



Association of
Visual Language Interpreters
of Canada

MINUTES - APPROVAL PENDING

Annual General Meeting 2015
Douglas College
700 Royal Ave, Room 1614
New Westminster, BC V3M 5Z5

Saturday, June 27, 2015

Meeting called to order at 9:15 a.m.

1. WELCOME

- President Jocelyn Mark chaired the meeting.
- Greetings (via video messages) from Frank Folino, president of Canadian Association of the Deaf-Association des Sourds du Canada (CAD-ASC) and Vincent Chauvet, president of the Canadian Cultural Society of the Deaf (CCSD).
- President Jocelyn Mark addressed (via video message) concerns expressed over the recent hiring process of a new executive director for AVLIC. Ms. Mark, on behalf of the Board of Directors, issued an apology and assured everyone that the new staffing process will include feedback received from members and the Deaf community to find the best candidate for AVLIC.
- The AGM followed Robert's Rules of Order New Edition (information sheets of important pertinent points were made available to attendees).

2. CREDENTIALS REPORT

Eligible Votes: 816

- Active ASL-English members: 756
- Active Deaf interpreter members: 31
- Active LSQ-French member: 5
- Affiliate Chapter members: 24
 - ASLIA: 3
 - AVLI-NB: 3
 - MAPSLI: 3
 - MAVLI: 3
 - NAVLI: 3

- OASLI: 3
- SLINC: 3
- WAVLI: 3

Members Ineligible to Vote: 94

- Members on membership leave: 20
- Student members: 74

Subscribers Ineligible to Vote: 15

204 – Quorum requirement (25% of eligible voters)
268¹ – Votes in attendance

QUORUM ACHIEVED

¹ Volunteers from the registration desk reported that 268 votes were in attendance. Later in the meeting (re: Motion VA15G-14), the registration cards were re-counted and the number of votes in attendance was actually 287.



3. APPROVAL OF THE AGENDA

MOTION VA15G-01: I move to approve the agenda as presented.

Caroline Tetreault (Barb Mykle-Hotzon)

CARRIED

4. MOTION TO LIMIT DEBATE

MOTION VA15G-02: I move to limit debate to 2 minutes per speaker on each topic, to a maximum of 15 minutes per topic.

Debbie Parliament (Cindy Haner)

CARRIED

5. APPROVAL OF THE ANNUAL GENERAL MEETING MINUTES (WINNIPEG, MB) – JULY 12, 2014

MOTION VA15G-03: I move to approve the minutes of the July 12, 2014 Annual General Meeting.

Chris Racine (Ashley Campbell)

CARRIED

6. REPORTS FROM BOARD, STAFF, STANDING COMMITTEES AND AD HOC COMMITTEES

5.1 President - Jocelyn Mark - no additions

5.1.1 Dispute Resolution Process Standing Committee - no additions

5.1.2 2016 Conference Planning Ad hoc Committee - Fredericton, NB - no additions

5.2 Past President - Christie Reaume - no additions

5.3 First Vice President - Ashley Campbell - no additions

5.3.1 Educational Interpreting Issues Standing Committee - no additions

5.3.2 2018 Conference Planning Ad Hoc Committee – Saskatoon, SK - no additions

5.3.3 AVLIC Name Change Investigation Ad Hoc Committee - no additions

5.4 Second Vice President - Alana McKenna - no additions

5.4.1 Public Relations Standing Committee - no additions

5.4.2 AVLIC Community Outreach Initiative - no additions

5.4.3 Mentorship Development Ad Hoc Committee - no additions

5.5 Treasurer - Cindy Haner - no additions (2015-2016 AVLIC approved budget was presented to the members)

5.5.1 Publications Standing Committee - no additions

5.6 Secretary - Chris Racine - no additions

5.6.1 Bylaws, Policies & Procedures Standing Committee - no additions



- 5.7 Evaluations Officer - Debbie Parliament - no additions
 - 5.7.1 Canadian Evaluations System Administrator - no additions
 - 5.7.2 CES Policies & Procedures Ad Hoc Committee - no additions
- 5.8 Director - Janice Lyons - no additions
 - 5.8.1 Deaf Interpreter Position Paper and Membership Criteria Ad Hoc Committee - no additions
 - 5.8.2 Anti-Audism Strategy Development Ad Hoc Committee - no additions
- 5.9 Director - Brenda Jenkins - no additions
 - 5.9.1 LSQ Relations Ad hoc Committee - no additions
- 5.10 Administrative Manager - Jane Pannell - no additions

All Board, staff and committee reports to be filed with the Association.

7. UNFINISHED BUSINESS

7.1 Canadian Evaluation System Review Task Force

May 17, 2015

Members: Barb Mykle-Hotzon, Linda Cundy, Marty Taylor, Denise Sedran,
Debbie Parliament

ACTIVITIES TO DATE

- i) Developed plan of action (collected and analyzed statistical data pertaining to the CES)
- ii) Held an online meeting December 11, 2014
- iii) Conducted a face-to-face session March 6-8, 2015 in Vancouver
- iv) Developed preliminary recommendations for the AVLIC Board and the Evaluations Committee.

