

# THE COLLEGE BYLAWS

*February 5, 2021*



COLLEGE OF  
**APPLIED BIOLOGY**  
Professional Accountability

[www.cab-bc.org](http://www.cab-bc.org)

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## Part 1 – Interpretation

### **Definitions**

“Act” means the *Professional Governance Act*, S.B.C. 2018, c. 47

“Chief Executive Officer” (or “CEO”) means a person serving in a position with the same rights and responsibilities as the office of an executive director established by Council pursuant to section 32(1)(a) of the Act.

“Communication” means the sending or receiving of information in various forms including but not limited to telephones, emails, scans, and facsimiles.

“Continuing Professional Development” means continuing education program as referenced in section 57 of the Act.

“College” means the College of Applied Biology.

“Council” means the Council of the College of Applied Biology established under section 23 of the Act.

“Councillor” means any member, lay or registrant, of the College’s Council elected or appointed under section 26 or 27 of the Act.

“Guidance Document” means a document approved by Council that provides technical direction on certain elements of the practice of applied biology.

“Immediate Past President” means the most recent person to have served previously as President, or if that person is unable or unwilling to serve in the role of Immediate Past President, a registrant who previously served as President authorized by Council to serve in the role.

“Officer” means the Chief Executive Officer, the Registrar, and the Deputy Registrar.

“Policy” means a document approved by Council that provides further context or direction in relation to the Act or other legislation, the Regulations, or the College’s bylaws

“Professional Document” means a report, policy, assessment, plan, work product, or other record containing or comprising a professional opinion prepared, reviewed, amended, or approved a registrant of the College.

“Regulations” means regulations enacted pursuant to section 118 of the Act.

“Removed” means a registrant who is not in good standing and is not authorized to practice applied biology due to non-payment of dues, fees, assessments, or penalties.

“Seal” means the physical or electronic design and words specific to the College or a registrant that denotes their designation and number and is used to certify or authenticate a signature, document, or Communication from either the College or the registrant.

“Signature” means a handwritten or electronic form of signing a record used to identify the signer.

“Standard” means a document approved by Council that provides technical and professional requirements for registrants or potential registrants.

“Suspended” means a registrant who is not authorized to practice applied biology for an indefinite period of time due to non-compliance with the Act, Regulations, or bylaws.

“Student” means a person enrolled in a post-secondary educational program that could lead to becoming a registrant of the College.

## **Part 2 – Council Operations and Procedures**

### **Division 1 – Duties of Council**

#### **Council**

- 2-1** (1) Council must govern the affairs of the College in accordance with the Act, Regulations, and bylaws.
- (2) Pursuant to section 23(2) of the Act, Council must consist of:
- (a) seven registrant Councillors, including the President and Vice President who are elected or appointed pursuant to Part 3, Division 2;
  - (b) four lay Councillors who are not registrants and are appointed pursuant to section 27 of the Act; and
  - (c) the Immediate Past President as a non-voting Councillor.
- (3) The President must be the chair of all meetings of Council. If the President is not present at a Council meeting, the Vice President must act as the chair, and in the absence of the Vice President, the Councillors present must choose one of their number to act as the chair at that meeting.
- (4) Council must elect a Councillor to serve as finance chair who oversees all aspects of College finances.
- (5) Pursuant to section 24(1) of the Act, registrant Councillors must serve three year terms.
- (6) The registrant elected as Vice President serves a three year term on Council as follows: first, a one year term as Vice President as a voting member; second, a one year term as President as a voting member; and third, a one year term as Immediate Past President as a non-voting member.
- (7) Council may approve Policies and Standards, and must publish all Policies and Standards on a publicly available website.

#### **Meetings Procedure**

- 2-2** (1) Council must meet at least four times in each calendar year.
- (2) A Council meeting may be called by the CEO at the request of the President or any three Councillors.
- (3) The CEO must send notice of a Council meeting by a Communication in a form approved by Council at least three days prior to the meeting.
- (a) The notice requirement for a Council meeting may be varied by a 2/3 majority vote of Council.
  - (b) The omission to deliver notice of a Council meeting to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate proceedings of that Council meeting.
- (4) Questions arising at any meeting must be decided by a majority of votes of the Councillors present pursuant to the quorum requirements in section 29(2) of the Act.
- (5) A resolution of Council assented to and adopted in writing, although not passed at a Council meeting, is of the same force and effect as if it had been duly passed at a Council meeting. Such resolution must be recorded in the minutes of the next regular Council meeting, and must be effective as of the date stated on the resolution.

- (6) Council may meet either in person or via teleconference, videoconference, or such other electronic means it deems appropriate to conduct College business
- (7) Council may meet in the absence of the public, or it may exclude any person who is not a Councillor from a meeting or any part of a meeting:
- (a) for the purpose of considering or discussing any matter of a confidential or privileged nature;
  - (b) for the purpose of protecting the privacy of any individual whose personal information is being considered or discussed; or
  - (c) for any other reason that Council considers necessary or appropriate.
- (8) The CEO must ensure that minutes are taken at each Council meeting and made publicly available in a manner approved by Council including but not limited to:
- (a) all appointments of Officers, Committees, and staff made by Council;
  - (b) the names of Councillors present at each meeting of Council and of any Committee of Council; and
  - (c) all resolutions and proceedings of all Council meetings.
- (9) Council may adopt or establish additional rules or procedures consistent with the Act, Regulations, and bylaws for the purpose of regulating the conduct of Council meetings.
- (10) The President and CEO must sign minutes of all Council meetings.

#### **Remuneration**

- 2-3** (1) Councillors must not be remunerated for being, or acting as, a Councillor, but Councillors must be reimbursed for all expenses necessarily and reasonably incurred while engaged in the affairs of the College.

### **Division 2 – Officers**

#### **Chief Executive Officer**

- 2-4** (1) Council must appoint a Chief Executive Officer.
- (2) The powers, duties, and functions of the Chief Executive Officer include:
- (a) managing the overall operations and administration of the College;
  - (b) ensuring that the policies and directions of Council are implemented;
  - (c) advising and informing Council on the operation and affairs of the College; and
  - (d) fulfilling additional duties and responsibilities set out in these bylaws or established through resolution of Council.

#### **Registrar and Deputy Registrar**

- 2-5** (1) Pursuant to section 31(1) of the Act, Council must appoint a Registrar.
- (2) The powers, duties and functions of the Registrar include:
- (a) maintaining the register of the College;
  - (b) ensuring that access is provided to records of the College, as required by law or authorized by Council;

- (c) accepting, on behalf of the College or Council, notices and documents that are required or permitted to be given, served on, filed with, or otherwise provided to the College or Council;
  - (d) keeping the corporate seal, if any, and having it affixed to documents as required,
  - (e) approving forms under these bylaws; and
  - (f) fulfilling additional duties and responsibilities that are set out in these bylaws or established through resolution of Council.
- (3) Council may appoint one or more Deputy Registrars who has or have:
- (a) the same powers and duties as the Registrar; or
  - specific powers and duties assigned by Council.

### **Division 3 – Committees**

#### **Registrant Committee Members**

- 2-6** (1) Only registrants who are in good standing with the College are eligible to become registrant committee members.
- (2) Council may remove registrant committee members if they cease to be members of good standing with the College.
- (3) Council may remove any committee member if:
- (a) the committee member:
    - i. contravenes a term of the oath of office required by section 28 (1) of the Act;
    - ii. contravenes a provision of this Act or the regulations, rules or bylaws;
    - iii. contravenes a provision of another provincial or federal enactment;
    - or
    - iv. becomes bankrupt; and
  - b) after reasonable notice to the committee member, Council, by resolution passed by a vote of at least 2/3 of the other Councillors eligible to vote on the resolution, considers that the circumstance described in paragraph (a) is sufficiently serious to justify the committee member's removal.

#### **Diversity of Committee Members**

- 2-7** (1) Council must make reasonable efforts to ensure that committee members are diverse in accordance with the criteria identified in Policy 3 - 100.

#### **Nominations Committee**

- 2-8** (1) Pursuant to section 26 of the Act, Council must appoint five members, including a chair, to serve on the Nominations Committee.
- (a) The chair of the Nominations Committee must be the Immediate Past President or, if the Immediate Past President is unavailable, a Council lay member.
- (2) Each term will be one year and members may be reappointed.
- (3) Members may not serve for more than two successive years.

- (4) The Nominations Committee must include the following:
  - (a) one RBTech;
  - (b) a minimum of two registrants from a region outside the South Coast; and
  - (c) one lay member not serving on Council.
- (6) The Nominations Committee must be established not less than five months before the annual general meeting is held.
- (7) The powers and duties of the Nominations Committee are set out in Part 3 – Division 1.

### **Credentials Committee**

- 2-9** (1) Pursuant to section 44 of the Act, Council must appoint up to seven members, including a chair, to serve on the Credentials Committee.
- (a) The chair of the Credentials Committee must be selected in accordance with the merit-based principles set out in section 25(1) of the Act and section 5 of the Regulation.
- (2) Each term will be for a maximum of three years and members may be reappointed.
- (3) Members may not serve for more than six consecutive years.
- (4) The Credentials Committee Council must include the following:
  - (a) up to three registrants currently serving as Credentials Assessors;
  - (b) up to three registrants not currently serving as Credentials Assessors and
  - (c) at least one lay member not serving on Council.
- (5) Credentials Committee members must possess the knowledge and skills to develop policies, procedures, and guidelines regarding registration.
  - (a) The knowledge and skill requirements to serve on the Credentials Committee must be available on a publicly available website.
- (6) The powers and duties of the Credentials Committee are set out in Part 5, Division 1.

