



**Ontario  
Professional  
Planners  
Institute**

**Institut des  
planificateurs  
professionnels  
de l'Ontario**

By-law No. 1  
The General By-law of the  
Ontario Professional Planners Institute

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Adopted and Enacted by OPPI Council 12/09/04  
Confirmed by Membership 12/11/30  
Amended 14/11/28

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# By-Law No. 1

ONTARIO PROFESSIONAL PLANNERS INSTITUTE /  
INSTITUT DES PLANIFICATEURS  
PROFESSIONNELS DE L'ONTARIO,

being an Ontario Corporation constituted by special statute (the "Institute")

(A By-law relating generally to the constitution and conduct of affairs of the Institute).

**BE IT ENACTED as a by-law of the Institute**

## SECTION 1 - GENERAL

### 1.1 Articles

In this by-law the powers, provisions, rights, responsibilities, definitions, obligations and privileges afforded the Institute under the *Ontario Professional Planners Act, 1994*, S.O. 1994, Chapter Pr.44 and *The Not-for-Profit Corporations Act, 2010*, S.O. 2010, Chapter 15, as amended be and the same are expressly adopted as articles of incorporation for use, conformity and consistency herein and the words and expressions defined in those Acts have the same meaning when used in these by-laws, unless the context otherwise requires.

### 1.2 Execution of Documents

Deeds, transfers, assignments, contracts, obligations and other instruments in writing requiring execution by the Institute and any document, matter or thing that requires Council consideration may be signed on the approval thereof by Council, by any two (2) of its officers or eligible directors and so signed shall be binding on the Institute. In addition, the Council may from time to time direct the manner in which and the person or persons by whom a particular document or type of document shall be executed and any document, matter or thing that does not require Council consideration. Any person authorized to sign any document may affix the Institute's seal to the document, if required. Any signing officer may certify a copy of any instrument, resolution, by-law or other document of the Institute to be a true copy thereof.

### 1.3 Banking Arrangements

The fiscal year of the Institute shall be the calendar year. The banking business of the Institute shall be transacted at such bank, trust company or other firm or corporation carrying on a banking business in Ontario or elsewhere in Canada as the Council may designate, appoint or authorize from time to time by resolution. The banking business or any part of it shall be transacted by an officer or officers of the Institute and/or other persons as the Council may by resolution from time to time designate, direct or authorize.

### 1.4 Preservation of Rights and Privileges

Nothing in the passage of this by-law effect contracts of the Institute, commitments lawfully made or privileges of membership outstanding and in effect as at the date of enactment.

## SECTION 2 - MEMBERSHIP

### 2.1 Membership Categories and Privileges

2.1.1 Subject to this by-law, there shall be two voting categories of membership: Full Member and Candidate Member. The conditions of membership and transfer rights are established pursuant to this Section 2.1 and Section 2.2.

- 2.1.2 There shall be a non-voting category of membership: Student Members. Council may, by resolution, amend or establish other non-voting categories of membership from time to time and affix thereto such rights, responsibilities, privileges and fees as it deems appropriate.
- 2.1.3 A Retired Member is a Full Member who is not engaged in the activity of planning for gain, who has applied to be placed on the retired list and who has been accepted in writing as retired by the Registrar.
- 2.1.4 A Non-Practicing Member is a Full Member or a Candidate Member who is not engaged in the activity of planning for gain, who has applied to the Institute and been accepted in writing by the Registrar as a Non-Practicing Member. A Non-Practicing Member is not eligible to vote or to be elected a director of the Institute, and is not eligible to use the designation "Registered Professional Planner" or "RPP," or to use a seal designating that person as a "Registered Professional Planner" or "RPP." For a Candidate Member, time spent as a Non-Practicing Member shall not comprise any part of any term specified for membership qualification.
- 2.1.5 A Full Member, other than a Non-Practicing Member, will be issued a certificate of registration as a Registered Professional Planner.
- 2.1.6 A Full Member, who is a Retired Member, will be issued such identification as the Council may determine to be affixed to the member's certificate of registration issued under Section 2.1.5.
- 2.1.7 Each certificate of registration issued under Section 2.1.5 is the property of the Institute and shall be returned to the Institute upon the request of the Council.
- 2.1.8 A Full Member, other than a Non-Practicing Member, upon application and subject to Section 2.1.6, may request and use a seal designating that person as a "Registered Professional Planner". Each seal issued is the property of the Institute and shall be returned on request of the Council.
- 2.1.9 Subject to Section 2.1.4 and Section 2.1.10, every Candidate Member shall have a maximum of seven (7) years to attain Full Member status, failing which all rights and privileges in the Institute shall cease.
- 2.1.10 On the effective date of this by-law, any member that enjoys "Provisional Member" status under a previous by-law shall continue hereunder as a "Candidate Member" for all such purposes, but the criteria for becoming a "Full Member" shall continue and be applicable as if no change had occurred but only until the balance of such member's seven (7) year provisional term expires.
- 2.1.11 The Registrar, with the advice of the Professional Standards Committee shall administratively determine whether a candidate has met the requirements of admission to a category of membership in accordance with the requirements for membership as specified in this By-law. The Registrar shall provide recommendations to Council on membership on a regular and timely basis.

## **2.2 Membership Conditions**

- 2.2.1 Subject to Section 1.1, to be eligible for membership in the Institute, an applicant for membership must be a person whose address is in Ontario and has met the membership criteria established and approved from time to time by the Institute, and otherwise must be satisfactory to and accepted by resolution of the Council on the further recommendation of the Registrar. No corporation or other entity may be a member.
- 2.2.2 A person who holds membership in any category, unless otherwise specified, is entitled to attend and participate in discussion at general meetings of the Institute, to receive all publications of the Institute, to be considered for appointment to committees and to resign from membership, and is further obligated to support and promote the objects of the Institute and to pay such dues, fees or assessments as are provided for in this By-law.
- 2.2.3 All Full and Candidate Members are obligated to adhere to and be bound by the Professional Code of Practice of the Institute attached hereto as *Appendix 1*, to report any alleged breach of the Professional Code of Practice to the Discipline Committee and to accept the procedures set out and attached hereto as *Appendix 2*, both appendices forming part of this by-law.
- 2.2.4 Full Members, other than a Retired Member or a Non-Practicing Member, are entitled to be nominated for election as a director. Full Members, other than a Non-Practicing Members are entitled to use the designations

“Registered Professional Planner”, and “R.P.P.” and to use a seal that signifies the designation “Registered Professional Planner”, but only in accordance with this by-law.

