



General By-Laws and Discipline Process

Association of Registered Professional Foresters of New Brunswick

Revised. March 2015

TABLE OF CONTENTS

<u>ITEM</u>	<u>Page</u>
Interpretation .....	4
Name of the Association .....	4
Head Office .....	4
Seal of the Association .....	4
Annual General Meeting .....	4
General Meetings .....	4
Agenda .....	4
Voting .....	4
Ballot.....	5
Right to Vote.....	5
Deciding Vote .....	5
President.....	5
Vice- President .....	5
Secretary-Treasurer .....	6
Executive Director.....	6
Councillors .....	6
Meetings of Executive Committee .....	6
Chair.....	7
Voting .....	7
Force of Resolution .....	7
Keeping of Minutes .....	7
Elections.....	7
Nominating Committee .....	7
Additional Nominations .....	7
Balloting.....	8
Late Ballots .....	8
Scrutineers.....	8
Constitution and Committees .....	8
Register .....	8
Membership Certificates .....	9
Resigning from the Association .....	9
Re-admittance.....	9
Membership Classification .....	9
Termination .....	10
Continuing Competency Program .....	10
Fees .....	10
Annual Fees .....	10
First Year Member .....	11
Deferment.....	11
Application Fee .....	11
Examination Fee.....	11
Admission Requirements.....	11
Applicants .....	12
Board of Examiners.....	12
Meetings of the Board.....	12
Recommendations .....	13
Decision of Executive Committee .....	13
Forms .....	13
Discipline .....	13
Financial.....	13
Approval.....	13
Book of Accounts.....	13
Inspection.....	14

Balance Sheet.....	14
Contracts .....	14
Cheques.....	14
Borrowing .....	14
Remuneration of Executive Committee.....	15
Members Seal.....	15
Code of Ethics.....	15
Letter Ballot .....	15
Approval of By-Laws.....	16
Delivery of Changes.....	16
Interpretation .....	16
Dispute Resolution.....	16
Discipline Process .....	Schedule 'A'

## GENERAL BY-LAWS

Interpretation	<p>1 In these By-Laws and in all other By-Laws,</p> <p>(a) "Act" means "An Act to incorporate the Association of Registered Professional Foresters" being Chapter 50 of the Statutes of New Brunswick 2001 and as amended from time to time;</p> <p>(b) "Province" means the Province of New Brunswick;</p> <p>(c) "Chair" means the person elected or designated to chair a meeting of the Association, the Executive, or a properly constituted committee.</p>
Name of the Association	<p>2 The name of the Association is The Association of Registered Professional Foresters of New Brunswick. The Abbreviation "A.R.P.F.N.B." may be used informally.</p>
Head Office	<p>3 (1) The Head Office of the Association shall be in the City of Fredericton or at such other place within the Province as may be approved by a resolution passed at a General Meeting of the Association.</p> <p>3 (2) The Register, the Seal, The Minute Books and books of account together with the other documents and records of the Association shall be kept at the head office of the Association.</p>
Seal of the Association	<p>4 (1) The corporate seal of the Association shall be of the form and design approved by the Executive Committee and shall be kept by the Executive Director or such other officer as the Executive Committee may determine.</p> <p>4 (2) The Executive Director shall affix the seal of the Association to a certificate signed by the President and by the Secretary-Treasurer, stating that a member is registered and in good standing. Otherwise the seal of the Association shall not be affixed to any instrument except by the authority of a By-Law or by a resolution of the Executive Committee or a resolution of the Association.</p>
Annual General Meeting	<p>5 The Annual General Meeting of the Association shall be held during the month of February each year, or such date as the Executive Committee shall decide. It shall be held in such place in the Province as may be designated by the Executive Committee.</p>
General Meetings	<p>6 (1) A General Meeting of the members of the Association may be called at the discretion of the Executive Committee or on the written demand of ten (10) or more members of the Association and may be held at any place as designated by the Executive Committee.</p> <p>6 (2) Except as otherwise provided, at least ten (10) days notice shall be given of any General Meeting of the members of the Association in such manner as the Executive Committee may decide.</p>
Agenda	<p>7 The agenda of all General Meetings of the members of the Association shall be prepared by the Executive Committee and sent to members.</p>
Voting	<p>8 At any meeting of the membership, a resolution put to the vote of the</p>

meeting shall be decided by a show of hands. If a show of hands is not conclusive, a ballot may be required by the Chair of the meeting or demanded by at least three (3) members before or on the result of a show of hands. Unless a ballot is so required or demanded, a declaration by the Chair that a resolution has by a show of hands been carried unanimously or by a particular majority, or lost, will be reflected in the Minutes of the meeting.

Ballot	9 If a ballot is duly required or demanded at the meeting, it shall be taken in such manner as the Chair directs, and the results of the ballot shall be deemed to be the resolution of the issue for which the ballot was demanded.
Right to Vote	10 On the vote being taken either by a show of hands or a ballot, each member present in person, or represented by proxy, shall have one (1) vote, except for the Chair.
Deciding Vote	11 Notwithstanding paragraph 10, in the case of an equality of votes, whether by a show of hands or a ballot, the Chair of the meeting at which the vote takes place shall make a deciding vote.
President	<p>12 (1) The President shall:</p> <ul style="list-style-type: none"><li>(a) normally assume the office for one year, having served as Vice- President for the one (1) year immediately preceding the term as President;</li><li>(b) act as Chair at meetings of the Executive Committee and the Association;</li><li>(c) upon completion of the term as President, hold office as immediate Past President and be a member of the Executive Committee for an additional one (1) year, or until a successor is designated;</li><li>(d) be an <i>ex officio</i> member of all committees;</li><li>(e) sign all documents that require the signature of the President; and</li><li>(f) perform all duties incident to the office of the President and have such powers and duties as may from time to time be assigned to that office by the Executive Committee.</li></ul> <p>12 (2) If the Vice-President declines to assume the office of the President, or is unable to do so, the Executive Committee shall authorize that a ballot vote by the members be held to elect the President.</p>
Vice- President	<p>13 The Vice-President shall:</p> <ul style="list-style-type: none"><li>(a) be elected by a ballot vote of the members for a term of one (1) year;</li><li>(b) have all powers and responsibilities of the President during the absence, or inability to act of the President.</li></ul>

(c) upon completion of the term as Vice-President automatically become the President.