ONGOING ACTIVITIES

- i) Reviewing feedback and questions on the task force's recommendations from the AVLIC Board and the Evaluations Committee
- ii) Developing a survey to members using Survey Monkey focusing on two themes: preparation phase workshops and certification
- iii) Piloting a survey with a small sample of members.

FUTURE INITIATIVES

- i) Host a face-to-face session July 7-9, 2015 in Vancouver to analyze data collected and develop recommendations based on survey
- ii) Develop a request for proposal that defines the scope of the work needed for AVLIC to move forward with Goal 1 of the 2010-2015 strategic plan
- iii) Prepare a final report for the Board of Directors and AVLIC members.

Update - June 27, 2015

Over 30% of AVLIC members provided responses for the recent survey. The CES Review Task Force is now reviewing the data.



7.2 Professional Conduct Review Process

MOTION VA15G-04: I move to accept the report named *Professional Compliance Review Process* document (revised May 14, 2015) as prepared by Madeleine Mcbrearty, Ph.D and Sylvie Lemay, M.A.
Christie Reaume (Colleen Friel) **CARRIED**

RATIONALE: The AVLIC Board of Directors supports the work and the extensive review done by Madeleine Mcbrearty, Ph.D and Sylvie Lemay, M.A. (Motion OM15B-19) to create a new dispute resolution process following the recommendations outlined in the document titled *Professional Compliance Review Process*.

The AVLIC Board will prepare a timeline, update members and investigate the feasibility of implementing the recommendations within the *Professional Compliance Review Process* report.

Ms. Mcbrearty and Ms. Lemay, as documented, have done incredible work to prepare these recommendations for the Association through research, surveys, town halls, personal interviews and consultation by an advisory council. This document, and all recommendations, has been thoroughly vetted by legal counsel and is considered legally sound with the accompanying recommended bylaw motions included in this AGM package.

It is equally important for transparency that the membership is aware that many of these recommendations will come with future financial considerations. At this time, it is impossible to predict the span of these costs; however, the AVLIC Board of Directors will be tasked with hiring a project coordinator(s) to oversee the entire implementation of this project. The RFP for the project coordinator(s) will be based on the scope of the project.

The following categorization of the recommendations will focus the work into 3 distinct groupings: A list of the recommendations that are already completed and are included in the bylaw motion SP #15-02 in the AGM package; list of recommendations that need further financial review and a list recommendations that are of no significant costs within the scope of this project.

Recommendations completed and paid:

- Recommendations 1 through 4: Bylaws, policies and ensuring this new compliance procedure is legally sound.
- Recommendations 11-13: Are at no cost to the organizations and have already been completed in membership renewal.
- Recommendations 14 &15: Are complete and are outlined within the new bylaws - SR #15-02.

Recommendations of no significant cost to the Association:

- Recommendation 6: To ensure AVLIC has the proper funds for the adjudication process. AVLIC Board has already set a budgetary line in the operational funds for \$25K to ensure we are covered.



- Recommendations 7 through 10: Need to happen at the Affiliate Chapter level in compliance with AVLIC's new PCRCP.
- Recommendations 17 through 20: No cost associated with these as they are associated within the new methodology in the PCRCP.
- Recommendations 22 through 24 and 26 through to 38: These are policy recommendations and will be created by legal counsel in compliance with the bylaw motion SR #15-2. Cost is not expected to be substantial by any means.
- Recommendation 25, suggesting that there is a separate process to deal with non-CoEGPC matters. These suggestions are already in the full report. Further to this, this type of assistance is currently being offered through the Community Outreach committee and is done on a volunteer basis. The AVLIC Board sees no cost associated to this recommendation.
- Recommendation 39 through 42: Refer to the creating a Professional Compliance Team and their responsibilities. This team is comprised of volunteers similar to our current IRPs who graciously volunteer their time. Training of this Team is noted under future cost considerations.
- Recommendations 43 through 45: No further costs associated to these as it is included in the bylaw motion SR #15-02 and relates to policy that will be written by legal counsel.
- Recommendations 46 through 49 and 51: These also relate to bylaws and policy; however there is a key piece on appointing a three-person Adjudication Panel to conduct a hearing. The cost of this has been reflected under Recommendation 6.
- Recommendation 50 relates to continued education of the membership, the communities we serve, and any/all stakeholders on the process. The AVLIC Board sees this as the responsibilities of part-time co-chairs whose salary will cover such education to continue to serve in the capacity. Little to no additional cost is predicted at this time as it will be done on an approved budget and within the means of the Association's operational funding.

Requires an additional RFP and further financial review:

- Recommendation 5: To ensure all PCRCP personnel are properly trained.
- Recommendation 16: Mandatory training on CoEGPC every 4 years: This can be created in partnership with the implementation project coordinator, new PCRCP staff and the AVLIC Board. It will be online training and therefore the expense of this would be on an IT platform and an RFP will need to be created for the training materials.
- Recommendation 21: Single point of entry for submitting a concern on a web-based platform that can handle submissions in ASL and English. The project coordinator will need to disseminate an RFP for this and the cost to implement a new software portal and this process will be communicated with the membership.
- Recommendation 40: The Project Coordinator, along with the AVLIC Board of Directors will be responsible for hiring two part-time Professional Compliance Team co-chairs. Costs and remuneration are to be determined by the scope of the job description and responsibilities. The AVLIC Board does see this as a necessary step to ensure compliance and responsibility of operating the PCRCP. The Board cannot confirm the salary at this point but likely would not cost the Association any more than \$40-50K a year for both co-chairs.