- 2.2.5 A person holding membership in any category other than Full Member shall not use any initials or any abbreviated form to designate their membership and shall not refer to their membership as representing professional qualifications other than specific to the category in which the person is a member.
- 2.2.6 Membership in the Institute shall cease when a member:
  - 2.2.6.1 dies or resigns;
  - 2.2.6.2 is removed from the register of the Institute by virtue of being in default of dues, fees, penalties or assessments;
  - 2.2.6.3 is removed from the register of the Institute by virtue of the operation of its by-laws;
  - 2.2.6.4 is removed from the register of the Institute by consequence of a breach of the Professional Code of Practice; or
  - 2.2.6.5 the Institute is liquidated or dissolved by operation of law.
- 2.2.7 Maintenance of membership, among other matters requires that:
  - 2.2.7.1 Each Full Member, other than a Retired Member or a Non-Practicing Member, and each Candidate Member shall undertake annual Continuing Professional Learning (CPL) and shall report that CPL to the Institute on an annual basis.
  - 2.2.7.2 Council shall establish rules for activities deemed acceptable as CPL and for the reporting and monitoring of those activities by the Registrar.
  - 2.2.7.3 If a Full Member or Candidate Member is late in completing or reporting required CPL activities, the Institute may establish and require the imposition of a penalty on the member. Such penalty when in the form of a monetary fine or charge shall be deemed a fee for the purposes of Section 2.2.6.2 of this By-law.
  - 2.2.7.4 Prior to revocation of membership for failure to meet required annual CPL activities, a member shall be provided fifteen (15) days written notice, or such further period as the Registrar may allow in the circumstances, to rectify such default.

### **SECTION 3 - COUNCIL**

#### **3.1 Composition of Council**

- 3.1.1 The Council shall consist of not less than nine (9) and not more than eleven (11) directors who shall be Full Members of the Institute, other than Retired Members and Non-Practicing Members. Directors shall receive no remuneration for serving as such, but are entitled to reasonable expenses incurred in the exercise of their duty.
- 3.1.2 Despite Section 3.1.1, of the directors of the Institute there shall be one (1) director who is a public interest representative holding no membership qualifications, privileges or office in the Institute but who shall be entitled to attend, participate and vote on matters before the Council.

#### **3.2 Officers and Directors**

- 3.2.1 The officers of the Institute are directors on Council and shall consist of: the President, President Elect and the Secretary/Treasurer.
- 3.2.2 The officers and directors of the Council in office on the effective date of this by-law shall continue until replaced in accordance with the provisions of this by-law provided that an election shall be held within two (2) years of the effective date.

### **3.3 Duties of Officers**

3.3.1 Officers, in addition to other duties prescribed by Council, shall have the following responsibilities:

3.3.1.1 President. The President shall preside at all meetings of the Council, the Executive Committee and the membership. The President provides leadership to the Council, ensures the integrity of the Council's process, and represents the Council to outside parties. The President shall be an ex-officio member of all committees of the Institute, with voting privileges.

3.3.1.2 President Elect. The President Elect shall be the representative of the Institute on the Council of the Canadian Institute of Planners and report thereon to the Council and shall act as the representative of the President in such matters as the President may assign and shall perform the duties of the President in the event of the President's death, absence or inability. In the event that the President Elect is unable to serve as the representative of the Institute on the Council of the Canadian Institute of Planners, the Council shall appoint another director to serve.

3.3.1.3 Secretary/Treasurer. The Secretary/Treasurer shall be responsible for the maintenance of the membership register of the Institute in a format prescribed by the Council and shall confirm and distribute such membership register for access by the membership not less than once annually. The Secretary/Treasurer shall also be responsible for the preparation and distribution of all notices and the minutes of all business meetings of the Council, the Executive Committee and the members. The Secretary/Treasurer shall also maintain such books and records as will provide an accurate accounting of all funds received and disbursed by the Institute in accordance with generally accepted accounting principles. The Secretary/Treasurer shall be responsible for the preparation of an annual financial report that shall be submitted to the Council and the members at the annual meeting of the Institute. These duties may be partially delegated to the Executive Director or to the Registrar of the Institute.

3.3.1.4 Council shall elect from amongst the directors a Secretary/Treasurer and may separate the offices for the purposes of the officers of the Institute.

### **3.4 Districts or Local Chapters**

3.4.1 Council by resolution shall identify and determine for the districts or local chapters recognized under Section 3.4.1 such directions, activities, functions, funding, budgets, limits, approval requirements or such other controls as the Council may from time to time prescribe.

3.4.2 To afford the members of the Institute in various geographic areas a suitable instrumentality for close co-operation in achieving the Institute's purposes set forth from time to time, the Council has authority to establish such districts or local chapters as it may deem necessary or desirable.

3.4.3 Despite Section 3.4.2, the Council shall have the right to prescribe uniform rules and procedures controlling the business and financial activities of districts or local chapters including, but not restricted to record keeping requirements, reporting requirements and requirements related to the filing of proper tax and information returns. A district or local chapter may charge an event fee but shall not levy any membership fee, dues charge or any form of special assessment upon a member of the Institute within the district or local chapter, without the prior consent of the Council

### **3.5 Meetings of Council**

3.5.1 A meeting of the Council shall be called by the President or by not less than three (3) directors on Council provided:

3.5.1.1 A meeting of the Council may be held on not less than ten (10) nor more than fifty (50) days notice by mail or electronic means to each member thereof. A director may attend in person or by a combination of telephonic or electronic means that permits all participants to communicate adequately with each other during the meeting. No error, omission or defect in the giving of notice shall invalidate such meeting.

3.5.1.2 At all meetings of the Council, every question shall be decided by a majority of votes cast on the question. In case of an equality of votes, the President in addition to an original vote shall have a second or casting vote.