- Secretary-Treasurer 14 The Secretary-Treasurer shall:
- (a) be elected by a ballot vote of the members for a term of two (2) years, and may hold office, if re-elected, for more than two (2) terms,
  - (b) sign all cheques, drafts, notes or orders of payment unless otherwise provided by resolution of the Executive Committee;
  - (c) record minutes of all Executive Committee meetings and General Meetings.
  - (d) perform such other duties as the Executive Committee may from time to time require.
- Executive Director 15 The Executive Director shall:
- (a) conform to all lawful instruction given by the Executive Committee,
  - (b) give to the Executive Committee all information it may require regarding the affairs of the Association; and
  - (c) deposit funds and securities of the Association in its name in such Bank, Trust Company, or Credit Union as the Executive may direct.
- Councillors 16 There shall be four (4) Councillors on the Executive Committee at any one time.  
16 (1) Councillors shall:
- (a) be elected by ballot vote of the members in accordance with procedures described in the By-Laws,
  - (b) represent the membership of the Association on the Executive Committee; and
  - (c) have such other duties as may be determined by the Executive Committee.
- Meetings of the Executive Committee 17 (1) The Executive Committee of the Association shall meet together for dispatch of business, adjourn, and otherwise regulate its meetings, as it sees fit.
- 17 (2) Notice of meetings of the Executive Committee except the first following their election, shall specify the time and place of such meeting and shall be communicated to each member of the Executive Committee not less than seven (7) days before the meeting is to take place.

	<p>17 (3) Meetings of the Executive Committee may be held at any time without notice, if all members of the Executive Committee are present and consent thereto, or if those absent signify their consent to such meeting. Meetings of the Executive Committee may be held at Fredericton or such other place in New Brunswick or elsewhere as may, from time to time, be determined by the Executive Committee.</p>
Chair	<p>18 The President shall preside at all meetings of the Executive Committee, but in the absence of the President the Vice-President shall preside.</p>
Voting	<p>19 Questions arising at any meeting of the Executive Committee shall be decided by a majority of votes. In case of equality of votes, the Chair shall have a deciding vote.</p>
Force of Resolution	<p>20 A resolution assented to and adopted in writing under the hands of all members of the Executive Committee, although not passed at an Executive Committee meeting, shall be of the same force and effect as if it had been duly passed at an Executive Committee meeting.</p>
Keeping of Minutes	<p>21 Minutes of all General Meetings, Executive Committee meetings and meetings of any other committee established by the Executive Committee, shall be signed by the Chair and the recording Secretary and shall be forwarded to the Executive Director who will forward them to all members of the Executive Committee as may be applicable.</p>
Elections	<p>22 The members shall vote annually by letter ballot for the President, Vice-President and for two (2) Councillors and every two years for the Secretary-Treasurer.</p>
Nominating Committee	<p>23 (1) A nominating committee consisting of a Chair and two (2) members shall be appointed by the Executive Committee not later than the first day of September in each year for the purpose of nominating candidates for the Executive Committee and the Board of Examiners.</p> <p>23 (2) The committee shall nominate for election from the membership at large at least two (2) nominees for each of the offices to be vacated.</p> <p>23 (3) The names of the nominees, as well as additional nominations provided for in paragraph 25, accompanied by the written consent of the nominees, shall be in the hands of the Executive Director not later than the fifteenth day of October in the same year, for immediate circulation to the membership.</p>
Additional Nominations	<p>24 Additional nominations of candidates for election to the Executive Committee may be made in writing by five (5) or more members of the Association in good standing, signed by them and addressed to the Executive Director of the Association, who shall present them to the Chair of the nominating committee. These nominations, accompanied by the written consent of the nominees, must reach the office of the Executive Director not later than the first day of November in the year in which the nominations are made.</p>

Balloting	<p>25 The Executive Director within three (3) weeks following receipt of the nomination, shall prepare the necessary ballot papers and shall mail a ballot paper to each member of the Association at the address recorded in the office of the Association. Every ballot paper must be returned to the Executive Director enclosed in two (2) sealed envelopes; the inner envelope containing the ballot paper shall bear nothing but the inscription "ARPFNB Ballot Election of ... (date)"; the outer envelope containing the ballot envelope only, shall be addressed to the Executive Director and shall also bear the sending member's name and address.</p>
Late Ballots	<p>26 Ballots returned to the Executive Director after December 31st shall be considered invalid.</p>
Scrutineers	<p>27 (1) The Executive Committee shall appoint a returning officer and two (2) or more scrutineers, who shall count the ballots and report the results of the vote at the Annual General Meeting.</p> <p>27 (2) The returning officer shall proceed as follows:</p> <p style="padding-left: 40px;">(a) The name on each outer envelope shall first be checked against the list of members in good standing. Envelopes without names and/or envelopes from members not in good standing and/or envelopes received after the closing date of the election shall be set aside and shall be held invalid.</p> <p style="padding-left: 40px;">(b) The remaining outer envelopes shall then be opened, the ballot envelopes removed and the outer envelopes immediately destroyed.</p> <p style="padding-left: 40px;">(c) The ballot envelopes shall then be opened, the ballot counted and a report prepared by the returning officer.</p>
Constitution and Committees	<p>28 (1) The Executive Committee may delegate any of its powers to Committees consisting of a member or members of its own body, either with or without other members of the Association, as it sees fit. Any committee so formed shall, in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the By-Laws and by the Executive Committee.</p> <p>28 (2) The first member's name on a committee shall be the Chair unless it is stated otherwise or until a committee is convened and a Chair elected from the group. A committee may meet and adjourn as it sees fit. Questions arising at any meeting shall be decided by a majority of the members present. In the case of equality of votes the Chair shall have a casting vote. Minutes shall be kept of all such committee meetings, and when approved shall be placed on file with the Executive Director.</p>
Register	<p>29 (1) The Executive Director shall record in the Register the full name, address, and date of registration of each member of the Association. The Executive Director shall keep the Register in accordance with the Act and these By-Laws.</p> <p>29 (2) It is the duty of each member to notify the Executive Director of any change of address.</p>



