails to comply with a requirement of bylaw 6.8, the Inquiry Committee may, subject to subsection (2),
- i) Suspend that member's registration in the Association until such time as the member cooperates with the committee or responds to the committee's request; or
 - ii) Add the member's failure as a new allegation in a citation issued under bylaw 6.23.
- (2) Before acting under subsection (1)(a), the Inquiry Committee must notify the subject member that
- i) His or her registration may be suspended because of a failure to comply with a requirement of bylaw 6.8; and
 - ii) 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 6.8.
- (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 renew unless the Inquiry Committee otherwise approves that member's renewal.
- (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 6.23.

DIVISION C – CONCERNS AND COMPLAINTS

6.10 CONCERNS ABOUT A MEMBER

- (1) If a person contacts the Association with a concern about the conduct of a member, before proceeding to treat that concern as a formal complaint under bylaw 6.11, the Association will encourage

and support the Person with a Concern to resolve their concern by informal means, including arranging or facilitating a meeting between the Person with a Concern and the member to discuss and try to resolve the concern, where both parties so agree.

(2) In addition to trying to resolve a concern informally, the Association will provide a Person with a Concern with information that will explain how – if their concern cannot be resolved informally – that Person could then file a formal complaint against the member under bylaw 6.11.

(3) If Person with a Concern is not satisfied with either the process of or the outcome of an informal resolution of their concern about a member's conduct, that Person may file a complaint against that member pursuant to bylaw 6.11.

(4) For clarify, a Person with a Concern is not required to agree to an informal resolution of their concern under this bylaw, but may proceed directly to filing a formal complaint against a member pursuant to bylaw 6.11.

6.11 COMPLAINTS AGAINST A MEMBER

(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:

- i) Be in writing or a video in American Sign Language;
- ii) Disclose the name and contact information of the person who is making the complaint;
- iii) Name the person(s) who were affected by the member's alleged improper conduct and give their contact information, if the person affected was not the Complainant;
- iv) Name a member who is alleged to have acted improperly, or provide such information that would then allow the member to be identified;
- v) Describe the member's conduct such that, if proven, it would constitute a breach of the CoEGPC or might otherwise constitute professional misconduct;
- vi) Concern matters that are within the Association's jurisdiction;
- vii) Whether the concern has already been addressed or is currently being addressed in another legal forum, or could or should be addressed in another legal forum;
- viii) 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:

- i) A contravention or failure to comply with Bylaws of the Association;
- ii) A contravention or failure to comply with the CoEGPC;
- iii) Any type of professional misconduct;
- iv) Concerns regarding the member's competence to work as a sign language interpreter;
- v) A physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the member's ability to work as a sign language interpreter.

DIVISION D – INVESTIGATION OF COMPLAINTS

6.12 ROLE OF THE INQUIRY COMMITTEE

- (1) Where a complaint has been filed against a member, the Inquiry Committee shall:
- i) Assess the complaint to ensure it meets the requirements of bylaw 6.11(2);
 - ii) Investigate any matters raised by the complaint; and
 - iii) Seek to resolve the complaint as soon as possible after it has been received.
- (2) In relation to its investigation of a complaint, the Inquiry Committee may do any of the following:
- i) 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;
 - ii) Make copies of any documents;
 - iii) Appoint an investigator to collect additional information pertinent to the complaint.

6.13 MEMBER NOTIFICATION OF A COMPLAINT

- (1) Within a reasonable period of time after receiving a complaint that meets the requirements of bylaw 6.11, 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.