### **3.6 Terms of Office and Elections**

- 3.6.1 The term of office of a director or officer shall be for two (2) years commencing at the adjournment of the annual meeting of his or her election.
- 3.6.2 The President, the President Elect and the directors shall be elected by members holding voting privileges and in a manner permitted by this By-law; such election of directors shall occur at the annual meeting at which an election of directors is required.
- 3.6.3 Directors are eligible for re-election for not more than two (2) consecutive terms. The President shall not be eligible for election as President Elect or for re-election as President.
- 3.6.4 Despite Section 3.6.2, the President Elect shall assume the office of the President upon the expiry of the term of the President.
- 3.6.5 The method of election of directors or the determination of any other matter shall be at the direction of Council and conducted by the Executive Director either at a meeting of members called for the purpose which shall include a proxy, or by mail ballot, or by telecopier or electronic means, in accordance with this by-law.
- 3.6.5.1 Despite Section 3.6.5, where a director in office dies, resigns or becomes incapacitated, Council on the advice of the Governance and Nominating Committee shall appoint a replacement for the balance of the vacant term.
- 3.6.6 Where an election of directors or other matter is conducted by mail ballot, the Executive Director shall:
  - 3.6.6.1 cause to have prepared a ballot listing all the persons nominated by the Governance and Nominating Committee or otherwise by law and the positions for which they have been nominated; and shall
  - 3.6.6.2 mail the ballot to every voting member of the Institute not later than four (4) weeks prior to the meeting called for the purpose or otherwise at the time and date set for the determination of the matter; and shall
  - 3.6.6.3 accept ballots delivered by mail to the Executive Director at the office of the Institute up to 5 p.m. on the third business day preceding the day of the meeting called for the purpose or otherwise at the time and date set for the determination of the matter; and shall
  - 3.6.6.4 accept ballots delivered by hand to the Executive Director at the office of the Institute, up to 5 p.m. on the day preceding the call to order of the meeting called for the purpose or otherwise at the time and date set for the determination of the matter.
- 3.6.7 The Executive Director shall ensure that the counting of ballots, proxies, telecopier or electronic votes received in the periods specified in the Notice shall be conducted with integrity and good faith and that the recording and reporting of votes is conducted with the care, diligence and skill that a reasonably prudent person would exercise, such counting to be made prior to the meeting called for the purpose or otherwise at the time and date set for the determination of the matter.
- 3.6.8 Where voting for the election of directors or other matter is conducted by telecopier or electronic means, the Executive Director shall be responsible to ensure a system of adequate notice and recording and to protect the integrity and privacy of only members entitled to vote but such that the Institute is not able to identify how each member voted, in like manner and with the necessary changes, as provided for in Section 3.6.6.1 and Section 3.6.7.
- 3.6.9 Where the election of directors or other matter is conducted at a meeting of the members, notice thereof by mail or electronic means including a mail ballot and proxy shall be provided to every voting member of the Institute not later than five (5) weeks prior to the meeting called for the purpose or otherwise at the time and date set for the determination of the matter. Such determination shall be by show of hands and the counting of mail ballots and proxies as tabulated by the Executive Director and confirmed and announced by the President at the meeting called for the purpose.
- 3.6.10 Other than as may be specifically provided in this by-law or by operation of law, Council may direct that any matter for which it requires the assent of the membership, such consent may be sought through a vote by mail



ballot or by telecopier or electronic means in accordance with Sections 3.6.6, Section 3.6.7, or Section 3.6.8, as the case may be.

## SECTION 4 - MEETINGS OF MEMBERS

### 4.1 Attendance

The only persons entitled to be present at a meeting of members shall be those entitled to vote at the meeting, the Executive Director, the Registrar, the accountant of the Institute, and such other persons who are entitled or required by law to be present at the meeting. Any other person may be admitted only on the invitation of the President or by resolution of the members.

### 4.2 Quorum

Subject to law, a quorum of any meeting of the members shall be twenty five (25) members entitled to vote of which a minimum of fifteen (15) shall be Full Members with voting privileges, such being present in person or by proxy, or by the same having exercised a right to vote by mail ballot or electronic vote, as advised by the Executive Director. If a quorum is present at the opening of a meeting of members, the members present may precede with the business of the meeting even if a quorum is not present throughout the meeting.

### 4.3 Voting

At any meeting of members every question, unless otherwise provided for in this By-law or by law, shall be determined by a majority of the votes cast on the question by a show of hands. In the case of an equality of votes cast either on a show of hands and proxy count or on a mail ballot or on the result of electronic voting, the President, in addition to an original vote, shall have a second or casting vote.

### 4.4 Annual Meeting

4.4.1 The Institute shall hold an annual meeting, such that the annual meeting of the Institute shall be held within fifteen (15) months but no sooner than six (6) months after the last preceding annual meeting, at a time and place to be set by the Council at least nine (9) weeks prior to the annual meeting.

4.4.2 The Executive Director shall, at least five (5) weeks prior to the annual meeting, provide notice by mail or electronic means of the time and place of the annual meeting to every voting member on the register of the Institute and shall indicate in the notice that nominations and the election of directors at that annual meeting will be received and voted upon in conformity with this By-law.

### 4.5 Special Meeting

4.5.1 The Institute shall hold a special meeting of the members where the President calls a special meeting at the President's discretion or where the President shall call a special meeting on the written request of a least four (4) directors or of at least twenty-five (25) voting members of whom at least fifteen (15) are Full Members.

4.5.2 The Executive Director shall, at least four (4) weeks prior to a special meeting, provide notice by mail or electronic means of the time and place of the special meeting to every voting member on the register of the Institute and shall indicate in the notice a statement of the purpose of the meeting and that only those matters specified in the statement of purpose may be considered at the meeting.

## SECTION 5 - COMMITTEES

### 5.1 Standing Committees

5.1.1 The standing committees of the Institute are constituted with responsibilities as follows:

5.1.1.1 Executive Committee. The Executive Committee shall consist of the President, President Elect and the Secretary / Treasurer. The Executive Committee shall provide advice and recommendations for Council and will be directly responsible for finance, audit and committee functions, risk management and human

resources matters. Responsibilities also include recommending performance objectives as well as the evaluation and compensation of the Executive Director. In addition, the Executive Committee will have responsibility for: general decisions between Council meetings including financial decisions; leadership on human resources policies and practices of the Institute and the annual performance evaluation of the Executive Director; leading strategic planning, and crisis management. For greater certainty, the Executive Committee is mandated to respond to issues and make decisions between Council meetings that would otherwise be made by Council subject to the limitation that all decisions must be aligned to approved policies and procedures as well as the Institutes mission, core values and strategic directions. Executive Committee may include up to two (2) other Council members not otherwise represented among the officers and shall be chaired by the President.