Membership Certificates	<p>30 Every member shall be issued a certificate of registration as approved by the Executive Committee over the seal of the Association and the signatures of the President and Secretary-Treasurer. This certificate shall be renewable annually on the basis of continued qualifications and the payment of the required fees. Such a certificate of registration over the seal of the Association is <i>prima facie</i> evidence of registration.</p>
Resigning from the Association	<p>31 (1) Any member whose fees are paid, and who desires to resign from the Association in good standing, shall send written notice thereof to the Executive Director or designate. Thereupon the Executive Director shall strike the name from the Register, and such member ceases to be a member.</p> <p>31 (2) A person who has resigned in good standing may be re-admitted as a member at the discretion of the Executive Committee, upon payment of the fee for the current year.</p>
Re-admittance	<p>32 (1) A person who ceases to be a member for non-payment of fees, may be re-admitted as a member upon payment of the application fee and the fees owing at the time the member ceased to be a member and the fee for the current year, and upon fulfilling the requirements of acceptance into the Association as stated in Section 14 of the Act as if the member were a new member of the Association.</p> <p>32 (2) Once accepted into the Association, the re-instated member will be re-issued the original registration number.</p>
Membership classification	<p>33 (1) All members who are less than sixty five (65) years of age are designated as regular member, associate member, forester in training member, non-practicing member or student member whether resident in New Brunswick or not.</p> <p>33 (2) A member who has paid fees to the association for not less than ten (10) years and has reached the age of sixty five (65) and who is no longer employed in the practice of forestry shall be granted life membership with full rights and privileges of a regular member.</p> <p>33 (3) A member who has paid fees to the association for not less than ten (10) years and has reached the age of fifty five (55) and who is no longer employed in the practice of forestry may become an associate member.</p> <p>33 (4) Associate members shall have the full rights and privileges of a regular member.</p> <p>33 (5) If a non-resident is already a member of another Registered Professional Foresters Association but wishes to retain his or her membership in the Association of Registered Professional Foresters of New Brunswick, such a member may do so. The non-resident member status will be classified as an associate member.</p> <p>33 (6) A forester in training (FIT) member has graduated from an accredited university from a forestry or forest engineering program. The FIT is working under the influence of a mentor member and must fulfil the requirements that are outlined in the FIT document.</p>

33 (7) A regular member or associate member may become a non-practicing member upon submission of a written explanation of the reason why he or she is to become a non-practicing member to the executive committee. A non-practicing member shall not vote on ARPFNB matters.

33 (8) A student member is enrolled as a full time student at an accredited university in a forestry or forest engineering undergraduate or graduate program. A student member shall not vote on ARPFNB matters and shall not use the designation of "Registered Professional Forester" or the initials "RPF".

Termination

34 (1) Membership shall terminate upon the death, resignation, or expulsion of a member. Membership shall also be terminated upon (i) the non-payment of fees, assessments, or other charges, owing to the Association, or (ii) the failure to maintain a Continuing Forestry Certificate as provided by these By-Laws.

34 (2) Membership in the Association shall not be transferable or assignable.

### Continuing Competency Program

35 A continued Competency Program mandatory for all members shall be established under the direction of the Executive Committee. Non-practicing and Life members are exempt from this requirement.

Fees	36 The Executive Committee shall make provisions for the fixing, remission and collection of annual and other fees, authorized by the membership at any General Meeting, and the imposing of penalties for their non-payment.
Annual Fees	<p>37 (1.0) The annual fee shall be set at the Annual General Meeting of the Association and shall be payable on or before the first day of the month following the date of the Annual General Meeting. Any member who has not paid the annual fee by 30 June of the then current year shall be assessed a surcharge of 5% of the annual fees and be invoiced as such.</p> <p>37 (1.1) A regular member is obligated to pay 100% of the annual fee.</p> <p>37 (1.2) A life member is not obligated to pay an annual fee.</p> <p>37 (1.3) An associate member is obligated to pay 50% of the regular member annual fee.</p> <p>37 (1.4) A forester in training member is obligated to pay 50% of the regular member annual fee.</p> <p>37 (1.5) A non-practising member is obligated to pay 25% of the regular member annual fee.</p> <p>37 (1.6) A student member is obligated to pay 10% of the regular member annual fee.</p> <p>37 (2) A member who has not paid the annual fee and surcharge by 31 July of the then current year shall be suspended from membership in the Association and not permitted to use the designation of "Registered Professional Forester" or the initials "RPF", and will be so advised by the Executive Director.</p> <p>37 (3) A person may be reinstated as a member, if, by 31 December of the then current year he/she pays the annual fee, the surcharge and the reinstatement fee of \$50.00.</p> <p>37 (4) A person who does not pay the annual fee, surcharge and reinstatement fee by 31 December will have his other name stricken from the Register and be so advised.</p>
First Year Member	38 A new member shall pay as the first annual membership fee an amount equal to one quarter of the annual membership fee multiplied by the number of complete quarters remaining in the fiscal year, at the date the member's name is entered in the Register of the Association.
Deferment	39 The Executive Committee may for due and sufficient cause waive or defer the payment of the annual fee by any member, but in such cases the Executive Committee shall report the waivers or deferments to the membership at the next Annual General Meeting.