DIVISION E - ALTERNATIVE DISPUTE RESOLUTION

6.14 COMMITTEE'S REMEDIAL ACTION BY CONSENT AND CONSENT AGREEMENTS

- (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:
- i) Undertake not to repeat the conduct to which the matter relates;
 - ii) Undertake to take educational courses specified by the Inquiry Committee;
 - iii) Accept a reprimand;
 - iv) Accept a limit or condition on the member's practice, including a suspension for a defined period of time;
 - v) Accept a cancellation of the member's registration;
 - vi) To pay a fine in an amount not exceeding the maximum fine established under bylaw 6.29(1)(f);
 - vii) 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:
- i) Be in writing and be signed by the subject member and the chair of the committee;

- ii) Include an undertaking, acceptance or consent given by the subject member under subsection (1);
 - iii) Specify the length of time that an undertaking, acceptance or consent is binding on the subject member;
 - iv) Specify the procedure that the subject member may follow to be released from an undertaking, acceptance or consent; and
 - v) 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):
- i) The Inquiry Committee must within 30 days enter into a consent agreement with the member that is consistent with the proposal; and
 - ii) 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):
- i) A hearing of the citation must proceed as though the proposal had not been made; and
 - ii) The Adjudication Panel must not consider the member's admissions or consents, if any, in determining the matter or in making an order under bylaw 6.29.

6.15 SUBJECT MEMBER'S PROPOSAL AND CONSENT AGREEMENT

- (1) A subject member may give the Inquiry Committee a written proposal at any time before the commencement of a hearing under bylaw 6.26:
- i) Admitting the nature of the complaint or other matter that is to be the subject of the hearing;
 - ii) Consenting to the making of an order described in bylaw 6.14 as set out in the proposal;
 - iii) Consenting to indemnify the Association for cost of an investigation under Division D in an amount not to exceed the costs for the inquiry as specified in bylaw 6.31; and
 - iv) If the member gives the proposal to the Inquiry Committee less than 7 days before the hearing is scheduled to commence, consenting also to indemnify the Association for the cost of preparing for the hearing in an amount not to exceed one half the costs to that date of preparing for the hearing.
- (2) The Inquiry Committee may accept or reject a proposal received under subsection (1) based on the investigations of the complaint.
- (3) If the Inquiry Committee accepts a proposal from the subject member received under subsection (1):
- i) The Inquiry Committee must within 30 days enter into a consent agreement with the member that is consistent with the proposal; and
 - ii) 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.
- (4) If the Inquiry Committee rejects a proposal received under subsection (1):
- i) a hearing of the citation must proceed as though the proposal had not been made; and
 - ii) the Adjudication Panel must not consider the member's admissions or consents in determining the matter or in making an order under bylaw 6.26.

- (5) If the discipline hearing has commenced under bylaw 6.26 before the subject member has given the Inquiry Committee a written proposal under subsection (1):
- i) The member may give to the Inquiry Committee a written proposal
 - a) Described in clauses (1)(a) to (c); and
 - b) Which also consents to indemnify the Association for preparing and conducting the hearing in an amount not to exceed the actual costs of preparing for and conducting the hearing, and
 - ii) The Inquiry Committee may accept or reject the proposal in its discretion.
- (6) If the Inquiry Committee accepts a proposal under subsection (5):
- i) The Inquiry Committee must within 30 days enter into a consent agreement with the member that is consistent with the proposal; and
 - ii) On completion of the consent agreement, the Adjudication Panel must cancel the hearing.
- (7) If the Inquiry Committee rejects a proposal received under subsection (5):
- i) A hearing of the citation must proceed as though the proposal had not been made; and
 - ii) The Adjudication Panel must not consider the member's admission or consent in determining the matter or in making an order under bylaws 6.29 or 6.31.

6.16 ALTERNATIVE DISPUTE RESOLUTION INVOLVING THE COMPLAINANT AND SUBJECT MEMBER

- (1) The Inquiry Committee may recommend that a complaint be resolved by an alternative dispute resolution process involving the Complainant and the subject member if:
- i) The committee believes it is in the public interest to so try to resolve the complaint; and
 - ii) Both the Complainant and the subject member agree to the proposed alternative dispute resolution process.

6.17 ALTERNATIVE DISPUTE RESOLUTION INVOLVING THE COMMITTEE AND SUBJECT MEMBER

- (1) The Inquiry Committee may recommend that a complaint be resolved by an alternative dispute resolution process involving the committee and the subject member, but without the involvement of the Complainant, if:
- i) The committee believes it is in the public interest to try to resolve the complaint without the Complainant; and
 - ii) Both the committee and the subject member agree to the proposed alternative dispute resolution process in the absence of the Complainant.