7.3 Deaf Interpreter Position Paper

MOTION VA15G-05: I move that AVLIC accept the Deaf Interpreter position paper, revised June 25, 2015 (corrections/additions to the June 10, 2015 version are highlighted), submitted by the AVLIC Deaf Interpreter Ad-Hoc Committee, as their official definition of a Deaf Interpreter and that the position paper be made available to the public and AVLIC members via the AVLIC website.

Gordon Wiebe (Miriam West)

CARRIED

RATIONALE: The *Deaf Interpreter* position paper was produced in response to Motion CA12G-50 which called for an ad hoc committee to be struck for the "...purpose of developing an AVLIC position paper concerning the role and responsibilities of the Deaf interpreter (DI) and to further investigate the AVLIC Deaf interpreter membership criteria."

The committee developed a draft position paper which will be made available to members (English and ASL) prior to the AVLIC AGM on June 27, 2015. Any potential changes to the DI membership criteria will be dealt with separately.

The ad hoc committee followed the *AVLIC Procedural Guideline 11: Document Development Policy* (under the previous policies and procedures manual) to ensure the paper was reflective of the current work of DIs. Thus, three reading circles of professionals, both Deaf and hearing (considered to have expertise in the field of interpreter and Deaf interpreting), representatives of the Deaf community, Affiliate Chapters and the AVLIC Board of Directors, were asked to provide feedback. All feedback was considered carefully and incorporated as deemed appropriate.

The AVLIC *Deaf Interpreter* position paper recognizes the valued work of DIs who are members of AVLIC. It takes into consideration the work of Deaf interpreters, as understood by the Deaf community, the interpreting community and experts in the field. For these reasons, the Deaf Interpreter Position Paper and Membership Criteria Committee is calling on you to ratify the *Deaf Interpreter* position paper.

Meeting recessed at 10:25 a.m and reconvened at 10:50 a.m.

8. MOTION TO CLOSE NEW BUSINESS FROM THE FLOOR

MOTION VA15G-06: I move to close New Business from the floor.

Spring Herold (Cheryl Palmer)

CARRIED

9. NEW BUSINESS

9.1 SPECIAL RESOLUTION #15-01 - Bylaws 2.5 Failure to Renew Membership, 2.6 Effect of a Lapsed Membership on CES, 2.7 Applying to Reinstate Membership - Lapsed member, 2.8 Applying to Reinstate Membership - Expired Member, 2.9 Effect of Reinstatement - Lapsed or Expired Members, and 2.10 Membership Leave



MOTION VA15G-07: WHEREAS the membership passed motions WP14G-06 and WP14G-07 to establish a mechanism to deal with members who fail to renew their membership in a timely fashion;

AND WHEREAS the AVLIC legal counsel has advised that such a mechanism must be set out in the Association's Bylaws to have proper legal force and effect, and therefore constitute a substantial change to the current Bylaws;

AND WHEREAS section 197(1) of the *Canada Not-For-Profit Corporations Act*, S.C. 2009, c.23, provides that the AVLIC membership must approve any substantial amendment to the Association's Bylaws by way of a "special resolution";

AND WHEREAS the term special resolution has been defined in section 1 of the Act (repeated in section 1.1 of the Bylaws) to mean a "resolution passed by a majority of not less than two thirds of the votes cast on that resolution";

THEREFORE, BE IT RESOLVED THAT the Bylaws of the *Association of Visual Language Interpreters of Canada* be amended pursuant to section 197(1) of the Act and section 5.3 of the Bylaws by adding the following new bylaws immediately after bylaw 2.4 [*membership transferability*]:

Failure to Renew Membership

2.5(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,

- (a) that Member is deemed to be not in good standing as of that deadline, and
- (b) 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:

- (a) "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;
- (b) "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.

Effect of a Lapsed Membership on CES status

2.6(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.



Applying to Reinstate Membership: Lapsed Member

2.7(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:

- (a) the lapsed Member must continue to meet the criteria to be an Active Member as set out in bylaw 2.1(i);
 - (b) the lapsed Member must retroactively pay the Active Member membership fee for the lapsed membership years, as set by the Board;
 - (c) the lapsed Member must pay a reinstatement of membership fee, as set by the Board;
 - (d) 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
- (a) grant a reinstatement of membership to a lapsed Member who meets the conditions set out in subsection (1) and (2), and
 - (b) 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.

Applying to Reinstate Membership: Expired Member

2.8(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:

- (a) 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;
 - (b) the expired Member must retroactively pay the Active Member membership fee for the lapsed membership years, as set by the Board;
 - (c) the expired Member must pay a reinstatement of membership fee, as set by the Board;
 - (d) 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
- (a) grant a reinstatement of membership to an expired Member who meets the conditions set out in subsection (1) and (2), and
 - (b) 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.



Effect of Reinstatement: Lapsed or Expired Members

2.9(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.