### **Audit and Practice Review Committee**

- 2-10** (1) Pursuant to section 63 of the Act, Council must appoint up to six members, including a chair, to serve on the Audit and Practice Review Committee.
- (a) The chair of the Audit and Practice Review Committee must be selected in accordance with the merit-principles set out in section 25(1) of the Act and section 5 of the Regulation.
- (2) Each term will be for a maximum of three years and members may be reappointed
- (3) Members may not serve for more than six consecutive years
- (4) The Audit and Practice Review Committee must include the following:
  - (a) two practicing registrants who have been appointed as an auditor or an Audit Assessors;
  - (b) two practicing registrants who have never been appointed as an auditor or an audit assessor;
  - (c) one lay member not serving on Council; and
  - (d) a chair who is a practicing registrant and is experienced as an audit assessor



(5) The powers and duties of the Audit and Practice Review Committee are set out in Part 8, Division 1.

### **Investigation Committee**

**2-11** (1) Pursuant to section 64 of the Act, Council must appoint up to 10 members, including a chair, to serve on the Investigation Committee.

(a) The chair of the Investigation Committee must be selected in accordance with the merit-principles set out in section 25(1) of the Act and section 5 of the Regulation.

(2) Each term will be for a maximum of three years and members may be reappointed.

(3) Members may not serve for more than six consecutive years.

(4) The Investigation Committee must include the following:

(a) a minimum of four registrants; and

(b) at least one lay member not serving on Council.

(5) The powers and duties of the Investigation Committee are set out in Part 9, Division 1.

### **Discipline Committee**

**2-12** (1) Pursuant to section 75 of the Act, upon the issuance of a citation, Council must appoint up to seven members, including a chair, to serve on the Discipline Committee.

(a) The chair of the Discipline Committee must be selected in accordance with the merit-principles set out in section 25(1) of the Act and section 5 of the Regulation.

(b) Council may resolve to maintain the Discipline Committee following the resolution of the citation that gave rise to its constitution for purposes including the resolution of another citation.

(2) Each term will be for a maximum of three years and members may be reappointed

(3) Members may not serve for more than six consecutive years

(4) The Discipline Committee must include the following

(a) a minimum of two registrants; and

(b) at least one lay member not serving on Council.

## **Part 3 – Nominations and Elections**

### **Division 1 – Powers and Duties of the Nominations Committee**

#### **Mandate of the Nominations Committee**

**3-1** (1) The Nominations Committee is responsible for administering the nomination of registrants who are qualified to be nominated for election to Council and for appointment as chairs of Committees in accordance with the process and selection principles referred to in section 25(1) of the Act, the College bylaws, and sections 5 and 6 of the Regulations.

(2) The Nominations Committee must ensure that the nomination process for election to Council and for appointment as chairs of Committees is conducted through a fair, impartial, and transparent process in accordance with the process set out in section 6 of the Regulations

#### **Powers and Duties of the Nominations Committee**

**3-2** (1) The powers and duties of the Nominations Committee include the following:

- (a) conducting an analysis of vacancies based on criteria in Policy 3 - 100;
- (b) making reasonable efforts to contact potential nominees through a variety of mediums, including but not limited to:
  - i. college communications platforms;
  - ii. social media;
  - iii. personal contacts; and
  - iv. community advertising;
- (c) making reasonable efforts to have at least one more nominee than the number required to fill the current or expected vacancies on Council;
- (d) making reasonable efforts to ensure that the nominees for Council are diverse in accordance with the criteria identified in Policy 3 – 100;
- (e) evaluating potential nominees based on the eligibility criteria identified in Policy 3 - 100 including:
  - i. leadership skills;
  - ii. strategic thinking;
  - iii. financial literacy;
  - iv. risk management;
  - v. governance experience;
  - vi. regulatory understanding;
  - vii. human resource management experience; and
  - viii. professional applied biology experience
- (f) advising Council and the Registrar in writing of its nominees no later than eight weeks before the date set for the annual general meeting;
- (g) ensuring that candidate information is available to registrants; and
- (h) publishing a final report no later than three months after the completion of the election of Council.

### **Division 2 – Elections**

## Eligibility for Council

- 3-3** (1) To be eligible to be a candidate for election to Council as a registrant Councillor, a registrant must:
- (c) be a Canadian citizen, or a permanent resident of Canada;
  - (d) be practicing and in good standing with the College;
  - (e) meet any additional requirements set out in Policy 3 – 100;
  - (f) complete the pre-nomination information request set out in Policy 3 – 100; and
  - (g) provide three references to the Nominations Committee, two of whom must be registrants in good standing, that support their candidacy.
- (2) To be eligible to be a candidate for election to the position of Vice President, a registrant must:
- (a) be a Canadian citizen, or a permanent resident of Canada;
  - (b) be practicing and in good standing with the College;
  - (c) have served a term on Council within the previous five years; and
  - (d) meet any additional requirements set out in Policy 3 - 100.
- (3) An incumbent registrant Councillor is not eligible to be elected to a registrant councillor position with a successive term of office that would result in exceeding any applicable term limit under section 24 of the Act.

## Duties of the Registrar

- 3-4** (1) The Registrar must supervise and administer the election for Councillor positions and the conduct of the balloting process for elections by:
- (a) providing notice of an election by preparing a secure and accessible balloting platform and making it available no later than six weeks prior to the annual general meeting to all registrants in good standing;
  - (b) distributing information about candidates to eligible voters in a Communication approved by Council;
  - (c) ensuring that only registrants in good standing are given ballots;
  - (d) ensuring compliance with any rules or procedures governing the election process approved by Council, including making any such rules or procedures publicly available;
  - (e) monitoring the balloting platform throughout the balloting period to ensure its integrity; and
  - (f) counting the ballots.
- (2) As soon as the results of the election are known, the Registrar must inform the chair of the Nominations Committee.

## Ballots

- 3-5** (1) Ballots for an election must indicate:
- (a) which candidates are standing for election to which positions;
  - (b) if any candidates have been acclaimed for any positions; and
  - (c) the date and time specified by the Registrar for the return of ballots.
- (2) The balloting period is the date from which the ballots are distributed by the Registrar and the date and time specified by the Registrar for the return of ballots. The balloting period must be 20 to 30 days long.

(3) Ballots may be in paper or electronic form.

#### **Lay Member**

**3-6** (1) Council may appoint a lay member who may be present, either physically or by electronic means, for the counting of the ballots.

#### **Election Results**

**3-7** (1) The candidate who receives the greatest number of votes for the position they are seeking will be elected.

(a) In the event of a tie, the candidates that are tied will be presented for a run-off vote until one achieves the greatest number of votes.

(2) The elected Vice President automatically advances to the position of President upon the expiration of the previous President's term in that position in accordance with section 2-1.

(3) Should there be any vacancies, the position will be filled as outlined in Part 3, Division 2 of the Act.

(4) The elected candidates must take office immediately following the annual general meeting and hold office in accordance with section 2-1.

#### **Elections to Fill a Vacancy**

**3-8** (1) Mid-term vacancies occurring in the first or second year of a three-year term, or more than one year from the end of any term, must be filled via general election in the following year for the remainder of the vacated term.

(a) The vacancy may be filled via appointment by Council for a term continuing until the next general election.

(2) Mid-term vacancies occurring in the final year of a three-year term, or less than one year from the end of an appointed term pursuant to section 26(4) of the Act, may be filled via appointment by Council for the remainder of the vacated term.

## **Part 4 – General Meetings and Referenda**

### **Voting Eligibility**

**4-1** (1) Only registrants who are in good standing and are entitled to vote pursuant to section 5-13 are eligible to vote.

### **General Meetings**

**4-2** (1) All general meetings will be convened under section 33 of the Act and must be held in British Columbia at a time and place determined by Council.  
(2) If, within 30 minutes from the time appointed for the general meeting, a quorum is not present, the meeting must stand adjourned to the place of, and a time just prior to, the next meeting of the College.

### **Annual General Meeting**

**4-3** (1) The College must fulfill the requirements of section 33 of the Act, including holding an annual general meeting at least once in a calendar year and not more than 15 months after the previous annual general meeting.  
(2) At annual general meetings the following business must be conducted:  
(a) review of the annual report;  
(b) review of audited financial statements; and  
(c) confirmation of election results.

### **Notice of a General Meeting**

**4-4** (1) General meetings may be convened either in person or via teleconference, video-conference, or such other electronic means as deemed appropriate by Council.  
(2) The Registrar must send the notice of each general meeting to the registrants at least 28 days prior to that meeting.  
(3) Notice of the meeting must be sent by email to the email address last provided by the registrant.  
(4) The omission to deliver notice of a general meeting to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate proceedings of that general meeting.  
(5) Notice of a general meeting must include:  
(a) the time and place of the general meeting;  
(b) general business to be discussed; and  
(c) any resolutions proposed by Council or registrants.

### **Proceedings at General Meetings**

**4-5** (1) The President must chair meetings of the College.  
(a) If the President is unable or unwilling to act as chair, or not present within 30 minutes of the time appointed to hold the meeting, the Vice President must act as chair.