6.18 ALTERNATIVE DISPUTE RESOLUTION INVOLVING THE COMPLAINANT, SUBJECT MEMBER AND INQUIRY COMMITTEE

- (1) The Inquiry Committee may recommend that a complaint be resolved by an alternative dispute resolution process involving the Complainant, the subject member and the committee if:
- i) The committee believes it is in the public interest to so try to resolve the complaint involving all three parties; and
 - ii) The Complainant, subject member and the committee each agree to the proposed alternative

dispute resolution process.

6.19 ALTERNATIVE DISPUTE RESOLUTION REQUIREMENTS

- (1) Following acceptance of a recommendation under bylaws 6.16 to 6.18, the Inquiry Committee shall appoint at its cost a facilitator who is acceptable to the parties.
- (2) The appointed facilitator shall conduct the alternative dispute resolution process in accordance with the terms of a written agreement to participate in alternative dispute resolution.
- (3) An agreement to participate in alternative dispute resolution under subsection (3) must:
 - i) Contain a confidentiality provision that is acceptable to the Inquiry Committee; and
 - ii) Be executed by the parties.

6.20 FACILITATED AGREEMENTS

- (1) Where a facilitated agreement between the parties has been reached through an alternative dispute resolution process:
 - i) The terms of the resulting agreement must be set out in a facilitated agreement approved and signed by the parties;
 - ii) The facilitated agreement must contain monitoring and enforcement provisions that is acceptable to the Inquiry Committee; and
 - iii) 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 6.14, 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:
 - i) Report the resolution of the matter to the Board; and
 - ii) Retain a copy of the agreement on file.

6.21 FACILITATED AGREEMENT NOT REACHED

- (1) Where a facilitated agreement is not reached through an alternative dispute resolution process:
 - i) The facilitator must refer the matter back to the Inquiry Committee with or without recommendations; and
 - ii) On receipt that referral, the Inquiry Committee may then take such actions as are permitted under this section.

6.22 MONITORING OF AND COMPLIANCE WITH AGREEMENTS

- (1) The Inquiry Committee shall monitor a subject member's compliance with:
 - i) An undertaking or consent the member agreed to pursuant to bylaw 6.14 or 6.15; or

ii) A facilitated agreement the member entered into pursuant to bylaw 6.20.

(2) If the Inquiry Committee concludes that a subject member has not complied with an undertaking, consent or facilitated agreement, the committee may:

- i) Direct that a citation be issued against the subject member under bylaw 6.23;
- ii) Direct that the subject member be suspended without further notice to the member and until such time as the member complies with the undertaking, consent or facilitated agreement; or
- iii) Take such other action as is permitted under this section.

DIVISION F – CITATIONS AND DISCIPLINARY HEARINGS

6.23 CITATION FOR A DISCIPLINARY HEARING

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

- i) Names the affected member as the Respondent member;
- ii) 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;
- iii) Specifies the date, time and place of the hearing, if known; and
- iv) Advises the Respondent member that the Adjudication 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 Adjudication Panel is not required.

(5) The Inquiry Committee may do the following:

- i) 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;
- ii) Sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances;
- iii) 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.

6.24 NOTICE OF HEARING

(1) If a citation issued under bylaw 6.23 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 new notice of hearing containing that change at least 30 days before the new date, time or location, unless the Respondent member consents to a shorter notice period.

6.25 POSTING OF A NOTICE OF DISCIPLINARY HEARING

(1) If the chair of the Inquiry Committee issues a citation or notice of hearing pursuant to bylaw 6.23 or 6.24, the chair must, subject to subsection (2), post at the Association website a notice of disciplinary hearing setting out the following information:

- i) The name of the Respondent member;
- ii) A summary description of the general nature of the complaint or other matter that is to be the subject of the discipline hearing;
- iii) 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:

- i) 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;
- ii) An open hearing may result in prejudice to a person involved in a criminal or civil proceeding; or
- iii) 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.