Membership Leave

2.10) If the Board pursuant to the Membership Leave Policy has granted a Member a leave of absence,

- (a) the provisions of bylaws 2.5, 2.7 and 2.8 do not apply to that Member during the granted leave, and
- (b) the Board may decide whether bylaw 2.6 applies to that Member for the purposes of the CES.

Alana McKenna (Ashley Campbell)

CARRIED

**9.2 SPECIAL RESOLUTION #15-02 - Bylaw Section 6.0
(NEW) Professional Conduct Review Process**

MOTION VA15G-08: WHEREAS the 2015 report, *Recommendations for Professional Compliance Review Process*, prepared by Sylvie Lemay and Madeleine Mcbrearty, recommended substantial changes to the AVLIC's current Dispute Resolution Process, in particular to create a new set of bylaws to deal properly with public complaints against Association members;

AND WHEREAS the AVLIC Board has approved the Lemay/Mcbrearty report and agreed to act on the recommended amendments to the Association's Bylaws and Operating Policies and Procedures;

AND WHEREAS the Board has further agreed to replace the current Dispute Resolution Process with a new Professional Conduct Review Process based on the recommendations and Appendix B "Proposed Framework for the PCR Process Bylaws", as set out in the Lemay/Mcbrearty report, which constitutes a substantial change to the current Bylaws;

AND WHEREAS section 197(1) of the *Canada Not-For-Profit Corporations Act*, S.C. 2009, c.23, provides that the AVLIC membership must approve any substantial amendment to the Association's Bylaws by way of a "special resolution";

AND WHEREAS the term special resolution has been defined in section 1 of the Act (repeated in section 1.1 of the Bylaws) to mean a "resolution passed by a majority of not less than two thirds of the votes cast on that resolution";

THEREFORE, BE IT RESOLVED THAT the Bylaws of the *Association of Visual Language Interpreters of Canada* be amended pursuant to section 197(1) of the Act and section 5.3 of the Bylaws by adding the following new Section immediately after bylaw 5.3:



Section 6 – Professional Conduct Review Process

Definitions

6.1 In addition to the definitions set out in section 1.1, throughout this Section:

- (a) “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;
- (b) “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*;
- (c) “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;
- (d) “Association” means the Association of Visual Language Interpreters of Canada or any committee or person appointed by the Board to administer the applicable bylaw;
- (e) “CoEGPC” means the *Code of Ethics and Guidelines for Professional Conduct* approved by the Board, and as may be amended from time to time;
- (f) “complaint” means a communication that documents a Complainant’s concerns about the conduct of a Member that meets the requirements of bylaw 6.11;
- (g) “Complainant” means a person who has filed a complaint against a Member under bylaw 6.11;
- (h) “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;
- (i) “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;
- (j) “facilitated agreement” means a written agreement between the parties that is reached through an alternative dispute resolution process;
- (k) “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;
- (l) “Member” means a Class A - Active Voting Member of the Association;
- (m) “Respondent Member” means a Member who has been named in a citation issued pursuant to bylaw 6.23;
- (n) “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;
- (o) “Subject Member” means a Member who has been named in a complaint filed under bylaw 6.11;
- (p) “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

Approval of an Affiliate Chapter's complaints and discipline bylaws

6.2(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.

Investigation and resolution of complaints by an approved Affiliate Chapter

6.3(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;

- (a) 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;
- (b) 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;
- (c) 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.

Appointments, Policies and Procedures

6.4(1) The Board may by ordinary resolution do the following:

- (a) appoint an Inquiry Committee, and name its chair, and such other persons as are necessary to administer the bylaws in Divisions C to E;
- (b) appoint an Adjudication Panel, and name its chair, and such other persons as are necessary to administer the bylaws in Division F;
- (c) 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;
- (d) 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),

- (a) 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
- (b) 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.

Confidentiality and record retention

6.5(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

- 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 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

- (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 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

Compliance with the Bylaws, CoEGPC etc.

6.6) A Member must comply with

- (a) the Bylaws and the provisions of this Section,
- (b) the CoEGPC.
- (c) any professional standards or similar rules approved by the Board, and
- (d) any subsequent amendments made to any of the above.

Continuing education

6.7(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.

Member cooperation

6.8(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

- (a) 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;
- (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, those processes may continue and a final decision may be made without the further or direct participation of the (former) member.



Failure to cooperate

6.9(1) If a Subject Member fails to comply with a requirement of bylaw 6.8, the Inquiry Committee may, subject to subsection (2),

- (a) 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
- (b) 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

- (a) his or her registration may be suspended because of a failure to comply with a requirement of bylaw 6.8, 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 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

Concerns about a Member

6.10(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.

Complaints against a Member

6.11(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 a video in American Sign Language;
- (b) disclose the name and contact information of the person who is making the complaint;
- (c) 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;



- (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 such that, if proven, it would constitute a breach of the CoEGPC or might otherwise constitute professional misconduct;
 - (f) concern matters that are within the Association's jurisdiction;
 - (g) 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;
 - (h) 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 Bylaws of the Association;
 - (b) a contravention or failure to comply with the CoEGPC;
 - (c) any type of professional misconduct;
 - (d) concerns regarding the Member's competence to work as a sign language interpreter;
 - (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 a sign language interpreter.