- (b) In the absence of the Vice President, the Councillors present must choose one of their number to chair the meeting.
  - (c) If the President, Vice President, and all other Councillors are unable or unwilling to act as chair, or are not present within 30 minutes of the scheduled meeting time, the members must choose one of their numbers to act as chair.
- (2) The chair may, with the consent of any meeting, and must if so desired by the meeting, adjourn the meeting from time to time and from place to place. No business may be transacted at any reconvened meeting other than the business left unfinished at any meeting from which the adjournment took place.
  - (3) When a meeting is adjourned for 30 days or more, notice of the reconvened meeting must be given as in the case of the original meeting. It is not necessary to give notice of the business to be conducted at a reconvened meeting.
  - (4) Meetings of the College must be conducted in accordance with procedures approved by Council.
  - (5) No business, other than the adjournment or termination of the meeting, may be conducted at a meeting of the College at a time when a quorum is not present.
  - (6) If at any time during a meeting of the College there ceases to be a quorum present, business then in progress must be suspended until there is a quorum present or until the meeting is adjourned or terminated.
  - (7) A quorum is 30 registrants present at the meeting.
  - (8) A registrant in good standing present at a meeting of the College is entitled to one vote on any resolution.
  - (9) No voting registrant may be counted as present by proxy, or vote by proxy, at a general meeting.

## Resolutions

- 4-6 (1) All resolutions must be received in writing by the Registrar 31 days prior to their presentation at a meeting.
- (2) Resolutions may be submitted in writing or electronically.
- (3) The mover of the resolution must provide a resolution package consisting of the written text of the resolution along with the names, original signatures, and membership numbers of the mover and seconder. Only resolutions with completed resolution packages may be placed on the agenda of a general meeting.
  - (a) The Registrar may refuse to place a resolution on the agenda if the resolution if its adoption would contravene section 34(4) of the Act.
- (4) At a meeting of the College, the chair has one vote on any resolution. In the event of a tie, the resolution must be declared defeated.
- (5) At any meeting, a resolution put to the vote must be decided by a show of hands (in person or electronically), unless a written ballot is demanded by at least three members before or on the result of the show of hands.
  - (a) Unless a ballot is so demanded, the chair must declare that a resolution has, on a show of hands, been carried or defeated on a simple majority. An entry to that effect made in the minutes for the proceedings of the College is conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

- (6) If a written ballot is required for any matter it must be in a form approved by Council.
- (7) Voting by proxy is not permitted.
- (8) A resolution must not be adopted if the conditions in section 34(4) of the Act apply.

### **Referenda**

- 4-7** (1) Any referendum that is required under section 34 of the Act must be conducted as follows:
  - (a) The Registrar must supervise and administer all referenda by:
    - i. preparing a secure and accessible balloting platform and making it available to eligible voting registrants for a minimum of 28 days;
    - ii. ensuring that only registrants in good standing are given ballots;
    - iii. monitoring the balloting platform throughout the balloting period to ensure its integrity; and
    - iv. counting the ballots.

### **Ballots**

- 4-8** (1) Ballots for a referendum must:
  - (a) be in a form approved by Council, including paper or electronic forms;
  - (b) contain the text of the resolution; and
  - (c) indicate the date and time specified by the Registrar for the return of ballots.
- (2) The date and time specified by the Registrar for the return of ballots must be no later than thirty days from the date they were originally issued.
- (3) The accidental omission to deliver a referendum ballot, or the non-receipt of such a notice by, any person entitled to a ballot does not invalidate the referendum and its results.

### **Referenda Results**

- 4-9** (1) As soon as practicable the results of the referendum are known, the Registrar must inform the CEO and the President.
- (2) Results of the referendum must be communicated to all voting registrants within 7 days of the CEO and President being notified.

## **Part 5 – Registration**

### **Division 1 – Powers and Duties of the Credentials Committee**

- 5-1** (1) The Credentials Committee must:
- (a) oversee the recruitment process for Credentials Assessors and makes recommendations for appointment to the CEO;
  - (b) exercise responsibility over the development of fair, impartial, and transparent standards, guidelines, policies, and procedures for the Credentials Assessors, which the Credentials Committee must make available on a publicly available website; and
  - (c) oversee applications for Reviews on the Record made pursuant to section 5-11.

### **Division 2 – Credentials Assessors**

- 5-2** (1) The CEO must appoint credentials assessors based upon recommendations from the Credentials Committee as per Policy 5 - 100.
- (2) The Credentials Assessors must:
- (a) be practicing registrants; and
  - (b) possess the knowledge and skills to assess applications for registration following the bylaws, standards, policies, and guidelines approved by Council.
- (3) Upon request by the Registrar, a Credentials Assessors must provide an opinion on an application for registration.

### **Division 3 – Registration Process**

#### **Categories of Registration**

- 5-3** (1) A person may apply to be registered in one of the following categories:
- (a) practicing registrant, which includes the following:
    - i. Registered Professional Biologist (“RPBio”);
    - ii. Registered Biology Technologist (“RBTech”);
    - iii. Applied Biology Technician (“ABT”); and
    - iv. Limited License – (“RPBio-L”; or “RBTech-L”);
  - (b) in-training registrant, which includes the following:
    - i. Biologist in Training (“BIT”);
    - ii. Registered Biology Technologist in Training (“Trainee RBTech”);
    - iii. Applied Biology Technician in Training (“Trainee ABT”); or
  - (c) non-practicing registrant, which includes the following:
    - i. retired RPBio, RBTech, or ABT; and
    - ii. on-leave registrants;
  - (d) Student.

#### **Requirements for Registration as a Practicing Registrant**



**5-4** (1) The Registrar may grant an application to be a Registered Professional Biologist, Registered Biology Technologist, or Applied Biology Technician for registration if the applicant has met all the requirements in the Credentialing Standard for the category in which they apply. All Credentialing Standards must be made publicly available and must include requirements for:

- (a) education or training;
- (b) work experience;
- (c) professional practice competencies in the Professional Practice Competencies and Competence Standard;
- (d) referee submissions stating the applicant's appropriate experience for that category; and
- (e) mandatory training.

#### **Requirements for Registration as a Limited License Registrant**

**5-5** (1) The Credentials Committee may grant a Limited License registration application to an applicant for practice as an RPBio-L or RBTech – L. if the applicant:

- (a) submits an application in a manner approved by Council established in the Credentialing Standard;
- (b) meets the academic requirements established in the Credentialing Standard;
- (c) has at least five years' experience in applied biology; two years must be in the area being requested for limited license; and
- (d) completes any mandatory training requirements established by Council.

#### **Application for Registration as a Registrant Firm**

**5-6** (1) Firms may not apply for registration at this time.

#### **Requirements for Registration as an In-training Registrant**

**5-7** (1) The Registrar may grant an application to be a Biologist in Training, Registered Biology Technologist in Training, or Applied Biology Technician in Training if the applicant has met all the requirements in the Credentialing Standards for the category in which they apply which includes:

- (a) education or training;
- (b) completing mandatory training;
- (c) was not previously an in-training registrant for more than six years, subject to the exception for time spent registered as on-leave provided in sections 5-9 and 5-14.

(2) The maximum period that a registrant may be registered as an In-training Registrant is six years.

#### **Requirements for Registration as a Retired Registrant**

**5-8** (1) The Registrar may grant an application to be a retired registrant if the applicant has provided to the Registrar:

- (a) satisfactory evidence that the person was in good standing with the College immediately prior to the date of the application, and;
- (b) a declaration that the registrant is no longer practicing applied biology and does not intend to practice in the future

#### **Requirements for Registration as On-leave**

- 5-9** (1) A registrant may apply to change their status to on-leave for parental leave, educational leave, medical leave, or compassionate leave for a period of up to three years.
- (2) The Registrar may grant an application to be an on-leave registrant if the applicant has provided to the Registrar:
- (a) satisfactory evidence that the person was in good standing with the College immediately prior to the date of the application; and
  - (b) a declaration that the registrant does not intend to practice applied biology while on-leave.

#### **Requirements for Registration as a Student**

- 5-10** (1) The Registrar may grant an application to be registered as a Student if the applicant has met all the requirements in the Credentialing Standard.

#### **Requirements for Reinstatement**

- 5-11** (1) The Registrar may grant an application for reinstatement if the applicant was a past registrant, other than an in-training registrant, and meets the following requirements:
- (a) the applicant, within the previous three years:
    - i. resigned from the College;
    - ii. was listed as Removed in the College Register; or
    - iii. changed their status to retired or on-leave; and
  - (b) the applicant pays the required fees as follows:
    - i. applicants who resigned or were listed as Removed must pay the annual fee for the year for which the applicant seeks reinstatement, plus a reinstatement fee in an amount as set out in Schedule 2; and
    - ii. applicants who changed their status to retired or on-leave must pay a pro-rated annual fee for the year for which the applicant seeks reinstatement
- (2) Applications for reinstatement may not be granted to a previous registrant if they are the subject of an active discipline file, audit, or practice review, or if their status is listed as Suspended in the College register at the time of application
- (3) The Registrar may grant an application for reinstatement if the applicant was a past in-training registrant and:
- (a) has not been an in-training registrant for a period longer than permitted by section 5-7(2);
  - (b) has changed their status to on-leave within the previous three years; and
  - (c) pays the prorated annual dues as set out in Schedule 2.
- (4) Applicants for reinstatement that do not meet the criteria in this provision must re-apply and satisfy any current registration requirements.