(5) A decision of the Inquiry Committee under this bylaw is final and conclusive, and is not open to question or review in any court, and proceedings by or before the committee 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.

6.26 DISCIPLINE HEARINGS

- (1) The Adjudication Panel shall hear and determine a matter that has been set for hearing by a citation issued pursuant to bylaw 6.23.
- (2) The Respondent member, an investigator, any member of the Inquiry Committee, or any other person authorized by the Adjudication 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:
 - i) The Complainant, a witness or the Respondent member requests the Adjudication Panel hold the hearing in private; and
 - ii) The Adjudication Panel is satisfied that a private hearing would be appropriate in the circumstances.
- (5) The Adjudication 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 Adjudication Panel shall provide notice by registered mail or by personal service to a person who is required to attend a hearing.

6.27 RESPONDENT MEMBER RESIGNS, FAILS TO RENEW OR DOES NOT ATTEND A HEARING

- (1) For the purposes of this bylaw, “absent respondent” means a Respondent member who has:
 - i) Resigned his or her membership;
 - ii) Failed to renew his or her membership;
 - iii) Failed to attend a discipline hearing; or
 - iv) Left a discipline hearing before it is completed.
- (2) If the Adjudication Panel is satisfied that an absent respondent has been:
 - i) Served with the citation or notice of discipline hearing;
 - ii) Provided with an opportunity to be heard; and
 - iii) 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:
 - i) Resigns or failed to renew his or her membership in the Association, and, therefore, ceases to be a member under bylaw 4; or
 - ii) Fails to attend or leaves a hearing;does not automatically mean that the Adjudication 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.

6.28 SCOPE OF INQUIRY

(1) The Adjudication 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 Adjudication 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.

6.29 ACTION BY THE ADJUDICATION PANEL

(1) On completion of a hearing, the Adjudication Panel may, by order, do one or more of the following:

- i) Dismiss the matter;
- ii) Reprimand the Respondent member;
- iii) Impose limits or conditions on the practice of clinical counseling by the Respondent member, including practicing under supervision for a defined period of time;
- iv) Suspend the registration of the Respondent member for a defined period of time;
- v) Cancel the registration of the Respondent member;
- vi) Fine the Respondent member in an amount not to exceed \$25,000;
- vii) 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 Adjudication 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 Adjudication Panel directs otherwise, the chair of the Inquiry Committee may disclose to any person on request:

- i) An order of the Adjudication Panel under subsection (1); or
- ii) Any reasons the panel may issue in relation to the results of a discipline hearing.

6.30 PENALTY HEARING

(1) If the Adjudication 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 6.29, unless the member agrees that the penalty hearing can be held sooner.

(2) The Adjudication 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 Adjudication 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.

6.31 COSTS

(1) Costs awarded under clause 6.29(1)(g) must not exceed, in total:

- i) 50% of the total costs of the investigation leading up to the hearing, including legal costs; and

- ii) 50% of the actual costs for legal representation during the hearing.

(2) In making an order for an assessment of costs under clause 6.29(1)(g), the Adjudication Panel may receive submissions on costs in writing or hold a separate hearing.

6.32 PANEL DECISION

(1) The Adjudication 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 less than 60 days after the hearing.

(2) The Panel's written decision must:

- i) Be written in a manner that protects the personal privacy of the third parties, and is suitable for public disclosure in full;
- ii) Include the names of the panel members issuing the decision;
- iii) Identify the parties in the proceeding, and their legal counsel or representatives, including the Respondent;
- iv) Not include the names of a complainant or any witnesses, except when they have appeared at an open hearing in an official capacity;
- v) 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;
- vi) Be written in plain language.

(3) A decision of an Adjudication 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.

(5) A decision of the Panel under this bylaw is final and conclusive, and is not open to question or review in any court, and proceedings by or before the Panel 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.

6.33 PANEL REMAINS ACTIVE

(1) Until the Adjudication Panel releases its final written decision under bylaw 6.32, 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.