Division D – Investigation of Complaints

Role of the Inquiry Committee

- 6.12(1) Where a complaint has been filed against a Member, the Committee shall
- a) assess the complaint to ensure it meets the requirements of bylaw 6.11(2),
 - b) investigate any matters raised by the complaint, and
 - c) 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:
- (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

- 6.13(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

Committee's remedial action by consent and consent agreements

- 6.14(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 registration;
 - (f) to pay a fine in an amount not exceeding the maximum fine established under bylaw 6.29(1)(f);
 - (g) 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 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.

Subject member's proposal and consent agreement

- 6.15(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
- (a) admitting the nature of the complaint or other matter that is to be the subject of the hearing,
 - (b) consenting to the making of an order described in bylaw 6.14 as set out in the proposal,
 - (c) 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
 - (d) 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),
- (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.



- (4) If the Inquiry Committee 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 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)
 - (a) the member may give to the Inquiry Committee a written proposal
 - (i) described in clauses (1)(a) to (c), and
 - (ii) 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
 - (b) the Inquiry Committee may accept or reject the proposal in its discretion.
- (6) If the Inquiry Committee accepts a proposal under subsection (5),
 - (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 Adjudication Panel must cancel the hearing.
- (7) If the Inquiry Committee rejects a proposal received under subsection (5),
 - (a) a hearing of the citation must proceed as though the proposal had not been made, and
 - (b) 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.

Alternative dispute resolution involving the Complainant and Subject Member

- 6.16) The Inquiry Committee may recommend that a complaint be resolved by an alternative dispute resolution process involving the Complainant and the Subject Member if
- (a) the Committee believes it is in the public interest to so try to resolve the complaint, and
 - (b) both the Complainant and the Subject Member agree to the proposed alternative dispute resolution process.

Alternative dispute resolution involving the Committee and Subject Member

- 6.17) 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
- (a) the Committee believes it is in the public interest to try to resolve the complaint without the Complainant, and
 - (b) both the Committee and the Subject Member agree to the proposed alternative dispute resolution process in the absence of the Complainant.

Alternative dispute resolution involving the Complainant, Subject Member and Inquiry Committee

- 6.18) 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
- (a) the Committee believes it is in the public interest to so try to resolve the complaint involving all three parties, and
 - (b) the Complainant, Subject Member and the Committee each agree to the proposed alternative dispute resolution process.



Alternative dispute resolution requirements

- 6.19(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
- (a) contain a confidentiality provision that is acceptable to the Inquiry Committee, and
 - (b) be executed by the parties.

Facilitated agreements

- 6.20(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 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
- (a) report the resolution of the matter to the Board, and
 - (b) retain a copy of the agreement on file.

Facilitated agreement not reached

- 6.21) 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 this Section.

Monitoring of and compliance with agreements

- 6.22(1) The Inquiry Committee shall monitor a Subject Member's compliance with
- (a) an undertaking or consent the member agreed to pursuant to bylaw 6.14 or 6.15, or
 - (b) 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
- (a) direct that a citation be issued against the Subject Member under bylaw 6.23,
 - (b) 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
 - (c) take such other action as is permitted under this Section.



Division F – Citations and Disciplinary Hearings

Citation for a disciplinary hearing

6.23(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 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:

- (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 Hearing

6.24(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.



Posting of a notice of disciplinary hearing

6.25(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:

- (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.

(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.

Discipline hearings

6.26(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

- (a) the Complainant, a witness or the Respondent Member requests the Adjudication Panel hold the hearing in private, and
- (b) 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.



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

6.27(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 Adjudication 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
- (c) 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 4, or
- (b) 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.

Scope of inquiry

6.28(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.

Action by the Adjudication Panel

6.29(1) On completion of a hearing, the Adjudication 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 of clinical counseling by the Respondent Member, including practicing under supervision for a defined period of time;
- (d) suspend the registration of the Respondent Member for a defined period of time;
- (e) cancel the registration of the Respondent Member;
- (f) fine the Respondent Member in an amount not to exceed \$25,000;
- (g) 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

- (a) an order of the Adjudication Panel under subsection (1), or



(b) any reasons the panel may issue in relation to the results of a discipline hearing.

Penalty hearing

6.30(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.

Costs

6.31(1) Costs awarded under clause 6.29(1)(g) must not exceed, in total,

(a) 50% of the total costs of the investigation leading up to the hearing, including legal costs, and

(b) 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.

Panel decision

6.32(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:

(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 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.



Panel remains active

6.33) 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

Monitoring compliance with disciplinary orders

6.34(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.

Failure to comply with a disciplinary order

6.35) 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

- (a) direct that the member be suspended until such time as the member complies with the order, or
- (b) take such other actions as may be permitted under this Section.

Publication and notification of a decision

6.36(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 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;
- (b) on request, to any other college, regulatory body or association in a jurisdiction outside Canada;
- (c) 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.

Application of disciplinary decisions to CES

6.37(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.

Application of an approved Affiliate Chapter's disciplinary decisions

6.38(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,

- (a) 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
- (b) 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):

- (a) 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;
- (b) 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;
- (c) 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.

Member under suspension or termination

6.39) 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

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

Alana McKenna (Ashley Campbell)

CARRIED

9.3 SPECIAL RESOLUTION #15-03 - Bylaw 4.2 Term of Office of Directors

MOTION VA15G-09: I move to remove bylaw 4.2 Term of Office of Directors that states:

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.