## **Division 4 - Review on the Record**

### **Application for Reviews on the Record**

- 5-12** (1) Within 30 days of receipt of a decision on their application for registration, an applicant may request a Review on the Record of the decision by way of written application.
- (2) The application for a Review on the Record must:
- (a) explain why, in the opinion of the applicant, the decision is in error; and
  - (b) state the requested outcome.
- (2) The Credentials Committee conducts Reviews on the Record for applications for all categories of registration except for applications for Limited Licence registration. Council conducts Reviews on the Record for applications for Limited Licence registration.
- (4) The application for a Review on the Record may include requests for:
- (a) additional information not included in the application to be considered by the Credentials Committee or Council; and
  - (b) submissions to be made orally.
- (5) Upon receiving an application for a Review on the Record conforming to the requirements in subsection (2), the Registrar must, within seven days, forward the application to the Credentials Committee or Council.
- (6) On a Review on the Record, the Credentials Committee or Council has the discretion to:
- (a) require oral submissions at the request of the applicant or on its own motion;
  - (b) consider additional information not on the record as requested by the applicant; and
  - (c) request further information from the applicant.
- (7) Following a Review on the Record, the Credentials Committee or Council must:
- (a) confirm the decision; or
  - (b) substitute an alternative decision and provide reasons in writing for their decision to the applicant.

## **Division 5 – Rights and Duties of Registrants**

### **Rights, Obligations, and Duties of Registrants**

- 5-13** (1) Registered Professional Biologists, Registered Biology Technologists, Applied Biology Technicians, Limited Licence registrants, on-leave registrants, and retired registrants in good standing:
- (a) are eligible to vote and to participate on Council and Committees and serve in other capacities as determined by Council.
- (2) BIT, Trainee Registered Biology Technologist, Trainee Applied Biology Technicians, and Temporary permittees in good standing:
- (a) are not eligible to vote and to participate on Council and Committees; and
  - (b) may serve in other capacities as determined by Council.
- (3) Students in good standing may attend Annual General Meetings as non-voting members. Students are not eligible to vote or participate on Council or Committees.

### **Time Limit for In-training Registrants**

**5-14** (1) In-training registrants may retain their status for up to six years, after which time they will cease to be in-training registrants and will be listed as Removed on the register.

(2) The six year time limit does not include time during which the in-training registrant is registered as on-leave.

### **Registrant in Good Standing**

**5-15** (1) A registrant is in good standing with the College if they:

- (a) have paid all fees required in Schedule 2, and any additional fees or penalties associated with audits, practice review, investigations, or discipline within two months of the deadline established by Council;
- (b) have complied with the Continuing Professional Development requirements pursuant to section 7-2; and
- (c) have complied with mandatory training requirements established by Council.

(2) A registrant not in good standing must be listed as Removed on the register by the Registrar.

### **Certificates of Registration and Seal**

**5-16** (1) Registered Professional Biologist, Registered Biology Technologist, and Applied Biology Technician registrants are required to obtain a certificate of registration issued in a form determined by the College.

(2) Registered Professional Biologist and Registered Biology Technologist registrants will be issued a seal, in a form determined by the College, and may affix the seal to professional documents they prepare.

(3) All seals remain the property of the College and must be returned if the registrant resigns, or is Suspended and is no longer listed on the register as a practicing registrant on the register.

### **Resignation**

**5-17** (1) A registrant may resign by submitting a notification to the Registrar in a form approved by Council.

## Part 6 – Use of Professional Seal and Signature

### **Seal of the College**

- 6-1** (1) Council may provide a common seal for the College and may from time to time destroy it and substitute a new seal.
- (2) The seal of the College must be affixed to any instrument as set out in Policy 6 - 100 approved by Council.
- (3) Notwithstanding the provisions of the above, the Registrar may affix the seal to registration certificates, all licenses and any special permits, without the need for a resolution of Council.

### **Professional Seal and Signature**

- 6-2** (1) Only practicing Registered Professional Biologists, Registered Biology Technologists, and Limited Licensee registrants acting in accordance with the terms and conditions of their licenses or permits, may affix their signature and seal to communications and professional documents they prepare as set out in Policy 6 - 200 approved by Council.
- (2) Registered Professional Biologists, Registered Biology Technologists, and Limited Licensee practicing registrants must affix their signature, or signature and seal to communications and professional documents that are prepared under their supervision as set out in the Signing and Sealing Standard approved by Council.
- (3) Where a professional document has not been prepared directly by a Registered Professional Biologist, Registered Biology Technologist, or Limited Licensee, a practicing registrant may sign and seal the document as set out in Policy 6 - 200 approved by Council.
- (4) Notwithstanding any other provision in these bylaws a practicing registrant must be held professionally accountable for any and all communications and professional documents they prepare and deliver in their professional capacity, regardless of format, whether or not it is signed or signed and sealed.
- (5) In the event of resignation, suspension or revocation of a Registered Professional Biologist, Registered Biology Technologist or Limited Licensee practicing registrant:
- (a) the registrant must return the physical seal issued pursuant to the Regulations to the College; and
  - (b) a registrant's digital seal approved or supplied by the College must be revoked forthwith by the College.

## **Part 7 – Standards of Conduct and Competence**

### **Division 1 – Code of Ethics and Competencies**

- 7-1** (1) All registrants must comply with the Code of Ethics and Professional Conduct (Schedule 1), the Professional Practice Competencies and Competence Standard, applicable Guidance Documents, and the Continuing Professional Development Standard.
- (2) All registrants must possess and maintain competence in the following seven categories:
- (a) scientific knowledge and concepts;
  - (b) laws, regulations, and policy;
  - (c) standards and practices;
  - (d) project and/or work product management;
  - (e) records/data management and informatics;
  - (f) professional accountability; and
  - (g) communication.

### **Division 2 – Continuing Professional Development Program**

#### **Continuing Professional Development (CPD)**

- 7-2** (1) The Continuing Professional Development Program is a mandatory requirement for all practicing and in-training registrants, and on-leave registrants pursuant to section 7-3.
- (2) The Registrar must manage and administer the Continuing Professional Development Program by following procedures set out in Program Policy 7 - 100.
- (3) A registrant must comply with the requirements set out in the Continuing Professional Development Standard.
- (4) A registrant must earn 100 qualifying continuing professional development (“CPD”) points over three consecutive CPD years.
- (a) A CPD year is a one year period from January 1 until December 31.
  - (b) Qualifying CPD points are points earned by undertaking a professional development (“PD”) activity satisfying criteria specified in the Continuing Professional Development Standard.
- (5) The purposes of PD activities are to aid registrants in:
- (a) maintaining or enhancing compliance with the Code of Ethics and Professional Conduct (Schedule 1);
  - (b) maintaining or enhancing a professional practice competency and/or or level of competence identified in Professional Practice Competencies and Competence Standard, the Continuing Professional Development Standard and Program Policy 7 – 100;
  - (c) gaining, maintaining, or expanding a skill;
  - (d) gaining, maintaining, or expanding an area of knowledge; and
  - (e) gaining, maintaining, or expanding an area of practice.

(6) Commencing January 1, 2021, all practicing and in-training registrants, on-leave registrants pursuant to section 7-3, and, if required by Policy 7 – 100, a subcategory of registrants, must satisfy applicable CPD requirements and must submit that year’s CPD record to the College by December 31 in the form approved by Council.

### **On-leave Registrants**

**7-3** (1) A registrant does not have to meet Continuing Professional Development Standard requirements during their first year registered as on-leave. After a registrant has been registered as on-leave for one year, they must meet the Continuing Professional Development Standard.

### **Exemptions or Extensions**

**7-4** (1) A registrant may make a request for an exemption or extension to the Continuing Professional Development Program to the Registrar in writing within the timelines as set out by Policy 7 - 200.

(2) The Registrar must render a decision and inform all necessary parties in writing within the timelines as set out by Policy 7 - 200.

### **Non-compliance with CPD Requirements**

**7-5** (1) The Registrar must notify Council if:

- (a) a registrant fails to submit a record of Continuing Professional Development by the December 31 as required by section 7-2(6) or any extended deadline granted by Council under section 7-4; or
  - (b) the Registrar determines that the record of Continuing Professional Development submitted by a registrant under section 7-2(6) indicates that the registrant has not fulfilled the requirements of section 7-2(4).
- (2) Upon receiving a notification from the Registrar under subsection (1), Council must set a deadline for the registrant to comply with the requirements of section 7-4(4). Subject to the discretion of Council, this deadline will be:
- (a) one year from the date of the notification if the non-compliance relates to the period between January 2021 and December 2023; or
  - (b) six months from the date of the notification if the non-compliance relates to any period after December 2023.
- (3) If the registrant does not meet the compliance deadline set by Council under subsection (2), the Registrar may refer a registrant who is the subject of a notification under subsection (1) to a practice review pursuant to section 8-5(1)(b).

## **Part 8 – Audits and Practice Review**

### **Division 1 – Powers and Duties of the Audit and Practice Review Committee**

**8-1** The Audit and Practice Review Committee must:

- (a) oversee the recruitment process for Audit and Practice Review Assessors and makes recommendations for appointment to the CEO as per Policy 8 - 100;
- (b) exercise responsibility over the development of fair, impartial, and transparent standards, guidelines, policies, and procedures for the Audit and Practice Review Assessors;
- (c) make a determination to choose registrants to undergo the audit process as per Policy 8 – 200:
  - i. randomly across all areas of practice; or
  - ii. randomly within a stratified specific area(s) of practice
- (d) supervise the audit process or timelines as set out in Policy 8 – 200;
- (e) supervise the practice review process or timelines as set out in Policy 8 – 300;
- (f) determine the scope of a registrant’s practice review;
- (g) make a determination of an audit or practice review taking into account the recommendation from the audit or practice review assessor and
- (h) make a determination regarding a registrant’s request for an extension or exemption to the audit or practice review process that is greater than 2 weeks or that does not meet exceptional circumstances as set out in Audit and Practice Review Exemption and Extension Request Standard.