DIVISION G – CONSEQUENCES OF DISCIPLINARY DECISIONS

6.34 MONITORING COMPLIANCE WITH DISCIPLINARY ORDERS

(1) The chair of the Inquiry Committee shall monitor a Respondent member's compliance with an order the Adjudication Panel has issued pursuant to bylaws 6.29 or 6.31.

(2) If the chair of the Inquiry Committee determines that a member has not complied with an Adjudication Panel order, the chair must so report the matter to the Inquiry Committee, with or without recommendations.

6.35 FAILURE TO COMPLY WITH A DISCIPLINARY ORDER

(1) If the Inquiry Committee concludes that a Respondent member has not complied with an Adjudication Panel order issued pursuant to bylaws 6.29 or 6.31, the committee may:

- i) Direct that the member be suspended until such time as the member complies with the order; or
- ii) Take such other actions as may be permitted under this section.

6.36 PUBLICATION AND NOTIFICATION OF A DECISION

(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:

- i) The name of the Respondent;
- ii) The facts of the case;
- iii) The reasons for the decision; and
- iv) 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:

- i) Any college, regulatory body or association responsible for the regulation of the profession in every Canadian jurisdiction;
- ii) On request, to any other college, regulatory body or association in a jurisdiction outside Canada;
- iii) 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.

6.37 APPLICATION OF DISCIPLINARY DECISIONS TO CES

(1) If at the time of the suspension or termination of a member's membership under this section the suspended or terminated member is also involved in the Association's Canadian Evaluation System at any stage, that member's further participation in the CES is also suspended or terminated, as the case may be and on the same terms and conditions as were set out in the agreement reached or decision made under this section.

(2) If at the time of the suspension or termination of a member's membership under this section, that suspended or terminated member had obtained a Certificate of Interpretation, that COI is deemed to be automatically suspended or terminated, as the case may be and on the same terms and conditions as were set out in the agreement reached or decision made under this section.

(3) If a member has had his or her COI terminated pursuant to subsection (2), that member must immediately return the Certificate to the Association on notification of that termination.

6.38 APPLICATION OF AN APPROVED AFFILIATE CHAPTER'S DISCIPLINARY DECISIONS

(1) If an approved Affiliate Chapter reaches a consent resolution agreement of a complaint made against a member or issues a disciplinary order against a member as a result of its disciplinary hearing into that member's conduct:

- i) Such an agreement or decision is deemed to also apply to that member as a member of the Association as if it were a decision made under this section; and
- ii) That member is subject to the same terms and conditions as set out in the approved Affiliate Chapter's agreement or decision as could be agreed to or imposed by the Association under this section.

(2) Without limiting the generality of subsection (1):

- i) If a member has been suspended or has his or her membership terminated by an approved Affiliate Chapter as a result of that Chapter's consent resolution process or disciplinary hearing, that member's membership with the Association is deemed to be automatically suspended or terminated, as the case may be and on the same terms and conditions, as if the agreement or decision of the approved Affiliate Chapter was the agreement or decision of the Association made under this section;
- ii) If at the time of the suspension or termination of membership with the approved Affiliate Chapter, that suspended or terminated member is also involved in the Association's Canadian Evaluation System at any stage, that member's further participation in the CES is also suspended or terminated, as the case may be and on the same terms and conditions as were set out in the agreement or decision of the approved Affiliate Chapter;
- iii) If at the time of the suspension or termination of membership with the approved Affiliate Chapter, that suspended or terminated member has obtained a Certificate of Interpretation, that COI is deemed to be automatically suspended or terminated, as the case may be and on the same terms and conditions as were set out in the agreement or decision of the approved Affiliate Chapter.

(3) If a member has had his or her COI terminated pursuant to clause (2)(c), that member must immediately return the Certificate to the Association on notification of that termination.

6.39 MEMBER UNDER SUSPENSION OR TERMINATION

(1) In addition to the requirements of bylaws 6.37 and 6.38, a member while under suspension or whose membership has been terminated must not:

- i) Represent herself or himself as a member of the Association; or
- ii) Display a certificate of registration as a member.