- 5.1.1.2 Governance and Nominating Committee. The Governance and Nominating Committee shall be comprised of the President Elect, three (3) other Full Members of Council and two (2) other Full Members, who are neither Retired Members nor Non-Practicing Members. The Governance and Nominating Committee shall be responsible for the nominating process for directors, including Standing Committee chairs, governance, education, development and evaluation processes. Responsibilities shall also include the reviewing and making of recommendations concerning Council policies and by-law changes, including the effectiveness of governance, development and succession planning, policy development, audit compliance and such other duties as may be assigned by Council.
- 5.1.1.3 Professional Standards Committee. The Professional Standards Committee shall consist of five (5) to seven (7) Full Members other than Retired Members or Non-Practicing Members. The Professional Standards Committee shall be responsible for professional standards development, oversight and impact assessment on member related matters. The Professional Standards Committee shall work on the identification, review and establishment of professional standards nationally with other planning profession affiliates and the Canadian Institute of Planners through representation on the Professional Standards Committee established under Agreement with the Institute. The Committee shall provide to Council advice and Ontario specific insight concerning existing practice standards, developing and maintaining continuous professional learning standards, addressing provincial legislation that impacts the practice of planning and, at the request of the Registrar, providing advice on issues or applications concerning membership applications, including such other duties as may be assigned by Council.
- 5.1.1.4 Discipline Committee. The Discipline Committee shall consist of Full Members and a lay citizen member, none of whom shall be officers or directors of the Institute. The Discipline Committee shall have the authority necessary to provide for a process of investigating and considering requests and matters referred to it and complaints made against members, including the determination and assessment of disciplinary remedies. Included in the responsibilities of the Discipline Committee is the provision of advice to the Council, on request, and to the Professional Standards Committee where there may be a need for practice standards development or clarification. The Discipline Committee has independent decision making authority regarding complaints and discipline matters within the scope of the mandate as specifically provided in this By-law.

## **5.2 Special or Ad Hoc Committees**

Council may appoint such special committees and determine their duties as it may deem appropriate in the interest of the affairs of the Institute. The members thereof will hold office for the term appointed but not to exceed the term of Council, unless re-appointed.

## **5.3 Appointments of Chair and Members**

Unless as otherwise provided in this By-law, the President with the consent of the Council and the advice of the Governance and Nominating Committee and the Executive Director shall appoint the Chair and each member of a standing committee or a special committee. Such appointments shall be made as soon as possible following the President's election to office.

## **5.4 Rules**

A standing committee or a special committee may formulate its own rules of procedures, subject to such regulations or directions as the Council may from time to time determine.

## **5.5 Meetings**

A meeting of a standing or special committee may be conducted in person or by a combination of telephonic or electronic means that permits all participants to communicate adequately with each other during the meeting.

## **SECTION 6 - DISCIPLINE COMMITTEE OF THE INSTITUTE**

### **6.1 Composition**

6.1.1 In addition to Section 5.1.1.4, the Discipline Committee shall consist of not less than five (5) and not more than eleven (11) Full Members of the Institute, other than Non-Practicing Members, and who are in good standing and one or more lay citizen residents in Ontario.

6.1.2 A director or an employee of the Institute or a member of any other standing or special committee of the Institute shall not be eligible to be a member of the Discipline Committee.

### **6.2 Term**

Despite anything to the contrary, appointments to the Discipline Committee shall be for a term of three (3) years, arranged so that as nearly as possible one-third of the members shall retire each year.

### **6.3 Reappointment**

Discipline Committee members are eligible for reappointment and shall hold office until their successors are appointed.

### **6.4 Vacancy**

Where a member of the Discipline Committee ceases to be such before the expiration of his or her term, the Council shall appoint, subject to Section 6.1, a Full Member who is in good standing or lay citizen, as the case may require, to be a member of the Discipline Committee for the unexpired portion of the term.

### **6.5 Vice Chair**

The Chair of the Discipline Committee shall appoint one of the members of the Discipline Committee to be the Vice-Chair who shall act as the Chair in the absence of the Chair.

### **6.6 Secretary**

The Discipline Committee shall appoint from amongst its members a Secretary who shall keep on file minutes of all matters, complaints and proceedings thereon.

### **6.7 Panels**

The composition of a Discipline Committee panel holding a hearing into the determination of a matter or complaint shall be not less than three (3) members of the Committee, exclusive of any lay citizen appointment.

### **6.8 Duties**

6.8.1 The Discipline Committee shall:

6.8.1.1 provide to the Council and to the Professional Standards Committee, upon request, advice, assistance, interpretation and mediation in matters relating to differences, misunderstandings, and alleged breaches of the Professional Code of Practice of the Institute and related matters; and

6.8.1.2 recommend to the Council the issuing of letters of warning, correction, advice, or admonition with the objective of forestalling or preventing actions or practices which might lead to formal complaints; and

- 6.8.1.3 subject to provisions of this By-law, hold mediations or hearings for the purpose of inquiring into matters or complaints referred to it and make determinations on allegations of any breach of the Professional Code of Practice by a member of the Institute; and
- 6.8.1.4 carry out such other responsibilities as are assigned to it from time to time by the Council in connection with the practice and ethics of the profession.
- 6.8.1.5 make available to the public such procedural rules and regulations for the conduct of its responsibilities that are supplementary to and not inconsistent with this By-law.
- 6.8.2 Where the Discipline Committee is asked to provide mediation, the Chair of the Discipline Committee shall appoint a member thereof to act as mediator, and that member shall report the results of the mediation directly to Council.

## **6.9 Discipline Proceedings**

All disciplinary proceedings related to the Professional Code of Practice shall be in accordance with the provisions contained in *Appendix 2*, and shall be generally in accordance with Rules made under Section 6.8.1.5.

## **6.10 Lay Citizen Appointee**

The appointment of a lay citizen as a member of the Discipline Committee shall include an oath or affirmation therefrom to keep and maintain the confidences and affairs of the Institute and the Discipline Committee as if the same were all intimate financial or personal matters not to be directly or indirectly disclosed or released to any person entity or thing save and except in accordance with the provisions of this By-law.

## **6.11 Hearing Responsibility**

The Chair of the Discipline Committee shall appoint from amongst the members of the Discipline Committee a panel consistent with Section 6.7 to hold a hearing required under this by-law.

## **6.12 Pre-Hearing Conferences**

The Chair of the Discipline Committee may designate any member of the Discipline Committee or any other Full Member of the Institute, other than a Non-Practicing Member to conduct a pre-hearing conference in accordance with the Rules made under Section 6.8.1.5.

## **6.13 Interim Orders**

The member appointed pursuant to Section 6.12 who conducts a pre-hearing conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the hearing, including the adding of parties.

## **6.14 Limitation on Members**

A member of the Discipline Committee or other person who conducts a pre-hearing conference at which the parties attempt to settle issues shall not participate in the hearing into the matter unless the parties consent.