### **Division 2 – Audit and Practice Review Process**

#### **Assessor Eligibility**

**8-2** (1) An audit or practice review assessor is a person who undertakes or participates in an audit or a practice review of a College registrant on behalf of the College who is a practicing registrant in good standing with the College, a non-registrant subject matter expert, or a lay person representing the public interest.

- (2) To be eligible to be an audit or practice review assessor, the person must:
- (a) ensure they address any additional requirements set out in Policy 8 - 100;
  - (b) possess the knowledge and skills to assess applications for registration following the bylaws, Standards, and Policies approved by Council; and
  - (c) be responsible for completing the pre-appointment information request set out in Policy 8 - 100.

#### **Appointment of Assessors**

**8-3** (1) The CEO must appoint assessors for the audit process and practice review process based upon recommendations from the Audit and Practice Review Committee as per Policy 8 - 100.



## Audit Process

**8-4** (1) The audit aims to ensure that registered practicing and in-training registrants are:

- (a) in compliance with the following:
  - i. the Act
  - ii. the Regulations;
  - iii. the Bylaws and the Code of Ethics and Professional Conduct (Schedule 1);
  - iv. the College's Standards of Professional Practice Competencies and Competence and any other applicable Policies;
  - v. The Continuing Professional Development Standard;
  - vi. other relevant legal and regulatory requirements; and
  - vii. the requirement to provide annual self-declared information pursuant to section 10-2;
- (b) practicing within their area of expertise, level of knowledge, and associated self-declared level of competence; and
- (c) are knowledgeable of any and all approved government and/or regulatory guidance and Guidance Documents applicable to their practice.

(2) Practicing Registered Professional Biologists, Registered Biology Technologists, Applied Biology Technicians, and all in-training registrants are eligible to undergo the audit process by voluntary submission or random selection as per Policy 8 - 200.

(3) Registrants subject to the audit process must comply with any directions arising from the completion of the audit.

(4) The Registrar will manage the audit process by following procedures set out in Policy 8 – 200 which includes requirements with respect to:

- (a) notifying auditees they have been selected for an audit;
- (b) assigning an Assessor appointed under section 8(3) to conduct the audit;
- (c) ensuring the assigned Assessor and auditee declare any known or potential conflict of interest to the Registrar;
- (d) if an conflict of interest is declared re-assigning a different Assessor to an auditee where no conflict of interest known or perceived is declared
- (e) managing each audit process and timeline

(5) Auditees must adhere to the audit process and timelines as set out in Policy 8 – 200 which includes requirements with respect to:

- (a) complying with requests by the Registrar or Audit Assessor for further information and documentation.

(6) If a registrant fails to comply with the audit process, the Audit and Practice Review Committee may recommend that Council strike the registrant from the register. Council may make a decision based on this recommendation and direct the Registrar accordingly.

(7) Audit Assessors must adhere to the audit process and timelines as set out in Policy 8 - 200 which includes requirements with respect to:

- (a) complying with requests by the Registrar or Auditee for information and or responses to audit process inquiries;

- (b) providing the auditee with feedback in writing regarding their audit;
- (c) providing the APRC and Registrar information regarding the registrants practice review for inclusion in the report section 8-7(1); and
- (d) recommending a determination of an audit to the Audit and Practice Review Committee.

### **Practice Review Process**

- 8-5** (1) A Practice Review can be triggered or initiated by:
- (a) a referral from the Audit and Practice Review Committee, if there is no straightforward or obvious remedial action to address a deficiency was identified during an audit or some other mechanism; or
  - (b) a referral from the Registrar.
- (2) The Practice Review aims to ensure that identified practice deficiencies are further reviewed.
- (3) The scope of the Practice Review is determined by the Audit and Practice Review Committee based upon the identified deficiencies.
- (4) Registrants subject to a practice review must comply with any directions arising from the completion of the practice review.
- (5) The Registrar must manage the practice review process as set out in Policy 8 - 300 which includes:
- (a) notifying the registrant they have been selected for a practice review;
  - (b) assigning Assessors appointed under section 8(3) to conduct the practice review;
  - (c) ensuring Assessors and registrant declare any known or potential conflict of interest;
  - (d) if a conflict of interest is declared, re-assigning a different Assessor; and
  - (e) managing each practice review process and timeline.
- (4) Registrants must adhere to the practice review process and timelines as set out in Policy 8 – 300 which includes requirements with respect to:
- (a) complying requests by the Registrar or Assessors for further information and documentation.
- (5) If a registrant fails to comply with the practice review process, the Audit and Practice Review Committee may recommend that Council strike the registrant from the register. Council may make a decision based on this recommendation and direct the Registrar accordingly.
- (6) Practice Review Assessors must adhere to the practice review and timelines as set out in Policy 8 – 300 which includes requirements with respect to:
- (a) complying requests by the Registrar or registrant for information and or responses to practice review process inquiries;
  - (b) notifying the registrant and Registrar of any changes to the schedule of practice review process; and
  - (c) providing the APRC and Registrar information regarding the registrants practice review for inclusion in the report section 8-7(2).

### **Exemptions or Extensions**

- 8-6** (1) A request for an exemption or extension with respect to the audit process or practice review process must be made by the auditee in writing to Registrar within the timeline set out in Audit and Practice Review Exemption and Extension Request Standard
- (2) The Registrar must render a decision for an extension or an exemption that meets criteria as set out in Audit and Practice Review Exemption and Extension Request Standard and inform all necessary parties in writing within the timeline set out in Audit and Practice Review Exemption and Extension Request Standard.
- (3) The Audit and Practice Review Committee must render a decision for an extension or exemption that meets criteria as set out in 8 - 400 and inform all necessary parties in writing within the timeline set out in Audit and Practice Review Exemption and Extension Request Standard.

### **Reporting**

- 8-7** (1) The Registrar must deliver a written audit report to the auditee within the timeline set out in Policy 8 - 200.
- (2) The Registrar must deliver a written practice review report to the registrant within the timeline set out in Policy 8 - 300.
- (3) The Audit and Practice Review Committee must deliver a written summary report outlining aggregated information, data, results and recommendations of the annual audit and practice review processes to Council and at the annual general meeting.

### **Confidentiality**

- 8-8** (1) Pursuant to section 110 of the Act, individual Audit and Practice Review process results must remain confidential aside from disclosures authorized or required by the Act.

## **Part 9 – Complaints, Investigations, and Discipline**

### **Division 1 - Powers and Duties of the Investigation Committee and Discipline Committee**

#### **Powers and Duties Investigation Committee**

- 9-1** (1) The Investigation Committee must:
- (a) oversee the investigation process pursuant to section 66 of the Act;
  - (b) take extraordinary actions to protect the public as needed pursuant to section 67 of the Act; and
  - (c) appoint inspectors pursuant to section 68 of the Act.

#### **Powers and Duties Discipline Committee**

- 9-2** (1) The Discipline Committee must:
- (a) appoint a discipline panel to oversee a hearing pursuant to section 77 of the Act;
  - (b) prescribe the procedures for a hearing pursuant to this bylaw; and
  - (c) determine if a hearing will be conducted in-person, orally, or written.

### **Division 2 – Complaint Process**

#### **Filing a Complaint**

- 9-3** (1) A person may make a complaint in a form approved by the College where the complainant believes that a registrant of the College:
- (a) has engaged in the registrant's regulated practice in an incompetent manner; or
  - (b) is guilty of professional misconduct, conduct unbecoming a registrant, or a breach of the Act, Regulations, or these bylaws.
- (2) The College may initiate a complaint in its own name, in which case the College becomes the complainant.
- (3) Complaints may be subject to dismissal in accordance with sections 9-5 and 9-6.

#### **Obligations of the Registrar upon Receipt of a Complaint**

- 9-4** (1) Upon receipt of a complaint, the Registrar must review the complaint, and within 10 days, notify the CEO and the Investigation Committee of the complaint, and make one of the following decisions:
- (a) dismiss the complaint pursuant to sections 9-5 and 9-6;
  - (b) refer the complaint to the Audit and Practice Review Committee;
  - (c) refer the complaint to the Investigation Committee; or
  - (d) request further information from the complainant or respondent.
- (2) If the Registrar requests further information pursuant to section 9-4(1)(d), or if the Registrar refers the complaint to the Investigation Committee, the Registrar may:
- (a) forward the complaint in its entirety to the respondent for a response subject to section 9-13(2);
  - (b) forward any response from the respondent to the complainant for comment; and

- (c) prepare a summary report for the Investigation Committee based on submissions from the respondent and complainant.
- (3) Unless otherwise specified, all requests for information by an officer, investigator, or panel must be complied with within 20 days.

### **Complaints May Be Dismissed**

- 9-5** (1) The Registrar or Investigation Committee may dismiss a complaint that is:
- (a) not within the jurisdiction of the College; or
  - (b) frivolous or vexatious, unfounded, or made in bad faith.