Application Fee	40 An application for registration or enrolment as a member of the Association shall be valid for a period of one (1) year from the date of receipt by the Executive Director and shall be accompanied by a non-refundable fee for processing which shall be set at the Annual General Meeting.
Examination Fee	41 An examination fee shall be set at the Annual General Meeting. This fee is payable by an applicant for each routine oral examination or for any one group of regular written examinations as set by the Board of Examiners.
Admission Requirements	42 (1) Every applicant for admission to the Association shall satisfy the Board of Examiners that: <ul style="list-style-type: none"> <li>(a) The applicant is a graduate of a degree granting forestry institution whose program of studies meets the criteria established by the Canadian Forestry Accreditation Board or a graduate of the Forest Engineering program at the University of New Brunswick,</li> </ul>

- (b) following graduation, he or she been employed in the practice of forestry for not less than two years or to the satisfaction of the Board of Examiners that previous related forestry employment was not part of their education process in earning the degree.
- (c) the applicant must be sponsored by an RPF in good standing,
- (d) he or she has a working knowledge of the laws of the Province of New Brunswick as they relate to the practice of forestry and an appreciation of the Code of Ethics of the Association, and
- (e) within one year of membership adhere to the Continuing Competency Program as specified in section 35

42 (2) Every applicant for admission to the association as a forester in training member shall satisfy the requirements in 44 (1)(a), (c) and (d).

42 (3) An applicant as a forester in training member shall:

- (a) remain as a forester in training for a maximum (no longer than) five (5) years.
- (b) become admitted as a regular member if they submit to the Board of Examiners sufficient proof of being employed in the practice of forestry for a minimum of two (2) years and have maintained an up to date sponsorship.

Applicants

43 (1) An applicant whose only forestry degree is at the graduate level shall satisfy the Board that he or she has covered sufficient forestry course work and has sufficient grounding in silviculture in its broadest sense.

43 (2) Applicants educated outside of Canada are responsible to provide proof of curriculum adequacy.

43 (3) Registered Professional Foresters from outside of New Brunswick shall be required to pass an exam on provincial forestry related laws and the Code of Ethics of the Association before being admitted.

Board of Examiners

44 (1) Members of the Board, other than members of the Executive Committee, shall serve for a term of two (2) years with the election or re-election of two (2) members to the Board annually. Nominations will be made as in paragraphs 24(1) and 24(2).

44 (2) The Vice- President shall be Chair of the Board. In the absence of the Vice-President, the members of the Board present shall elect a Chair pro tem.

44 (3) The Executive Director of the Association shall be the Secretary of the Board.

Meetings of the Board

45 (1) Meetings of the Board shall be at the call of its Chair, at least once each year and not less than one (1) month prior to the Annual General Meeting of the Association.

	45 (2) A quorum of the Board shall be three (3) members.
Recommendations	<p>46 (1) The Board shall consider applications for registration, examine and re-examine such applicants as necessary, and as soon as possible make and file with the Executive Director a recommendation regarding whether or not such application should be registered.</p> <p>46 (2) The Board's decisions shall be valid if passed by a simple majority vote of the members of the Board present and voting.</p>
Decision of Executive Committee	<p>47 (1) The Executive Committee shall forthwith consider the recommendations of the Board and shall instruct the Executive Director to, under paragraph 50 (1), notify each applicant of its decision.</p> <p>48 (2) The decision of the Executive Committee with respect to any application shall be final, but any applicant who has been refused may re-apply after a period of one (1) year, from date of refusal.</p>
Forms	49 The Executive Committee shall make provision for the form or forms of application for membership in the Association and for the examination of applicants by the Board and for their admission into the Association.
Discipline	<p>50 (1) When a complaint is layed against a member by a member of the public or another member of the Association, a disciplinary process as outlined in Schedule A, of these By-Laws, will be followed.</p> <p>50 (2) Upon a request by the Executive Committee, a member of the Association may be required to participate in the Investigation Committee as described in Schedule A.</p>
Financial	<p>51 The Executive Committee shall make provision for the maintenance of the Association and the management of its property including:</p> <ul style="list-style-type: none"> <li>(a) The conduct of general business, banking, borrowing and credits;</li> <li>(b) The appointment of such staff as may be required and the fixing of the remuneration for such staff;</li> <li>(c) The incurring of such other expenses as may be necessary and;</li> <li>(d) All other acts reasonably necessary for the management of the Association.</li> </ul>
Approval	52 The Executive Committee shall obtain approval of the members at a General Meeting for expenditures not directly associated with routine management of the Association.
Book of Accounts	53 The Executive Committee shall cause true accounts to be kept on the sums of money received and expended by the Association and the manner in respect of which such receipt and expenditure takes place and of the assets and liabilities of the Association. The books of accounts shall be kept at the Head Office of the Association or at such other place or places as the Executive Committee sees fit, and shall be open to the inspection of the Executive Committee.