## **6.15 Conduct of Pre-hearings**

Subject to the Rules made under Section 6.8.1.5, a pre-hearing conference may be conducted in person or by a combination of telephonic or electronic means that permits persons to hear and communicate simultaneously with one another.

## **SECTION 7 - INSTITUTE STAFF**

### **7.1 Executive Director**

The Executive Director may be an individual, partnership or corporation and shall be appointed by the Council to provide management services to the Institute. The terms of the Executive Director's engagement shall be set forth in writing approved by Council. The Executive Director shall have responsibility for the head office of the Institute and shall

administer the business affairs of the Institute under the direction of the President, the Executive Committee and the Council. The Executive Director shall be responsible for operationalizing the Strategic Plan, including the establishment of operational committees and task groups to carry out responsibilities thereunder delegated by Council, maintaining liaison and directing and supporting the districts or local chapters and for keeping accurate records related to the Council, the Executive Committee and the standing and special committees of the Council. The Executive Director shall attend all general or special meetings of the members, the Council and the Executive Committee and shall take the minutes thereof under the direction of the Secretary-Treasurer. The Executive Director shall also perform such other duties as may be assigned to the Executive Director by the President, the Executive Committee, the Council or as may be assigned to the Executive Director by other officers or directors of the Institute with the approval of the President.

## **7.2 Registrar**

The Registrar is an individual who shall not be a member of the Institute and who shall be appointed by the Council. The terms of the Registrar's engagement shall be set forth in writing approved by the Council. The Registrar shall be responsible for all matters related to membership in the Institute including liaison with the Professional Standards Committee and the Professional Standards Board, if any, engaged under contract with the Institute. The Registrar shall maintain a register of members by membership category and shall keep accurate records relating to the current membership. The Registrar shall attend all meetings of the Council, the Professional Standards Committee and all general or special meetings of the members. The Registrar shall make recommendations to the Council on admission to the membership categories in the Institute. The Registrar shall also perform such other duties as may be assigned to the Registrar by the Council.

## **SECTION 8 - DUES, FEES AND ASSESSMENTS**

### **8.1 Annual Dues**

In each calendar year, the Council shall fix the amount of the annual dues for the ensuing calendar year for each of the categories of membership. Council may fix reduced or no annual dues for members residing outside of Ontario.

### **8.2 Special Assessments**

The Council may, subject to approval at a meeting of members, levy a special assessment upon all voting members with the exception of Retired Members to create a special reserve fund for a specific purpose or to pay the cost of a specific activity or project, provided that notice of the intention of such special assessment has been given to all voting members in accordance with this by-law prior to the meeting of the voting members at which the levy is to be considered, and provided further that the levy of any such special assessment is approved by fifty percent (50%) of the votes cast at the meeting.

### **8.3 Administrative Fees**

Council may prescribe such fees from time to time as it considers appropriate for administrative services performed by or on behalf of the Institute.

### **8.4 Rules**

Council may prescribe rules for the preparation, invoicing and collection of dues, fees and assessments of members.

## **SECTION 9 - AMENDMENT OR ENACTMENT OF BY-LAWS**

### **9.1 By-laws**

Where in the opinion of the Council or by-law it is necessary and desirable to enact a by-law or to amend this By-law the Council shall upon passage of the by-law or amendment forthwith cause the same to be submitted to the membership for ratification.

### **9.2 Notice and Meeting**

The Executive Director shall provide a notice in accordance with the provisions of this By-law of a general meeting called for the purposes of ratifying a by-law or amendment, which notice shall include the text of the by-law or amendment together with an explanation of the purpose and effect thereof and specifying the date, time and place of the general meeting called

for the purpose.

### **9.3 By-law Amendment by Mail Ballot**

Despite Section 9.2, the Council may by resolution determine to conduct a mail ballot of all voting members for the purpose of seeking confirmation of any by-law or amendment, in which event the provisions of Section 3.6.6 and Section 3.6.7 shall apply, with the necessary changes.

## **SECTION 10 - RULES AND REGULATIONS**

### **10.1 Rules and Regulations**

Without limiting its responsibilities and powers, Council by resolution may adopt governance and mandate policies and make rules and regulations for:

- 10.1.1 establishing terms of reference for volunteer members to advance the interests of the Institute that are binding upon: volunteer groups; committees; task forces; advisory groups; strategy groups;
- 10.1.2 the identification, recognition and operation of districts or local chapters;
- 10.1.3 practice standards;
- 10.1.4 matters ancillary to responsibilities of the Institute established by law and not contrary thereto;
- 10.1.5 nominations and associated procedures not otherwise specified;
- 10.1.6 student liaison;
- 10.1.7 selection of a public interest representative director of the Institute;
- 10.1.8 the conducting of votes by the members at a meeting, by mail ballot or by telecopier or electronic means;
- 10.1.9 the establishment and execution of an Awards Program;
- 10.1.10 prescribing the content, form and access to the register of members on the advice of the Registrar;
- 10.1.11 prescribing procedures on appeals or Petitions to Council;
- 10.1.12 such further and other matters as the Council may determine appropriate.

### **10.2 Rules and Regulations Subject to Confirmation**

Matters adopted by the Council pursuant to Section 10.1 may include rules and regulations not inconsistent with these by-laws relating to the management and operation of the Institute as Council deems expedient, provided that such rules and regulations shall have force and effect only until the next annual meeting of the members of the Institute when they shall be confirmed and failing such confirmation, shall at and from that time cease to have any force and effect.

## **SECTION 11 - MISCELLANEOUS**

### **11.1 Limitation on Legal Proceedings**

No action or proceeding, either at law or in equity, shall be brought by any member of the Institute against any director or officer or against any member of any committee of the Institute or against any servant or agent of the Institute for or by reason of any act, matter or thing done or omitted to be done in pursuance of the implementation of a duty or this By-law. This section may in any such action or proceeding be pleaded and shall constitute an absolute defense and any and all claims for or by reason of any such act, matter or thing shall be conclusively deemed to have been waived by all members of the Institute.

### **11.2 Protection for Good Faith Actions**

In addition to Section 11.1, no member in any category or other person shall have any cause of action or lawful complaint against the Institute, the Council or any director, any member or officer, committee member, servant or agent of the Institute by reason of anything done or omitted to be done or any other matter or thing conducted with or in respect of any investigation, inquiry, charge, matter, hearing, report or recommendation, or any disciplinary proceedings, order or publication, made or done in good faith under this Bylaw.