### **Dismissal Must be in Writing**

- 9-6** (1) When a complaint is dismissed, the Registrar or Investigation Committee must:
- (a) provide written reasons for the dismissal to the complainant; and
  - (b) provide a summary of the complaint and the rationale for dismissal on a publicly available website on that excludes identities, locations, and timing to the extent that it is needed to protect the identities of the complainant and the respondent.

### **Extraordinary Actions to Protect the Public**

- 9-7** (1) Council, the Discipline Committee, or the Investigation Committee is not required to notify the registrant of a complaint if it is determined that immediate action is needed to protect the public interest.
- (2) If the Registrar or the Investigation Committee determines that immediate action is required, an order must be issued to the registrant that includes:
- (a) limits or conditions on the registrant's practice of; or
  - (b) a suspension of the registrant for a period of time.
- (3) The order must be given in writing to the registrant and complainant (if applicable) and must be effective upon receipt or three days after delivery to the last address recorded in the registry for the registrant.
- (4) If immediate action is determined to no longer be needed by a decision of Council, the order must be cancelled and the registrant notified in writing.
- (5) The superintendent must be promptly notified of the order.

### **Decisions the Investigation Committee must make upon Receipt of a Complaint**

- 9-8** (1) Upon receipt of the summary report from the Registrar regarding a complaint, the Investigation Committee may:
- (a) request further information from respondent, or complainant, or both, as deemed necessary by the Investigation Committee;
  - (b) authorize an investigation pursuant to section 66 of the Act;
  - (c) authorize a Practice Review to be completed following section 63 of the Act;
  - (d) issue a citation pursuant to sections 66(d) of the Act; or
  - (e) dismiss the complaint pursuant to sections 6 and 7 in this Division.
- (2) In addition to the actions above, the Investigation Committee may propose Reprimand or Remedial Action by Consent, a consent order, or an alternative complaint resolution process pursuant to sections 72 to 74 of the Act

### **Investigations**

- 9-9** (1) The investigation must:
- (a) be completed by an inspector or panel appointed by the Investigation Committee; and
  - (b) be initiated in a timely manner once authorized by the Investigation Committee.
- (2) The inspector or panel must:
- (a) notify the respondent that an investigation has been initiated; and
  - (b) summarize the investigation findings in a report to the Investigation Committee.
- (3) The inspector or panel may:
- (a) make requests from the respondent or other parties for documents, files, records, digital media, or other evidence and information;
  - (b) conduct interviews with the respondent or other parties relevant to the investigation; or
  - (c) collect other information or evidence deemed necessary by the inspector or panel.
- (4) All requests for information or interviews must be provided in a written notice describing the date and time the request is to be completed.
- (5) If a respondent does not comply with a request made pursuant to an investigation, the Investigation Committee may recommend that Council strike the registrant from the register. Council may make a decision based on this recommendation and direct the Registrar accordingly.

### **Interviews**

- 9-10** (1) An interview may be conducted:
- (a) remotely, or in-person, and recorded pursuant to Policy 9 - 100; and
  - (b) in the presence of at least one College employee or contractor who can take notes.

### **Complaint Deferral**

- 9-11** (1) The Investigation Committee may defer all or part of a complaint until the outcome of another process if it determines that:
- (a) the other process is capable of appropriately dealing with the substance of the complaint; or
  - (b) it is fair and reasonable given all relevant circumstances to do so.

### **Extensions**

- 9-12** (1) The Registrar, Investigation Committee, or Discipline Committee may grant an extension to a complainant or respondent if it determines that it is fair and reasonable to do so.
- (1) A request for an exemption or extension with respect to the complaint process must be made by the complainant or respondent in writing to Registrar the within the timeline set out in Policy 9 - 200.
- (2) The Registrar must render a decision for an extension or an exemption that meets criteria as set out in Policy 9 - 200 and inform all necessary parties in writing within the timeline set out in Policy 9 - 200.

(3) The Investigation Committee or Discipline Committee must render a decision for an extension or exemption that meets criteria as set out in Policy 9 - 200 and inform all necessary parties in writing within the timeline set out in Policy 9 - 200.

### **Confidentiality**

- 9-13** (1) All investigations are confidential and names must not be disclosed publicly subject to the public disclosure requirements outlined in Part 10.
- (2) The Registrar or investigation Committee may withhold the name of a complainant from the respondent to protect their identity.

### **Citation**

- 9-14** (1) The Investigation Committee may issue a citation if they have reasonable and probable grounds that a registrant of the College has engaged in:
- (a) regulated practice in an incompetent manner; or
  - (b) professional misconduct, conduct unbecoming a registrant, or a breach of this Act, Code of Ethics, or the bylaws.
- (2) A citation issued must include at a minimum:
- (a) the respondent's name and registration number;
  - (b) the allegations which are the matter of the citation;
  - (c) details regarding a Consent order or ACR if applicable; and
  - (d) the signature of the chair of the Investigation Committee or a delegate.
- (3) The Investigation Committee may amend a citation as it deems necessary.
- (4) A citation must be made available on a publicly available website pursuant to Part 10

### **Discipline Hearing**

- 9-15** (1) Upon receiving a citation from the Investigation Committee, the Discipline Committee must:
- (a) establish a discipline panel comprised of an odd number with at least three members of the Discipline Committee including one lay member;
  - (b) issue a notice of hearing pursuant to Part 10.
- (2) The Discipline Committee may amend a notice of hearing as it deems necessary.
- (3) The discipline panel may determine the practice and procedure to be followed at a hearing in accordance with the Act, bylaws, Policies, and the common law rules of procedural fairness subject to the following:
- (a) Respondents and the College are entitled to retain and be represented by their own independent legal counsel.
  - (b) hearings must be conducted publicly unless:
    - i. the complainant, the respondent or a witness requests that the discipline panel hold all or any part of the hearing in private; and
    - ii. the discipline panel presiding over the hearing is satisfied that holding the requested part of the hearing in private would be in the public interest.
  - (c) Respondents and the College are entitled to call evidence and cross-examine witnesses called by the other party, subject to the discipline panel's authority to regulate the conduct of its proceedings.
- (4) The discipline panel may conduct a hearing orally or by way of written submissions.

- (5) Following a hearing, the discipline panel may:
  - (a) dismiss the citation pursuant to section 75(5)(a) of the Act;
  - (b) make a determination about the conduct or competence of the respondent under section 75(5)(b) of the Act; or
  - (c) take one or more actions against the respondent pursuant to section 75(6) or (7) of the Act.
- (6) The discipline panel must give written reasons for their disposition of the complaint.
- (7) Upon conclusion of the hearing, the Registrar must promptly notify the Superintendent of the disposition of the complaint and make the required information publicly available pursuant to Part 10.

### **Reprimand or Remedial Action by Consent**

- 9-16** (1) The Investigation Committee or Discipline Committee may propose a Reprimand or Remedial Action by Consent (“RRAC”) to the respondent at any time during the investigation or disciplinary process.
- (2) The RRAC must:
- (a) describe the actions required;
  - (b) provide a timeline for requirements to be met; and
  - (c) outline penalties or further action if not followed.
- (3) If the respondent agrees to a RRAC, then:
- (a) the Investigation Committee or Discipline Committee must instruct the Registrar to send a written summary of the RRAC to the complainant within 30 days; and
  - (b) the details of a RRAC must be made publicly available pursuant to Part 10.
- (4) If an RRAC is not agreed to, the discipline process will continue and any information disclosed during the RRAC process will be without prejudice to the respondent.
- (5) If a RRAC is breached, then the discipline process regarding the underlying complaint will continue, and the breach of the RRAC may be added to the ongoing discipline process or be grounds for a new complaint.

### **Consent Order**

- 9-17** (1) Pursuant to section 73 of the Act, The Investigation Committee or Discipline Committee may propose a consent order to the respondent before the commencement of a discipline hearing.
- (2) A consent order must include the respondents name and registration number and, pursuant to section 73(3) of the Act:
- (a) the terms set out in the proposal made by the investigation committee or discipline committee under subsection (1),
  - (b) one or more admissions by the person who is the subject of the investigation in relation to one or more of the matters to be dealt with at the discipline hearing, and
  - (c) one or more of the actions taken or penalties imposed in section 75 (3) to (7)
- (7) If a consent order is not agreed to within a reasonable amount of time as determined by the Committee, the discipline process will continue and any information disclosed during the consent order process will be without prejudice to the respondent.



- (4) If a consent order is made, it must be made available on the College's website within 30 days pursuant to Part 10.
- (5) A consent order has the same effect as a determination after a disciplinary hearing.
- (6) If a consent order is breached, then the discipline process regarding the underlying complaint will continue, and the breach of the consent order may be added to the ongoing discipline process or be grounds for a new complaint.

#### **Alternative Complaint Resolution**

- 9-18** (1) The Investigation Committee or Discipline Committee may propose an alternative complaint resolution ("ACR") at any time during the investigation or disciplinary process.
- (2) The proposal for alternative complaint resolution must:
- (a) be provided in writing;
  - (b) state the date, time, location, and manner in which the process will take place; and
  - (c) describe the matters to be dealt with during the alternative complaint resolution process
- (3) Pursuant to section 74(4) of the Act, if the Registrar and the Investigation Committee or the Discipline Committee, as applicable, determine that an agreement in respect of a matter referred to in subsection (1) cannot be reached within a reasonable period of time:
- (a) an investigation under section 66 of the Act in respect of the matter must proceed; and
  - (b) the Discipline Committee conducting a hearing under section 75 of the Act must not consider the information disclosed during the alternative complaint resolution process in determining the matters or in taking an action or imposing a penalty in respect of the matters.
- (4) An accepted ACR must be confirmed in writing by way of a consent order.