Inspection	54 No member shall have any right to inspect any account or book or document of the Association except as authorized by the Executive Committee or by the Association at a General Meeting.
Balance Sheet	55 A balance sheet shall be drawn up annually for the year ending December 31st. The balance sheet together with the books of the Association shall be audited annually by a person who is not a member of the Association. This Auditor shall be selected by the membership of the Association at the Annual General Meeting. The report of the Auditor shall be distributed and read at the Annual General Meeting.
Contracts	56 Contracts, documents or any other instruments in writing, shall be signed by the President or Vice-President, together with the Secretary-Treasurer, and all contracts, documents and instruments in writing so signed shall be binding upon the Association. Where required, the corporate seal of the Association shall be affixed to contracts, documents, or instruments in writing signed as aforesaid.
Cheques	57 All cheques, drafts or orders for the payment of money and all notices and acceptances and bills of exchange shall be signed by the President or Vice-President together with the Secretary-Treasurer or the Executive Director.
Borrowing	<p>58 (1) The Executive Committee of the Association may from time to time:</p> <ul style="list-style-type: none"> <li>(a) borrow money on the credit of the Association;</li> <li>(b) issue, sell or pledge securities (including bonds, debentures, debenture stock or other like liabilities) of the Association;</li> <li>(c) charge, mortgage, or pledge all or any of the real or personal property of the Association, including book debts and unpaid calls, rights, powers, franchises and undertakings, to secure any such securities or any money borrowed, or other debt, or any obligation or liability of the Association;</li> <li>(d) delegate to such one or more of the members of the Executive Committee of the Association as may be designated by the Executive Committee, all or any of the powers conferred by the foregoing clauses of this By-Law to such extent and in such manner as the Executive Committee shall determine at the time of each delegation;</li> <li>(e) give indemnities to any member of the Executive Committee or other person who has undertaken or is about to undertake any liability on behalf of the Association, and secure any such member of the Executive Committee or other person against loss by giving them by way of security a mortgage or charge upon the whole or any part of the real and personal property, undertaking and rights of the Association.</li> </ul> <p>58 (2) The Executive Committee may through a recognized bonding company bond, in such form and amount and with such surety as it may from time to time decide, such officers and employees of the Association, as it may deem advisable, for the faithful discharge of their duties.</p>

Remuneration of Executive	59 The remuneration and reimbursement of members of the Executive Committee for expenses incurred while carrying out the business of the Association shall be such as is approved from time to time by the members of the Association at the Annual General Meeting.
Members Seal	60 (1) Every member may have and use a seal as per Section 19 of the Act.  60 (2) Members' seals shall be of the form and design approved by the Executive Committee and shall contain the name and the registration number of the member, and the words "Registered Professional Forester, Province of New Brunswick". 60 (3) Members' seals shall be ordered and purchased through the Executive Director.
Code of Ethics	61 (1) A Code of Ethics to govern the conduct, of members in the practice of forestry may be drawn up under the direction of the Executive Committee to be submitted to the members of the Association for their approval and adoption. Changes in the Code of Ethics shall be made in accordance with the procedure laid down for changes in the By-Laws.  61 (2) Members are required to abide by the Code of Ethics in all activities related to the practice of forestry.
Letter Ballot	62 Any change to the By-Laws, whether by way of amendment, repeal or re-enactment, may be submitted to the members by letter ballot.



Approval of By-Laws

63 These By-Laws may be approved, amended, repealed or re-enacted either in whole or in part by an affirmation vote of a majority of the membership present and/or represented by proxy at an Annual General Meeting or in accordance with the provisions of clause 67.

63 (2) A motion to amend or repeal a By-Law or to enact a new By-Law or By-Laws may be made by the Executive Committee on their own motion, or at the discretion of the Executive Committee, on the written request of a member.

63 (3) Five (5) or more members may by a petition in writing, addressed to the Executive Director submit to the Executive Committee a motion to amend or repeal a By-Law or By-Laws or to enact a new By-Law or By-Laws. The Executive Committee shall be entitled to thirty (30) days' notice to consider such petition and if in its opinion it is not inconsistent with the provisions of the Act it shall submit such motion to a vote, by letter ballot; provided however that such petition may be withdrawn on the request in writing of a simple majority of the petitioners.

63 (4) If any change in the By-Laws is to be considered, the Executive Director shall mail or otherwise deliver to every member a typed or printed copy of the proposed change in the By-Laws in the form of a notice of motion. All such notices shall be posted or otherwise delivered by the Executive Director not later than fourteen (14) full days prior to the date of the return of the letter ballots.

63 (5) Affirmative votes of at least two-thirds of the members casting ballots shall be required to amend, repeal or pass a By-Law, but, if a motion to change the By-Laws is defeated, then the Executive Committee may at its discretion re-submit the motion to the members by letter ballot.

63 (6) A letter ballot shall not be valid unless more than 33% of the membership return their ballots.

Delivery of Changes

64 The Executive Director shall mail or deliver to every member a copy of all enacted changes in the By-Laws within three (3) months of the enacting of such changes.

Interpretation

65 In these By-Laws and any other By-Laws of the Association hereafter enacted, words importing the singular number, shall, unless the context otherwise requires, include the plural number as the case may be, and persons shall include companies and corporations.

Dispute Resolution

66 In the event of any dispute as to the meaning or intent of these By-Laws, the interpretation of the Executive Committee shall be final, subject to confirmation at the next Annual General Meeting and subject to the right of appeal as contained in section 22(2) of the Act.

Schedule A to By-Laws  
of the  
Association of Registered Professional Foresters

Discipline Process

Discipline processes of other forestry and non-forestry professional associations were reviewed (See Appendix I for a list of other Associations reviewed). The basic elements which were found to make up a discipline process included:

- complaint registration
- acknowledgement procedures
- screening of complaints
- membership of a discipline committee
- notification procedures
- investigation process
- hearing procedures
- decision and penalties
- appeals process

In addition to the above items, the committee has added a mechanism for education of the Association and allowance for inclusion of non-members in the discipline process. The discipline process flow is illustrated in Figure 1.