### **11.3 Indemnification**

In addition to any statutory protection, the Institute shall indemnify and save harmless any director or officer or committee member of the Institute or their heirs from and against all claims, costs and expenses, including all amounts paid to settle any action or satisfy any judgment, that was reasonably incurred by same in respect of any civil or administrative action or proceeding to which such individual was engaged by reason of being or having been a director or officer or committee member of the Institute, if

11.3.1 the person acted honestly and in good faith with a view to the best interests of the Institute, and

11.3.2 where there is a monetary penalty, the person had reasonable grounds for believing that such conduct was lawful.

### **11.4 Severability**

The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of the remaining provisions of this By-law.

## **SECTION 12 - EFFECTIVE DATE**

### **12.1 Effective Date**

Certified to be By-law No. 1 of the Institute, as enacted by Council on the 4<sup>th</sup> day of September, 2012, and confirmed by the members of the Institute on the 30<sup>th</sup> day of November, 2012.

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President – Mary Lou Tanner

\_\_\_\_\_  
Secretary – Robert Armstrong

# Appendix I: Professional Code of Practice

## 1 Preamble

Members of the Institute must practice in an ethical and responsible manner. The Professional Code of Practice forms the basis of planning practice by members; it is enforceable through the disciplinary provisions of the OPPI By-law. In Ontario, all complaints regarding the conduct of the Members will be addressed by the OPPI Discipline Committee which shall have sole authority over the matter.

Further, the Institute refers members to the Canadian Institute of Planners (CIP) Statement of Values, which follows as a source of inspiration and guidance for professional planners in Canada, and, as well, to the Standards of Practice adopted from time to time by Council of the Institute. These should be read in conjunction with this Professional Code of Practice. In the event of conflict, the Professional Code of Practice shall prevail.

### ***CIP Statement of Values:***

*To respect and integrate the needs of future generations.*

CIP Members recognize that their work has cumulative and long-term implications. When addressing short-term needs, CIP members acknowledge the future needs of people, other species and their environments, and are to avoid committing resources that are irretrievable or irreplaceable.

*To overcome or compensate for jurisdictional limitations.*

CIP Members understand that their work has a potential impact on many jurisdictions and interests. They must therefore practice in a holistic manner, recognizing the need to overcome the limitations of administrative boundaries.

*To value the natural and cultural environment.*

CIP Members believe that both natural and cultural environments must be valued. They assume roles as stewards of these environments, balancing preservation with sustainable development.

*To recognize and react positively to uncertainty.*

CIP Members believe that the long-term future is unpredictable and that adaptable and flexible responses to deal positively with this uncertainty must be developed.

*To respect diversity.*

CIP Members respect and protect diversity in values, cultures, economics, ecosystems, built environments and distinct places.

*To balance the needs of communities and individuals.*

CIP Members seek to balance the interests of communities with the interests of individuals, and recognize that communities include both geographic communities and communities of interest.

*To foster public participation.*

CIP Members believe in meaningful public participation by all individuals and groups and seek to articulate the needs of those whose interests have not been represented.

*To articulate and communicate values.*

CIP Members believe in applying these values explicitly to their work and communicating their importance to clients, employers, colleagues and the public.



## **2 PROFESSIONAL CODE OF PRACTICE**

### **1.0 The Planner's Responsibility to the Public Interest**

Members have a primary responsibility to define and serve the interests of the public. This requires the use of theories and techniques of planning that inform and structure debate, facilitate communication, and foster understanding. Accordingly, a member shall:

- 1.1 practice in a manner that respects the diversity, needs, values and aspirations of the public and encourages discussion on these matters;
- 1.2 provide full, clear and accurate information on planning matters to decision makers and members of the public, while recognizing both the client's right to confidentiality and the importance of timely recommendations;
- 1.3 acknowledge the inter-related nature of planning decisions and their consequences for individuals, the natural and built environment, and the broader public interest; and
- 1.4 identify and promote opportunities for meaningful participation in the planning process to all interested parties.

### **2.0 The Planner's Responsibility to Clients and Employers**

Members must provide diligent, creative, independent, and competent performance of work in pursuit of the client's or employer's interest. Accordingly, a Member shall:

- 2.1 impart independent professional opinion to clients, employers, the public, and tribunals;
- 2.2 work with integrity and professionalism;
- 2.3 not perform work outside of his/her professional competence;
- 2.4 not neglect planning services which he/she has agreed to perform, nor render services without adequate preparation;
- 2.5 acknowledge the values held by the client or employer in work performed, unless such values conflict with other aspects of this Code;
- 2.6 respect the client or employer right to confidentiality of information gathered through a professional relationship;
- 2.7 inform the client or employer in the event of a conflict between the values or actions of the client or employer and those of this Code, in a timely manner;
- 2.8 ensure full disclosure to a client or employer of a possible conflict of interest arising from the member's private or professional activities, in a timely manner;
- 2.9 inform all relevant parties and provide the member's professional recommendation in situations that may adversely affect the public interest;
- 2.10 reject and not offer any financial or other inducements, including prospective employment, that could influence or affect professional opportunities or planning advice;
- 2.11 not as an employee of a public planning agency, give professional planning advice for compensation to a private client or employer within the jurisdiction of the public agency without written consent and disclosure to the agency;

- 2.12 not, as a consultant to a public planning agency during the period of contract with the agency, give professional planning advice for compensation to others within the jurisdiction of the agency without written consent and disclosure to the agency in situations where there is the possibility of a conflict of interest arising;
- 2.13 not, as a salaried employee of or consultant to any public planning agency, directly or indirectly advise the agency on the granting or refusal of an application which the Member has submitted or has an interest in to the agency; however, the member may present the application;
- 2.14 not accept anything of value, or the promise of anything of value, including prospective employment, from any person when it could appear that the offer is made for the purpose of influencing the Member's actions as an advisor to a public planning agency; and
- 2.15 not, in order to obtain professional work, present himself/herself as, or permit himself/herself to be presented as, prepared to provide planning services where the quality of work is less than reasonable and appropriate in the circumstances.