Ashley Campbell (Chris Racine)

RATIONALE: Corporations Canada required that all national organizations and associations transition into the new *Canada Not-for-profit Corporations Act (NFP Act)* by October 2014. AVLIC's bylaw had to be revamped to abide by this directive. As a result, one significant change was the fact that past presidents could no longer be an "ex officio" to the Board of Directors and must be elected.

Historically directors of AVLIC have served anywhere between two (2) to twelve (12) consecutive years. The term of office limitation outlined in bylaw 4.2 was not in the AVLIC bylaws prior to the 2013 AGM. Consideration for this term length came out of using the bylaw template from Corporations Canada. Now, looking ahead to the future, the five consecutive term restriction would have seriously negative implications for AVLIC in 2016.

If the bylaw is not amended, both the current president and past president will reach their maximum ten (10) years on the Board at the 2016 AGM and must therefore step aside. Any incoming president would then not have any direct support from a recent president. This situation would have negative consequences for AVLIC and its members. Having the outgoing president serve as past president is crucial to providing the entire Board of Directors with support, historical perspective and guidance.

Furthermore, if the membership strongly feels that the bylaws should define a maximum length a director can serve, a Special Resolution motion may be presented after the 2016 AGM to amend the bylaw once more to cap the number of consecutive terms for any director.

MOTION VA15G-10: I move to postpone Motion VA15G-09 until after agenda topic 9.9 (Nominating Committee for Board Advisory Committee).
Rebecca Stuckless (Roxanne Whiting) **DEFEATED**

MOTION VA15G-09: I move to remove bylaw 4.2 Term of Office of Directors that states:
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.
CARRIED

9.4 AVLIC Financial Statements 2014/2015

MOTION VA15G-11: I move to accept the AVLIC audited financial statements for the financial year 2014/2015 as prepared by Scarrow & Donald LLP Chartered Accountants of Winnipeg, MB.
Cindy Haner (Chris Racine) **CARRIED**

9.5 Chartered Accountants For The 2015/2016 Fiscal Year

MOTION VA15G-12: I move to employ the services of Scarrow & Donald LLP Chartered Accountants of Winnipeg, MB to audit the 2015/2016 financial statements.
Cindy Haner (Chris Racine) **CARRIED**



9.6 Signed Reports For AVLIC Meetings

MOTION VA15G-13: I move that AVLIC allow reports from Board, committees and staff to be submitted in American Sign Language for Board, Special and Annual General Meetings. These signed reports must follow the guidelines set out for AVLIC report writing, be provided in a video format that can be viewed by AVLIC and be filed electronically with other official reports by the AVLIC office.

Chris Racine (Janice Lyons)

CARRIED

RATIONALE: General business practices have dictated that reports should be submitted in a written format so as to be included in the official recorded minutes of an organization. AVLIC has followed this practice since its inception in 1979.

AVLIC developed report writing guidelines to help Board members, committee coordinators, Affiliate Chapter presidents and staff standardize the way various updates are submitted.

AVLIC membership continues to grow with more and more Deaf members. Also, the consumer base includes both Deaf and hearing people. Reports submitted for meeting minutes should allow the option to produce signed videos for Board, committee or staff reports. These signed reports will be filed with the Association, alongside the written reports, and may be viewed at any time by AVLIC's stakeholders.

To parallel all written reports submitted for meeting packages and meeting minutes, the signed video report must:

- Be recorded in a video file format that can be accessible by AVLIC and stored electronically
- Be submitted at no extra expense to AVLIC - the report must be recorded and submitted using the author's own equipment
- Follow the reporting format for AVLIC:
 - For Board and staff reports, the signed report must indicate the director or staff person's name, date, title and should group activities in three clear sections: Activities to Date, Ongoing Activities and Future Initiatives
 - For committee reports, the signed report must indicate the committee's name, date, committee coordinator's name (along with the committee members' names) and should group activities in three clear sections: Activities to Date, Ongoing Activities and Future Initiatives
- Be recorded using business attire and an appropriate backdrop - the video will be kept on file with the Association and be available for future members to view so a professional report is still required.

With these signed reports being an official record for the Association, the AVLIC president and secretary reserve the right to deny acceptance of the signed report if the criteria shown above is not met.

9.7 David Still Memorial IEP Graduating Student Award

MOTION VA15G-14: I move that, beginning January 2016, the \$500 bursary awarded each year to the recipient of the ITP/AEIP Graduating Student Award (now known as the David



Still Memorial IEP Graduating Student Award) be changed to a discount towards a 1-year AVLIC Active membership, amount to be determined by the Board of Directors.
Chris Racine (Ashley Campbell)

RATIONALE: The ITP/AEIP Graduating Student Award was established at the 2003 AGM.