This procedure will apply for situations where complaints are:

- against a member by a member
- against a member by the public
- against a member by an employer

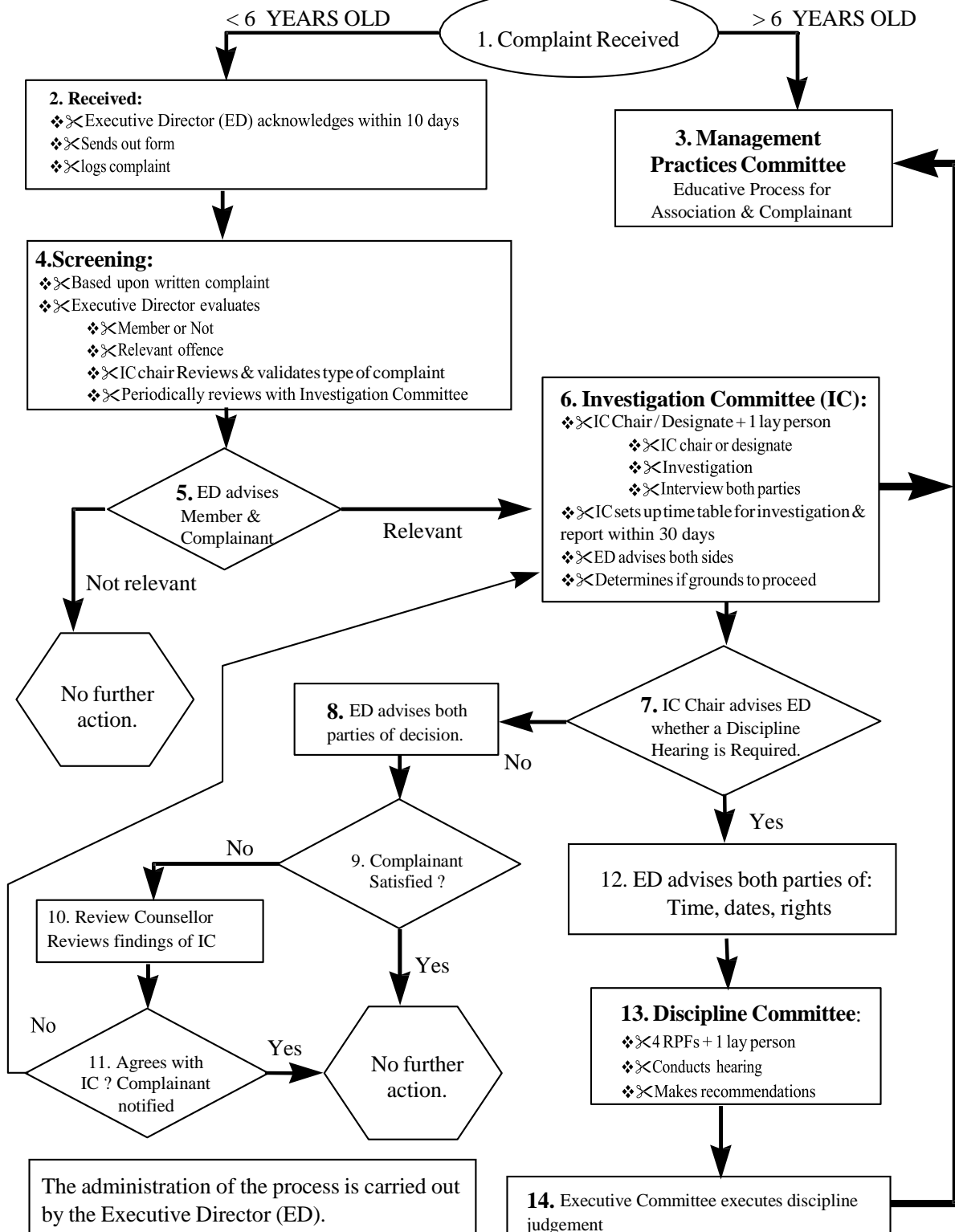
***COMPLAINT REGISTRATION***

All complaints must be in written form. Complainants who contact the association by telephone will be advised to submit their complaint(s) in writing. To facilitate the process the Executive Director will provide a complaint registration form to the complainant along with a covering letter explaining how to fill in the form and providing examples to follow. A sample form is provided in Appendix II. Missing information will not disqualify a complaint from further processing. The form should be filled in by the complainant. However, the Executive Director will assist in complaint preparation upon request by the complainant.

All complaints must be registered in a Complaints Log Book regardless of whether they arrive in the form of a call, letter, or form. This will avoid any charges that complaints never reach the Association. Complaints shall be directed to the Executive Director who will acknowledge receipt within 10 business days. The Association must designate a backup person in the event that the Executive Director will be unable to acknowledge the receipt of a complaint within 10 days. Generally, the designate shall be a member of the Executive Committee.

Complaints can only be lodged against members of the Association. Should a complaint be lodged against a non-member, the Executive Director will advise the complainant that the request is not an Association matter. However, at the discretion of the Executive Director, the nature of the complaint may be pursued for purposes of education of the Association as to potential future complaints. Only individuals can make complaints against members (a form should indicate who the complainant is for “corporate persons”).

# Discipline Process



## **The Complaint Form**

The complaint form shall be the principal medium for complaint registration (Appendix II). At minimum the form must have information about who, what, where, when relating to the incident or action upon which the complaint is based.