### **3.0 The Planner's Responsibility to the Profession and Other Members**

The vitality and credibility of the planning profession and of the Institute are reflective of the quality of the membership. To further the profession, Members will be expected to attain and maintain a high standard of professional competence and conduct, which extends to their relationship with other members. Accordingly, Members shall:

- 3.1 take all reasonable steps to maintain their professional competence throughout their working lives and shall respect OPPI's continuing professional learning requirements as amended from time to time;
- 3.2 encourage healthy and constructive criticism about theory and practice of planning among colleagues and share the results of experience and research that contributes to the evolving body of planning knowledge;
- 3.3 maintain an appropriate awareness of contemporary planning philosophy, theory, and practice by seeking and receiving professional education throughout a planning career;
- 3.4 contribute to the professional education, mentoring, and development of planning students, Members, and other colleagues;
- 3.5 not in professional practice, extra-professional activities or private life, engage in dishonourable or questionable conduct that may cast doubt on the Member's professional competence or integrity or that may reflect adversely on the integrity of the profession;
- 3.6 ensure that advertising or promotional activities fairly and accurately communicate the expertise and skills offered;
- 3.7 advertise professional planning services in a manner that enhances the credibility of the profession;
- 3.8 accurately represent his or her professional qualifications and affiliations, education and experience, and those of colleagues;
- 3.9 act toward other members and other colleagues in a spirit of fairness and consideration and not falsely or maliciously injure the professional reputation, prospects or practice of another member and other colleagues;
- 3.10 respect the member's colleagues in their professional capacity. and when evaluating the work of another member, show objectivity and fairness and avoid ill-considered or uninformed criticism of the competence, conduct or advice of the member;

- 3.11 not attempt to supplant another member once the Planner has knowledge that definite steps have been taken toward the other's employment;
- 3.12 not sign or seal a final drawing, specification, plan, report or other document not actually prepared or checked by the member;
- 3.13 not directly or indirectly discriminate against any person because of said person's race, national or ethnic origin, colour, religion, sex, age or mental or physical disability in any aspect of job recruitment, hiring, conditions of employment, training, advancement or termination of employment;
- 3.14 report to the Institute the behavior of any member believed to be in breach of this Code;
- 3.15 not make public statements on behalf of the Institute's members unless authorized to do so;
- 3.16 comply with any reasonable request of the Institute for information or for the co-operation of the member in pursuit of any Institute objective; and
- 3.17 implement and give full effect to the disposition of any discipline proceeding affecting the member.

## Appendix II: Disciplinary Proceedings

### 1 Entitlement

- 1.1 Any person may submit a request or complaint in respect of any application or of an alleged breach by a member in any eligible category of membership of the Professional Code of Practice (the “matter”).

### 2 Every matter shall:

- 2.1 be in writing in the form prescribed and contain a concise statement of the facts and evidence relevant to the matter; and
- 2.2 specify the applicable sections of the Professional Code of Practice relied upon by the requestor or complainant; and
- 2.3 identify the name and address of the requestor or complainant or the individual’s solicitor to whom communications shall be sent.

### 3 Commencement

- 3.1 The matter shall be submitted to the Executive Director to the attention of the Discipline Committee who shall refer the matter to the Chair of the Discipline Committee upon payment by the requestor or complainant of such fee as may be established by the Council for the consideration of a matter.

### 4 Discipline Committee Consideration – Stage 1

- 4.1 Except as may be provided for in the Rules of Practice and Procedure of the Discipline Committee respecting mediation, upon receipt of the matter the Chair of the Discipline Committee shall appoint:
- (a) not more than two (2) members of the Discipline Committee, at least one (1) of whom shall be a Full Member, to be a subcommittee (hereinafter the “Subcommittee”) which shall:
- (i) conduct a preliminary inquiry into the nature of the matter and shall provide a recommendation to the Discipline Committee as hereafter provided; and
  - (ii) consider whether mediation of the matter is appropriate or advisable and shall provide a recommendation thereon to the Discipline Committee before or at the time of its recommendation under Section 4.1 (a)(i); and
- (b) a different member of the Discipline Committee to be the Secretary of the panel of the Discipline Committee the Chair convenes in respect of the processing of the matter.
- 4.2 The files of the Subcommittee shall be confidential and not available at any time to the Discipline Committee, the requestor or complainant, the member that is the subject of the matter, the Institute or the public.
- 4.3 The Subcommittee shall, without holding a hearing, interview the requestor or complainant and the member named, if any and shall determine whether the matter should proceed to a hearing. Where the Subcommittee has determined that a matter shall proceed to a hearing, the Discipline Committee shall not be afforded reasons for that decision.
- 4.4 If the Subcommittee determines that a hearing is not warranted, the Subcommittee shall so recommend in writing with reasons to the full Discipline Committee.

- 4.5 If the full Discipline Committee concurs that a hearing is not warranted, the Committee shall give notice to the parties of its intention to dismiss the proceeding and shall set out the reasons for dismissal and inform the parties of their right to make written submissions to the Discipline Committee with respect to the dismissal within the time period specified in the notice.
- 4.6 If the Subcommittee determines that a hearing is warranted or if the Discipline Committee declines a Subcommittee recommendation that a hearing is not warranted, the Secretary of the Discipline Committee panel shall forthwith notify the member of whose conduct is complained that it is the intention of the Discipline Committee to hold a hearing in accordance with the Rules of Practice and Procedure of the Committee into the merits of the matter and the Secretary of the Committee shall notify the Council that a matter has been received but shall not identify the parties involved and shall not divulge the particulars of the matter.
- 4.7 The members of the Subcommittee shall take no further part in the hearing or consideration of the matter.

## **5 Discipline Committee Hearings – Stage 2**

- 5.1 The hearing shall be held not earlier than thirty (30) days and not later than sixty (60) days after the date of the notice of the Secretary of the Discipline Committee panel appointed under Section 4 in respect of the matter.
- 5.2 Notice of the hearing with a copy of the matter shall, at least fifteen (15) days before the date of the hearing, be sent by the Secretary of the Discipline Committee panel to each member of the Discipline Committee panel and the member complained of at that member's address shown on the rolls of the Institute and to the person making the complaint.
- 5.3 The notice of hearing shall include a statement of the time, place and purpose of the hearing, a reference to the By-law of the Institute under which the hearing will be held and a statement that if the party notified does not attend at the hearing, the Discipline Committee panel may proceed in the person's absence and there shall be no entitlement to any further notice of the proceedings.
- 5.4 Where notice has been given to a party to any proceeding before a Discipline Committee panel and the party does not attend at the hearing, the Discipline Committee may proceed in the party's absence and there shall be no entitlement to any further notice of the proceedings.
- 5.5 A hearing may be adjourned at any time.
- 5.6 A hearing of a Discipline Committee panel shall be open to the public unless:
- (a) the person of whose conduct is complained requests otherwise by notice in writing delivered to the Secretary of the Discipline Committee panel before the day fixed for the hearing, and
  - (b) the Discipline Committee panel directs that the public be excluded from part or all of the hearing on being satisfied that:
    - (i) matters involving public health, security or welfare may be disclosed;
    - (ii) financial or personal or other matters may be disclosed at the hearing that are of such a nature that the desirability of avoiding public disclosure of them in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.
    - (iii) a person involved in a civil or criminal proceeding may be prejudiced; or
    - (iv) the safety of a person may be jeopardized.
- 5.7 A Discipline Committee panel may direct that the public be excluded from a hearing when it receives evidence or submission on, or deliberates whether to accept a request under Section 5.6.