#### **Applicable Complaint Process**

- 9-19** (1) All complaints will be subject to the process outlined in this Part and the Act unless a citation was issued prior to February 5, 2021, in which case the complaint will be subject to the process outlined in the *College of Applied Biology Act* and the former College of Applied Biology Rules.

## Part 10 – Public Disclosures

### **Administration of *Freedom of Information and Protection of Privacy Act***

- 10-1** (1) The CEO is the “head” of College for the purposes of the section 77 of the *Freedom of Information and Protection of Privacy Act*.
- (2) The CEO may authorize the Registrar another officer, employee, contractor, or agent of the College to exercise any power or perform any duty of the CEO under the *Freedom of Information and Protection of Privacy Act*.
- (3) Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a College record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the applicable fees set out in the “Schedule of Maximum Fees” established in the *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg. 155/2012.

### **Online Register and Business Contact Information**

- 10-2** (1) In addition to the information required to be disclosed pursuant to section 31(3) of the Act, the register must include the following information in the register maintained on a publicly available website for every person granted registration under Act:
- (a) the registration number issued to the person by College;
  - (b) the date on which the person was first granted registration with the College;
  - (c) the person’s region of residence;
  - (d) the person’s employer, if applicable;
  - (e) the person’s declared practice area or areas; and
  - (f) the person’s category of registration under Part 5 section 3.
- (2) A registrant must deliver to the Registrar, on request:
- (a) the information required to be maintained in the register under subsection (1)(c) or (e); and
  - (b) the registrant’s current business or employment contact information, including any current business or employment address, telephone number, and e-mail address.
- (3) A registrant must immediately notify the Registrar of any change of name, or any change in information described in subsection (2), and the Registrar must update any applicable information recorded in the register to reflect that change.
- (4) Unless otherwise provided in the Act, the Regulations, or the bylaws, information disclosed pursuant to section 31(3) of the Act and subsection (1) must be maintained on a publicly available website for at least ten years after the year in which the person ceases to be a registrant of the College.
- (5) The Registrar must make any business or employment contact information provided by a current or former registrant under subsection (2)(b) or (3) available on a publicly available website unless the Registrar reasonably believes that the publication could threaten the safety of a current or former registrant or another individual.
- (6) All information provided under this section is subject to random audits under Part 8.

## **Disclosure of Complaints and Investigations**

**10-3** (1) This section applies to information and records that form part of:

- (a) the review or investigation of a complaint under section 65 of the Act or a report or other concern investigated under Part 9; or
- (b) the review of a registrant or applicant's indictable offence conviction under Part 11.

(2) The Registrar may do any of the following in respect of information or a record to which this section applies:

- (a) disclose the information or record to any person or body or to the public with the consent of:
  - (i) the respondent; or
  - (ii) the registrant or applicant who was convicted of an indictable offence;
- (b) disclose the information or record to:
  - (i) another regulatory body under the Act; or
  - (ii) any other body, in British Columbia, another province or a foreign jurisdiction, that regulates the practice of professional applied biology or another profession or occupation in British Columbia or that other province or foreign jurisdiction;
- (c) if the complaint, report, concern or conviction has become known to the public, disclose to any person or the public:
  - (i) the existence of College's review or investigation;
  - (ii) a brief, summary description of the nature of the complaint, report, concern or conviction;
  - (iii) the status of College's review or investigation, including, if it is closed, the general basis on which it was closed; and
  - (iv) any additional information necessary to correct material inaccuracies in information that has become known to the public.

(3) Without limiting section 109(1)(b)(ii) of the Act, if the Investigation Committee or Council, as the case may be, believes reasonably that information or a record to which this section applies might be evidence of an offence under the laws of any jurisdiction, the Investigation Committee or Council may direct the Registrar to disclose the information or record to an appropriate law enforcement agency.

(4) The Registrar's disclosure of information or a record in accordance with a direction of the Investigation Committee or Council under subsection (3) is authorized as being in the public interest.

## **Disclosure of Extraordinary Actions**

**10-4** (1) If an order is made against a respondent under section 67(1) of the Act, the Registrar must publish a notice of extraordinary action on a publicly available website within 30 days, which must include:

- (a) the name and category of registration of the respondent;
- (b) the date of the order and the nature of the conduct at issue; and
- (d) a copy of the order made pursuant to section 67.

(2) Council may exercise discretion in publishing the respondent's name or other identifiable personal information in situations analogous to exemptions created by Regulations made pursuant to section 82 of the Act.

#### **Disclosure of Reprimand or Remedial Action by Consent or Alternative Complaint Resolution**

**10-5** (1) Subject to subsection (2), if a respondent agrees to give a consent or undertaking pursuant to section 72(1) of the Act or reaches an agreement under the Alternative Complaint Resolution process pursuant to section 74 of the Act, the Registrar must publish a notice of the respondent's agreement on College's website, which must include:

- (a) the name and category of registration of the respondent;
- (b) the date of the agreement and the nature of the conduct at issue; and
- (c) a summary of the consent or undertakings given by the respondent in the RRAC, or terms of the agreement reached in the ACR.

(2) Council may direct the Registrar to withhold the respondent's name or other identifiable personal information from a notice under published under subsection (1) if:

- (a) the respondent's agreement does not impose any limitations or conditions on the respondent's practice of applied biology; and
- (b) the Investigation Committee recommends that it is in the public interest to withhold public disclosure of the respondent's name or other identifiable personal information.

(3) Council must record all instances of exercising its discretion under subsection (2).

#### **Disclosure of Consent Orders**

**10-6** (1) If a consent order is made against a respondent under section 73 of the Act, the Registrar must publish a notice of the consent order pursuant to section 82 of the Act on a publicly available website within 30 days, which must include:

- (a) the name and category of registration of the respondent;
- (b) the date of the consent order and the nature of the conduct at issue; and
- (c) a copy of the consent order signed by the College and the respondent.

(2) Council may exercise discretion in publication as permitted by any Regulations made pursuant to the section 82 of the Act.

(3) Council must record all instances of exercising its discretion under subsection (2).

#### **Disclosure of Citations and Notices of Hearing**

**10-7** (1) If a citation is issued under section 66(1)(d) or 72(3) of the Act, the Registrar must publish a notice of the citation pursuant to section 82 on a publicly available website at least 30 days in advance of the discipline hearing, which must include:

- (a) the name and category of registration of the respondent;
- (b) the date the citation was issued; and
- (c) a summary of the allegations and nature of the alleged conduct that will be the subject of the hearing.

(2) Council may exercise discretion in publication as permitted by any Regulations made pursuant to the section 82 of the Act.

- (3) Council must record all instances of exercising its discretion under subsection (2).
- (4) If a citation is amended under section 9-15(3), the Registrar must update the notice of the citation published under subsection (1) if necessary to reflect the amendment.
- (5) If a citation is rescinded under section 66(1)(e) of the Act, the Registrar must update the notice of the citation published under subsection (1) to reflect the rescission.
- (6) When a notice of hearing is issued under section 9-15(1)(b), the Registrar must update the notice of the citation published under subsection (1) to specify the date and time and, if applicable, the place for the hearing of the citation.
- (7) If a notice of hearing is amended under section 9-15(2) the Registrar must update the notice of the citation published under subsection (1) to reflect the amendment.
- (8) If the hearing of a citation, or any portion of the hearing, is adjourned to a new date, the Registrar must update the notice of the citation published under subsection (1) to reflect the adjournment.
- (9) When the hearing of a citation is concluded, the Registrar must update the notice of the citation published under subsection (1) to specify that the hearing has concluded.
- (10) Subject to subsections (4) to (9), a notice of a citation published under subsection (1) must be maintained on a publicly available website until the hearing panel issues its decision on the citation or the citation is rescinded or otherwise resolved.

#### **Disclosure of Discipline Decisions**

- 10-8** (1) If a hearing panel makes a decision after a hearing under section 75 of the Act, the Registrar must publish a notice of the decision on a publicly available website within 30 days.
- (2) Subject to subsection (4), the notice of a decision published under subsection (1) must include:
- (a) the name and category of registration of the respondent;
  - (b) the date of the decision;
  - (c) a summary of the outcome of the decision, including:
    - (i) a description of the conduct that is the subject of any determination made against the respondent under section 75(5)(b) of the Act; and
    - (ii) a summary of any actions taken against the respondent under section 75(6) or (7) of the Act, and
  - (d) a summary of the reasons for the decision under section 75(4)(b) of the Act.
- (3) If directed by the hearing panel, the notice of a decision published under subsection (1) must include the decision and the written reasons for the decision in their entirety.
- (4) Council may exercise discretion in publication as permitted by any Regulations made pursuant to the section 82 of the Act.
- (5) Council must record all instances of exercising its discretion under subsection (4).

(6) If the hearing panel dismisses a citation, the Registrar must withhold the respondent's name or other identifiable information from the notice of that decision published under subsection (1), unless:

- (a) the respondent consents to publication of that information; or
- (b) the hearing panel otherwise directs.

(7) This section applies to a decision or order made by the Discipline Committee under section 76 of the Act.

### **Disclosure of Decisions Regarding Registrants Convicted of an Indictable Offence**

**10-9** (1) If Council decides to take action under Part 11 of these bylaws against a registrant who has been convicted of an indictable offence, the Registrar must publish a notice of the decision on a publicly available website within 30 days, which must include:

- (a) the name and category of registration of the registrant;
- (b) the date of the decision;
- (c) a summary of the decision, including any action taken under Part 11; and
- (d) a summary of any reasons given by Council for the decision.