## **Age of Complaint**

Complaints must be filed within 6 years of an action allegedly taking place. Complaints arising from incidents or actions greater than six years previous to the date of registration shall not be subject to the discipline process. This period coincides with management planning cycles and basic regeneration standards. When complaints received are related to incidents occurring greater than six years previous and do relate to incompetence or negligent practices, the ARPFNB would be required to investigate and make recommendations on the practice itself without being able to take punitive measures. This investigative procedure would be carried out by a Management Practices Committee. Due to the difficulty of processing aged claims, the aim would be to educate the members of the Association of potential problems with practices and develop policies to guide the Association. The individual member should also receive a copy of the findings for reference and findings, without names attached, would be published as reference material.

## **Avoiding the Disciplinary Process**

The Association may consider someone a member until a complaint against him/her has been dealt with by the normal process. A member against whom an action has been initiated may not resign in order to avoid or end the process. Investigation and Disciplinary action will proceed with or without participation by the member.

## **SCREENING**

Preliminary analysis of the relevance of a complaint will be based upon the written submission of the complainant. The initial "screening" will be carried out by the Executive Director and will include the following elements:

1. Is the forester about whom the complaint is received a member?
2. Is the alleged incident related to professional misconduct including:
  - negligence,
  - breach of the Code of Ethics,
  - serious relevant offences,
  - incompetence based on inadequate knowledge or skills,
  - incompetence based on mental or physical condition.

Findings of relevance/non-relevance by the Executive Director will be reviewed by the Chair of the Investigation Committee before notification of members and/or complainant about disciplinary process to be followed. The Chair and Executive Director must reach a consensus as to relevance of a complaint. Upon reaching a consensus, the Executive Director will advise the complainant and member that an investigation will be initiated or that the complaint is not relevant.

In order to insure objective review of all complaints, the Executive Director will periodically review the complaints log with the Investigation Committee.

As mentioned in section 0, complaints related to incidents which occurred longer than 6 years previous will not be subjected to the discipline process, but will be referred to a Management Practices Committee.

## ***Investigation Committee***

## **Terms of Reference**

It is the responsibility of the Investigation Committee to gather evidence and determine whether a complaint is sound, accurate and whether there are grounds for a disciplinary hearing. All complaints

passing the screening shall be investigated and a clear recommendation for proceeding (or not) to a disciplinary hearing shall be provided in writing to the Executive Director. The ARPFNB shall take measures to develop an investigation procedures manual which shall be periodically reviewed and revised as necessary. Basic training for members of the Investigation Committee will be provided through methods deemed appropriate by the Association.

### **Membership of the Investigation Committee**

The Investigation Committee shall be comprised of:

- i) The Executive Director of the ARPFNB who will have an advisory role to the committee but shall not have a vote in decisions of the committee.
- ii) The Chair of the Investigation Committee shall be the Past President of the Association or, if necessary, a member of the Association appointed by the Executive Committee.
- iii) One lay person who shall be selected from a “pool” of available individuals who have agreed to be available for up to two years. The nominee shall not be a member of the Association.
- iv) An additional member(s) of the Association as selected by the Chair/Lay person/Executive Director as required. This member shall be guided by the Chair and will be used in the event the frequency of investigations strains the availability of the Chair.

It is envisioned that the Chair shall participate directly in some investigations, but may designate regional members to lead investigations as necessary. The lay person shall be a “public” representative charged with the responsibility of providing an objective opinion on practices and procedures relating to the investigation

### ***Guidelines for selection of members for the Investigation Committee***

Selection of members for the Investigation Committee shall be the responsibility of the Chair of the committee. The Chair will evaluate complaints and attempt to find an investigating member of the ARPFNB with:

- Appropriate experience
- No conflict of interest
- A person who can accept the likely burden of the investigation

In order to distribute the workload of complaint investigation, it is proposed that the Investigation Committee participation be a requirement of membership in the Association. A by-law recommendation is proposed in Appendix III.

Selection of a lay person is proposed to come from organisations represented on the Premier’s Round Table. Each organisation will be requested to nominate two (1 plus an alternate) people every two years to be potential members. Participating Investigation Committee members will be drawn randomly from this pool to work on actual cases. In order to distribute the workload lay people who serve on the Investigation Committee would be replaced after serving on two complaints. The group that nominated members who served for two complaints would be asked to nominate another member to replace the one who had completed their mandate.

### **Procedures**

The Chair will review complaints in conjunction with the Executive Director to determine whether a complaint requires investigation.

The Chair of the Investigation Committee or their designate will lead each investigation. The principle is that the Chair will investigate when the number of complaints allows or delegate and oversee the investigation process when there are too many for him/her to be involved with directly or when it is more feasible for another member to conduct the investigation.

All Association members who serve on the committee will receive training and guidelines material regarding evidence, due process and investigative procedures.

The lead investigator will provide a timetable of events on a form detailing when an investigation will start and grounds for the schedule. The Committee must set out its time table for investigation and reporting and notify both the complainant and member within 30 days of a referral from the Executive Director or Investigation Committee Chair. The schedule for investigation will be provided to the Chair and the

Executive Director. The Executive Director shall advise the Association member against whom a complaint has been lodged and the complainant of his/her rights and of the investigation timetable.

***Time Delay***

The investigation and recommendation of the complaints committee shall be concluded as quickly as possible. It is anticipated that commencement of some investigations may be delayed up to six months if seasonal conditions will not permit a thorough investigation, but no investigation shall take more than one year.

**Decision of Investigation Committee**

The Investigation Committee will reach a consensus on whether a complaint has grounds for proceeding to a disciplinary hearing and will advise the Chair and/or the Executive Director. If a disciplinary hearing is required the Executive Director will advise both parties of the time, date, and location of the hearing. Each party will be advised of their rights in the process.