- 5.8 The provisions of this Section 5.6 apply with the necessary changes to any rehearing ordered by Council pursuant to Section 8.2 hereof with respect to such matter, application or proceeding.
- 5.9 Any person presiding at a hearing may administer oaths to witnesses, subject to the provisions of the Commissioner for Taking Affidavits Act as amended from time to time, and may require such witnesses to give evidence under oath or make such attestation as may be prescribed respecting expert witness testimony.
- 5.10 A member of the Discipline Committee panel shall not participate in a hearing or any part of an adjudication thereof if the said member has a personal interest or connection with the matter or has otherwise the appearance of bias or was not present during any part of the hearing.
- 5.11 A party to a hearing be represented by counsel or an agent; a party may call and examine witnesses and present arguments and submissions and may conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of the facts.
- 5.12 The oral evidence submitted at a hearing shall be recorded by the Secretary of the Committee or an appointee and such record shall constitute the only official record of the proceedings.
- 5.13 The Discipline Committee panel may make and disseminate procedural directions providing for pre-hearing filings, the exchange of information and the duties of service and disclosure of documents as between the requestor or complainant and the member complained of so as to provide for a reasonable and fair exchange of information. The Secretary of the Discipline Committee panel and all parties shall be provided a copy of any information, interrogatory, response or pleading exchanged pursuant to such directions.
- 5.14 All disciplinary determinations require the vote of a majority of the members of the Discipline Committee panel present at a hearing, but in the event of a tie vote the motion or recommendation shall be considered lost.
- 5.15 The determination of the Discipline Committee panel shall be in writing and signed by a majority of the panel members participating at the hearing and shall be accompanied by reasons in which are set out findings of fact and a copy of the reasons and determination shall be dated and forthwith provided to the Council and to all parties to the hearing by the Secretary of the Discipline Committee panel.
- 5.16 Where a proceeding is commenced by a Discipline Committee panel and the term of office of a member sitting expires prior to the termination of the proceeding but after evidence has been heard, the member shall be deemed to continue as a member of the Discipline Committee and panel for the purpose of the completion of the disposition of the proceeding.
- 5.17 The Council shall provide to the Discipline Committee access to legal counsel on matters pertaining to a hearing.

## **6 Remedies**

- 6.1 Where following a hearing a Discipline Committee panel determines that there has been a breach of the Professional Code of Practice, it may direct one or more of the following:
- (a) the revocation of the member's membership and the removal of the member from the register;
  - (b) the suspension or limitation of the member's rights and privileges in the Institute for a stated period;
  - (c) the reprimand of the member and, if deemed warranted, the recording of the fact of such reprimand in the manner specified;
  - (d) the imposition of such fines as the Discipline Committee panel considers appropriate, to a maximum of twenty five

thousand (\$25,000) dollars to be paid by the member to the general account of the Institute;

- (e) the imposition of a penalty but that such penalty be postponed or suspended for such period and upon such terms as specified.
- (f) the application, requirement or imposition on the member of such extra-curricular, educational or such other corrective measure or measures that in the opinion of the Discipline Committee panel are fair and reasonable having regard to the circumstances.

## **7 Stay of Discipline Committee Decision**

- 7.1 In the event that a Petition is filed as hereinafter provided, the operation of the determination of the Discipline Committee panel shall be stayed until such time as matters have been finally determined.

## **8 Review Request**

- 8.1 Any party to a disciplinary proceeding conducted by the Institute in accordance with its by-laws may file a Review Request with the Registrar within 30 days of the final decision of the Discipline Committee in accordance with OPPI's "Policy Regarding Requests for Review." For greater certainty, no Review Request may be filed with respect to a determination by a Discipline Committee panel not to hold a hearing under Section 4.5 hereof or in respect of any procedural ruling, interim, or interlocutory determination of the Discipline Committee.

## **9 Compliance**

- 9.1 It is the duty of every member of the Institute to comply with any decision of the Discipline Committee or the Council as hereinbefore provided and the membership of any member who fails to comply forthwith may be revoked by resolution of the Council without further proceedings.

## **10 Notices**

- 10.1 All notices and correspondence relating to a disciplinary proceeding shall be sent by registered mail, courier, telecopier or electronic means and shall be deemed to have been received by the recipient forty-eight (48) hours after being sent, or, in the case of telecopier or electronic means provided delivery can be proved by signature or acknowledgement, or facsimile, or electronic transmission receipt or other documented confirmation.

## **11 Consequences of Certain Remedies**

- 11.1 When a member's membership is revoked, all rights and privileges as a member cease, or, when a member's membership is suspended, the member shall possess no rights or privileges as a member during the period of suspension.
- 11.2 Where a member's membership is revoked, the member may apply to be readmitted to membership in accordance with the conditions of membership specified in this By-law. In addition, Council, after due inquiry by a committee thereof, may readmit such person as a member upon such terms and conditions as the Council considers proper.

## **12 Recording and Publication**

- 12.1 Notice of any revocation, suspension, resignation, reprimand, readmission or other change in a member's status in the Institute arising as a result of a disciplinary proceeding shall be kept separately by the Secretary of the Institute in the books of the Institute and the determination or affirmation shall be published by the Institute in its annual report and may be published elsewhere by the Institute, and where a member has been found in breach of the Professional Code of Practice the full name and address of the member may be stated and a summary of the matter, determination and penalty imposed may be stated and the text and substance of any

restriction on membership or of any reprimand may be added, but where a member has been found not to be in breach of the Professional Code of Practice the identity of the member shall not be published, but the substance of the proceedings may be published without identification of the parties for the purpose of publishing advice to the members of the profession.

**13 Fees Related to Discipline Matters**

- 13.1 The Council may annually set fees on requests, complaints or applications for the hearing of a matter before the Discipline Committee and on the filing of Petitions arising there from and may determine to waive or refund any such fees owing or actually paid at any time. The failure to pay such fees may result in the matter or Petition being dismissed by the Discipline Committee or the Council, as the case may be, by resolution and without any notice.