TO03G-09 That AVLIC establish an annual ITP/AEIP Graduating Student Award in the amount of \$500. Bohdan Ladashevskya, (Leanne Walls) CARRIED

In 2009, after the passing of a founding member of AVLIC, the title of the award was changed to be the David Still Memorial IEP Graduating Student Award:

ELE09B-07 I move that the name of the AVLIC AEIP Graduating Student Award be changed to the David Still Memorial AEIP Graduating Student Award. Suzie Giroux (Tarren McKay) CARRIED

AVLIC currently offers a number of awards:

	AVLIC Annual General Meetings		Awards To Date
	Non-Conference Year	Conference Year	
David Still Memorial IEP Graduating Student	\$500 bursary	\$500 bursary	\$ 5,500
Phyllis Joynt Mentorship	\$ 0	\$250 bursary	\$ 1,600
R. W. Letourneau Service	\$ 0	1 yr AVLIC membership	4 AVLIC memberships
Edward C. Bealer	\$ 0	\$ 0	\$ 0
AVLIC President's	\$ 0	\$ 0	\$ 0

The other prestigious awards are presented to interpreters who are usually long standing Active members of AVLIC and show great leadership in advancing the interpreting field while furthering the objectives of AVLIC. In all fairness, the other awards recipients do not receive anywhere near the bursaries offered to the recipients of the David Still Memorial IEP Graduating Student Award.

AVLIC's operational funds are diminishing with large, much needed, initiatives (i.e. CES, DRP, executive director etc.) stemming from the strategic plan. AVLIC must now carefully review and monitor all expenditures. The intention of this motion is continue with the award processes for David Still Memorial IEP Graduating Student Award while allowing the Board of Directors to review the AVLIC budget annually and determine what bursary amounts can be afforded.

MOTION VA15G-14a: I move to amend by replacing “discount towards a 1-year AVLIC Active membership, amount to be determined by the Board of Directors” with “discount on AVLIC membership fees amounting to the cost of upgrading from Student member to Active member for the current membership term”.
Brenna D'Arcy (Stephanie Edgington) **DEFEATED**



MOTION VA15G-14b: I move to amend by replacing “discount towards a 1-year AVLIC Active membership, amount to be determined by the Board of Directors” with “to an upgrade on AVLIC Membership from Student member for the current membership year as well as AVLIC paid fees for their next membership year.”

Deb Flaig (Stephanie Edgington)

CARRIED

At the opening of the AGM, the registration desk reported that 268 votes were present to conduct the meeting. It was brought to the attention of the members and the Board of Directors that 277 votes were cast for Motion VA15G-14b. The registration cards were re-counted raising the number of votes present to 290.

MOTION VA15G-15: I move that AVLIC go ahead with the AGM using the votes counted in the room totaling 290 members represented.

Stephanie Edgington (Christie Reaume)

WITHDRAWN

MOTION VA15G-16: I move to table Motion VA15G-14 until after lunch.

Brenna D'Arcy (Cheryl Palmer)

CARRIED

Meeting recessed at 1:22 p.m. and reconvened at 2:38 p.m.

2. CREDENTIALS REPORT (CONTINUED)

All registration cards were recounted. At the commencement of the meeting, the actual number of votes present in the room was determined to be 287. Membership cards counted prior to Motion VA15G-15 totaled 290. It was determined that three 'blank' voting cards were distributed in error (new voting cards stuck together when given to a member).

Eligible Votes: 816

- Active ASL-English members: 756
- Active Deaf interpreter members: 31
- Active LSQ-French member: 5
- Affiliate Chapter members: 24
 - ASLIA: 3
 - AVLI-NB: 3
 - MAPSLI: 3
 - MAVLI: 3
 - NAVLI: 3

- OASLI: 3
- SLINC: 3
- WAVLI: 3

Members Ineligible to Vote: 94

- Members on membership leave: 20
- Student members: 74

Subscribers Ineligible to Vote: 15

204 – Quorum requirement (25% of eligible voters)

281² – Votes in attendance

QUORUM MAINTAINED

² The voting cards were collected from all members present and re-counted during the lunch recess. The total number of cards returned was 287. After lunch, an Active member with five proxies did not return - these votes could not be re-assigned. The AGM continued with 281 votes present.



9.7 David Still Memorial IEP Graduating Student Award (CONTINUED)

MOTION VA15G-14 (AMENDED): I move that, beginning January 2016, the \$500 bursary awarded each year to the recipient of the ITP/AEIP Graduating Student Award (now known as the David Still Memorial IEP Graduating Student Award) be changed to an upgrade on AVLIC Membership from Student member for the current membership year, as well as AVLIC paid fees for their next membership year.

CARRIED³

MOTION VA15G-17: I move that we recount the votes for Motion VA15G-14 (AMENDED).
Stephanie Edgington (Deb Flaig)

DEFEATED

9.8 AVLIC Board Advisory Committee

MOTION VA15G-18: I move that the AVLIC Board establish an AVLIC Board Advisory Committee. The committee will be comprised of 5 members:

- Canadian Association of the Deaf (CAD) President or Vice President; or a designate of their choosing (1);
- Canadian Cultural Society of the Deaf (CCSD) President or Vice President; or a designate of their choosing (1);
- Three (3) Active AVLIC members, one of whom will be a Deaf Interpreter, who are longstanding members, and have demonstrated long-term service to AVLIC and the greater interpreting community; having contributed or recognized by one or a combination of the following:
 - o Served as an officer of the AVLIC Board for a minimum of three (3) terms, or;
 - o Served as an officer of an AVLIC Affiliate Chapter Board for a minimum of five (5) terms
 - o Recipient of an AVLIC service award
 - o Has fifteen plus (15+) years of experience and is recommended by three (3) members of the Deaf community
 - o Is an Active Deaf Interpreter

Members of the AVLIC Board Advisory Committee can serve up to three (3) consecutive two-year terms; members representing CAD and CCSD terms would be determined by their respective organizations.