If a disciplinary hearing is not warranted the Executive Director will advise both parties of the decision and their rights at this point. If the complainant is satisfied with the results of the investigation no further action is required. If the complainant is not satisfied, the report of the Investigation Committee shall be reviewed by a Review Counselor. If the Review Counselor is in agreement with the Investigation Committee report, the Executive Director will be advised to notify the complainant that no further action will ensue.

If the Review Counselor disagrees with the Investigation Committee report or finds that some evidence may have been overlooked, the matter will be resubmitted to the Investigation Committee complete with suggestions for augmenting the report. The Investigation Committee will act upon suggestions or provide reasoning as to why the initial decision is justified. All required changes will be routed through the investigation procedures (section 0) for purposes of notification of the parties involved.

***Review Counsellor***

**Terms of Reference**

The purpose of the Review Counselor is to review findings of the Investigation Committee when a complainant has made it known in writing that he/she is not satisfied with the decision of the Investigation Committee. The complainant will be required to submit a letter detailing their problems with the findings and these will be the basis of the Review Counselor's evaluation.

**Membership**

This position will be filled with a Life Member of the Association appointed by the Association Executive for a term of two years.

***Discipline Committee***

**Terms of Reference**

The purpose of the Discipline Committee is to conduct disciplinary hearings to review the findings of the Investigation Committee, conduct hearings with the complainant and the member for purposes of determining misconduct and, where necessary, assign appropriate penalties against the member.

**Membership of the Discipline Committee**

The Discipline Committee shall be comprised of five members. One Chair, three additional members of the Association and one lay person from the "pool" described in section 0 for the Investigation Committee. The Discipline Committee shall consist of members who have not participated in any previous elements of the complaint being investigated.

## **Procedures**

### ***Pre-Hearing***

When a complaint is deemed to be one that requires a disciplinary hearing, the Executive Director will engage a lawyer (Counsel) who will assist in the wording of the charge. The charge must be specific in regards to the offence, time and place.

The charge shall be signed by the Executive Director and sent to the accused member by registered mail with Notice that a hearing will be held at a specified time and place.

The accused member must be given at least two weeks (14 days) from the date of the Notice before a hearing.

The accused member is entitled to his/her own Counsel. All proceedings after the hearing shall be recorded by a Court Reporter. All witnesses must be sworn before giving evidence.

### ***Hearing***

1. The charge is read by the Registrar. If the accused member is not present, the Registrar demonstrates proof that the charge and Notice of the hearing were delivered to the accused member.
2. If the accused member fails to appear at the hearing, the Chair may, upon proof that the charge and Notice of the hearing were served on the member, proceed with the hearing.
3. The Chair inquires if the accused member admits or denies the charge.
4. If the accused member admits the charge, the Chair will receive any submission the accused member may wish to make concerning mitigating circumstances and penalties to be imposed.
5. The Association Counsel will then outline the severity of the charge, and make a submission regarding penalties.
6. If the accused member denies the charge, evidence must be called by both parties.
7. The Association Counsel outlines the facts relating to the charge and refers to the specific provision of the New Brunswick Foresters Act, By-Law, or Code of Ethics that is alleged to have been violated. The Association Counsel should also instruct the hearing regarding any principles of law that are pertinent.
8. Members of the Discipline Committee should raise any questions they may have regarding the meaning of any part of the Act, By-Laws or Code of Ethics, or they may ask for clarification regarding matters of law.
9. The Association Counsel submits evidence in the form of documents, and calls witnesses.
10. Each witness called by the Association may be cross-examined by the accused member, or his/her Counsel. The witness may then be briefly re-examined by the Association Counsel.
11. Following the examination of each witness, the Chair should inquire if any member of the Discipline Committee wishes to question the witness. After any such questioning, both Counsel may briefly re-examine regarding matters arising from questions by members of the Discipline Committee.
12. Counsel for the accused member then submits evidence and calls witnesses, which may include evidence given by the accused member. Each witness may be cross-examined and re-examined.
13. When all the evidence has been submitted, and examination of all witnesses is complete, each Counsel will submit a summary of the evidence and state the facts which they feel are supported by the evidence.
14. The Chair will then have various alternatives:
  - a) The hearing may be briefly adjourned while the Discipline Committee considers a decision.
  - b) The hearing may be adjourned, to be reconvened at a specified time and place when a decision will be given.
  - c) The hearing may be adjourned with the accused member being told he/she will be informed of the decision by mail.
15. In the case of a guilty decision, where the offence is serious, or where Discipline Committee considers there may be mitigating factors, the Chair may reconvene the hearing to hear arguments

regarding the penalty to be imposed. In this case the accused member shall be informed of the decision and be given a suitable time to prepare arguments. The Association Counsel would also submit arguments concerning penalty.

16. The accused member is informed in writing regarding the decision and penalty.

17. The Registrar is instructed by the Discipline Chair to see that the penalty is carried out.

### ***Costs***

If the accused member is found to be not guilty of the alleged offence, all costs shall be borne by the Association.

If the accused member is found to be guilty of the alleged offence, any or all costs associated with the case as determined by the Discipline Committee shall be the responsibility of the member. Such costs/penalties assigned may include, but are not limited to those items identified in section 0. In addition, the Discipline Committee may direct the Association to cover any of the costs deemed appropriate.

The decision of the Committee shall be established by majority vote. Meetings of the Discipline Committee require a quorum. If a member of the Discipline Committee is absent from any element of the disciplinary process they will not be eligible to vote on the final decision.

### **Penalties/Sanctions:**

The Discipline Committee may assign, but is not limited to, the following penalties:

- Suspension (1-3 years)
- Expulsion
- Probation (with/without mandatory supervision) - from 1-3 years.
- Fines (\$500-\$1,000)
- Costs of proceedings including hearings and investigation
- Costs of legal Counsel
- Public apology
- Education/training
- Pay costs of investigation