Adele Routliff (Carla Dupras)

RATIONALE:

- 1) AVLIC membership and finances have increased over the years.
- 2) AVLIC Board volunteers are often faced with increased responsibilities and tasks that require organizational leadership and/or linguistic and cross-cultural skills and knowledge that Board members may not possess.
- 3) Members of the AVLIC Board Advisory Committee will offer critical yet constructive advice that will save the Board countless volunteer hours.

³ The motion was declared "carried" with 138 votes in favour versus 137 votes against. Afterwards, upon reviewing the AVLIC bylaws (...passed by a majority of not less than 50% plus 1 of the votes cast) and contacting AVLIC's parliamentary advisor, the Board discovered that the motion could not be carried. The motion will be discussed again at the 2016 annual general meeting.

- 4) It would eliminate the need for board terms over 10 years as this Advisory Committee could provide a new board with support while the old board does an effective transition.

MOTION VA15G-19: I move to table Motion VA15G-18 until the 2016 AGM.

Deb Flaig (Stephanie Edgington)

DEFEATED

MOTION VA15G-18: I move that the AVLIC Board establish an AVLIC Board Advisory Committee. The committee will be comprised of 5 members:

- Canadian Association of the Deaf (CAD) President or Vice President; or a designate of their choosing (1);
- Canadian Cultural Society of the Deaf (CCSD) President or Vice President; or a designate of their choosing (1);
- Three (3) Active AVLIC members, one of whom will be a Deaf Interpreter, who are longstanding members, and have demonstrated long-term service to AVLIC and the greater interpreting community; having contributed or recognized by one or a combination of the following:
 - o Served as an officer of the AVLIC Board for a minimum of three (3) terms, or;
 - o Served as an officer of an AVLIC Affiliate Chapter Board for a minimum of five (5) terms
 - o Recipient of an AVLIC service award
 - o Has fifteen plus (15+) years of experience and is recommended by three (3) members of the Deaf community
 - o Is an Active Deaf Interpreter

Members of the AVLIC Board Advisory Committee can serve up to three (3) consecutive two-year terms; members representing CAD and CCSD terms would be determined by their respective organizations.

(Voting by secret ballot)

DEFEATED

MOTION VA15G-20: I move to destroy the ballots cast for Motion VA15G-18.

Tarren McKay (Miriam West)

CARRIED

9.9 Nominating Committee for AVLIC Board Advisory Committee

MOTION VA15G-21: I move that AVLIC strike an ad hoc nominating committee to appoint members to the AVLIC Board Advisory Committee. Members of the committee shall be members who have had their long service to AVLIC and the greater interpreting community recognized by being a recipient one of AVLIC's service awards: Edward C. Bealer Award of Merit, The Phyllis Joynt Mentorship Award, the R.W. Letourneau Service Award or the President's Award. This nominating committee will appoint AVLIC's representatives to the AVLIC Board Advisory Committee and send an invitation to the presidents and vice presidents of CAD and CCSD to join the advisory committee or appoint their designates.

A nominating committee for the AVLIC Board Advisory Committee will be struck whenever positions on the committee become vacant.

Adele Routliff (Carla Dupras)

OUT OF ORDER

AS A RESULT OF DEFEATED MOTION VA15G-18

10. CONFIRMATION OF ACTS

MOTION VA15G-22: I, as president, move that all Acts, contracts, bylaws, proceedings, appointments, elections and payments enacted, made done or taken by the Directors and Officers of the Association of Visual Language Interpreters of Canada (AVLIC) for the 2014-2015 term and the same as set out or referred to in the minutes of the Board of Directors or in the Financial Statements submitted to this meeting be hereby approved and affirmed.

Jocelyn Mark (Ashley Campbell)

CARRIED

11. ADJOURNMENT

MOTION VA15G-23: I move to adjourn the meeting at 4:50 p.m. (approximately).

Caroline Tetreault

CARRIED

12. ANNOUNCEMENTS

12.1 Presentation of the 2015 David Still Memorial IEP Graduating Student Award

Stacey Park, 2014 award recipient, announced that the winner of the David Still Memorial IEP Graduating Student Award is Katie Wilson (Ontario).

12.2 AVLIC 2016 Conference

Registration will be open soon for the AVLIC 2016 conference, *Together We Grow!*, to be held in Fredericton, New Brunswick, July 12-16, 2016.

12.3 Special Thanks

Ava Hawkins, Brenda Erlandson and Jessica Siegers were thanked for providing interpretation.

Volunteers were thanked for their assistance with the AGM:

- Coordinator - Spring Herold
- Registration - Shelley Williams, Jamie Wilson, Kirstin Daly, Barb Mykle-Hotzon
- Vote Counters - Jessica Smith, Melanie Valencia
- Projection Operator - Morgan McCallum
- Lunch-Run for the Board - Natalie Kriss, Emily York
- Live Streaming Technology - Trevor Leyenhorst