(2) If directed by Council, the notice published under subsection (1) must include the decision and any written reasons given by Council for the decision in their entirety.

### **Privacy of Complainant or Other Person**

**10-10** (1) Despite any other provision of these bylaws:

- (a) Council, the Investigation Committee, or the Discipline Committee, as the case may be, may direct the Registrar to withhold all or part of the information otherwise required to be included in any notice required to be published on a publicly available website if Council, the Investigation Committee, or the Discipline Committee determine that the public interest in public notice of the information is outweighed by the privacy interests of the complainant or another person, other than the respondent or registrant, affected by the matter; and
- (b) the Registrar must withhold information from a notice published under this Bylaw 13, and any related information otherwise required to be included in the register under section 31(3) of the Act, if required by:
  - (i) a direction under paragraph (a), or
  - (ii) an order of the discipline panel under section 9-15(6).

(2) A complainant or other person may deliver to the Registrar a request, in writing, for a direction under subsection (1)(a), which may be accompanied by evidence in support of the request.

(3) The Registrar must refer a request under subsection (2) to Council, the Investigation Committee or the Discipline Committee, as the case may be, for determination before publishing a notice on the website containing information that the complainant or other person has requested to be withheld.

(4) Council may exercise discretion in publication as permitted by any Regulations made pursuant to the section 82 of the Act.

### **Health Condition of Respondent or Registrant**

- 10-11** (1) Despite any other provision of these bylaws:
- (a) Council, the Investigation Committee or the Discipline Committee, as the case may be, may direct the Registrar to withhold all or part of the information otherwise required to be included in any notice required to be published on a publicly available website if:
    - (i) the information relates to a physical or mental disability or health condition of the respondent or registrant, including addictions ; and
    - (ii) Council, the Investigation Committee or the discipline committee determine that the public interest in public notice of the information is outweighed by the privacy interests of the respondent or registrant; and
  - (b) the Registrar must withhold information from a notice published under this Part, and any related information otherwise required to be included in the register under section 31(3) of the Act, if required by a direction under paragraph (a).
- (2) A respondent or registrant may deliver to the Registrar a request, in writing, for a direction under subsection (1)(a), which may be accompanied by evidence in support of the request.
- (3) The Registrar must refer a request under subsection (2) to Council, the Investigation Committee or the Discipline Committee, as the case may be, for determination before publishing a notice on the website containing information described in subsection (1)(a)(i) that the respondent or registrant has requested to be withheld.
- (4) Council may exercise discretion in publication as permitted by any Regulations made pursuant to the section 82 of the Act.

### **Maintenance of Public Notices**

- 10-12** (1) A notice published under sections 10-4(1), 10-5(1), 10-6(1), 10-8(1) or 10-9(1) must be maintained on a publicly available website.
- (2) The Registrar must update a notice described in subsection (1) if:
- (a) any limitations or conditions imposed on a respondent or registrant's practice that are referenced in the notice expire or are terminated, or there is material change to those limitations or conditions;
  - (b) any period of suspension of the respondent or registrant's registration that is referenced in the notice expires or is terminated; or
  - (c) otherwise required by Policy 10 - 100.

### **Information to Be Withheld**

- 10-13** (1) Despite any provision of these bylaws and section 82(2) of the Act, the Registrar must not make information publicly available if the Registrar determines that the public interest in the information being made publicly available is outweighed by the privacy interests of a complainant or a third party, or a registrant in the circumstances outlined in section 1.8(b) of the Regulations.

- (a) The Registrar must note the withholding of information based on this determination in the Register.
- (2) Council may exercise discretion in publication permitted by any Regulations made pursuant to the section 82 of the Act.

### **Recent Historical Registrants**

- 10-14** (1) In this section, “recent historical registrant” means an individual who:
- (a) was a registrant of the College under the former Act before the transition date; and
  - (b) ceased to be a member of College on or after February 5, 2014 and before the transition date.
- (2) Subject to subsection (4), the Registrar must, for every recent historical registrant, maintain the information described in section 1.6 of the Regulations on a publicly available website and, if available, the additional information described in section 10-2(1).
- (3) Unless otherwise provided in the Act, the Regulations, or the bylaws, information made publicly available under subsection (2) must be maintained for at least ten years after the year in which the recent historical registrant ceases to be a registrant of the College.
- (4) The Registrar may withhold publication of a recent historical registrant’s information described in subsection (2)(c) or (d) if the Registrar reasonably believes that disclosure of that information could threaten the safety of the recent historical member or another individual.



## **Part 11 – Indictable Offences**

### **Registrants Convicted of Indictable Offences**

- 11-1** (1) Pursuant to section 66 (2) (a) (i) of the Act, Council may
- (a) summarily suspend or cancel the registration of a registrant who has been convicted of an indictable offence; or
  - (b) impose conditions or limitations on the continued registration of a registrant described in paragraph (a) in lieu of suspending or cancelling the registrant's registration.

### **Applicants Convicted of Indictable Offences**

- 11-2** (1) Pursuant to section 66 (2) (a) (ii) of the Act, Council may summarily reject the application of an applicant for enrolment, admission or reinstatement who has been convicted of an indictable offence.

## Part 12 – Finances

### **Division 1 – Dues, Fees, Assessments, and Penalties**

#### **Group I and Group II**

- 12-1** (1) Dues, fees, assessments, and penalties must be listed in two groups, Group I and Group II.
- (a) Group I comprises of annual registration dues for all registrant categories.
  - (b) Group II comprises of fees, assessments and penalties other than annual registration fees, including application, examination, registration, and mailing fees; levies; and charges.
- (2) Group I and Group II dues, fees, assessments, and penalties applicable for a given fiscal year must be set out in Schedule 2.
- (3) Group I Annual registration fees are due and payable in full on December 31 of the year preceding the year to which the dues are to be applied or be set out in Schedule 2.
- (4) For persons applying to become a practicing registrant, an in-training registrant, or a Student, application fees and Mandatory Training Course and examination fees are payable at the time of application.
- (5) Upon becoming a practicing registrant, an in-training registrant, or a Student the annual registration fee is due as set out in Schedule 2.
- (6) Group I annual registration fees for new and reinstating members, with the exception of fees charged to Students, must be pro-rated as follows:
- (a) for applications made between January 1 to December 31 inclusive, fees must be pro-rated by month with a reduction of 8% per month calculated at the beginning of each month;
  - (b) for applications made to change status, or upgrade to registered status the fees paid and the fees owing will be prorated 8 percent per month, calculated at the beginning of each month.
- (7) Council may assess one or more penalties for overdue fees, assessments or penalties.
- (8) No registrations may be renewed until any and all outstanding fees, assessments, and/or penalties, including, without limitation, those assessed in the course of disciplinary proceedings, have been paid in full.
- (9) No registration may be renewed until all information required for inclusion in the register by section 10-2 has been verified by the registrant to be true and accurate to the best of their knowledge.

#### **Failure to Pay**

- 12-2** (1) Pursuant to section 31(4) of the Act, the Registrar must cancel the registration of an individual who fails to pay their Group I and Group II fees at the time and in the manner set out by the Regulations, these bylaws, resolutions of Council, and policies published by Council from time to time.

#### **Mandatory Training and Examination Fees**

**12-3** (1) Fees to undertake any mandatory training and to write any single examination or group of examinations are payable to the College at the time of application acceptance.

(a) In the event that an applicant does not complete the mandatory training and/or write an examination or group of examinations as scheduled, the training and/or examination fee must be forfeited unless the applicant can show extenuating circumstances satisfactory to Council.

(2) Fees to undertake any mandatory training and to write any single examination or group of examinations for registrants, in-training registrants, and non-practicing registrants are payable at a time as set out in Schedule 2.

(a) In the event that a registrant, an in-training registrant, or non-practicing registrant does not complete the mandatory training and write an examination or group of examinations as scheduled, the training and/or examination fee must be forfeited unless the applicant can show extenuating circumstances satisfactory to Council

### **Reinstatement**

**12-4** (1) Registrants who have retired, resigned, or have been listed as Removed and who are eligible to reinstate their status as a registrant under Part 5 section 11 must pay a reinstatement fee as set out in Schedule 2 plus any other fees, assessments and/or penalties remaining outstanding at the time application is made.

## **Division 2 – College Finances**

### **Fiscal Year**

**12-5** (1) The fiscal year of the College is the calendar year.

### **Records, Accounts and Statements**

**12-6** (1) Council must keep true accounts of the sums of money received and expended by the College and of the manner in which such receipts and expenditures were made, and of the assets and liabilities of the College.

(2) The records of account must be kept at the College office or at such other place as Council sees fit and must be available at reasonable hours for inspection by Council.

(3) Council may determine at which times, places, and under what conditions the accounts and books of the College must be open to inspection by members of the College other than Council.

(4) Financial records of the College must be audited by a chartered accountant, certified management account, certified general accountant, or a firm of chartered accountants, certified management accountants, or certified general accountants appointed by resolution of Council.

### **Removal of Auditor**

**12-7** (1) The auditor may be removed by resolution of Council. The auditor must be informed forthwith in writing of appointment or removal.

#### **Audited Statements**

**12-8** (1) Annual audited financial statements must be presented to all voting members at the annual general meeting, and a summary distributed to members as soon as practicable.

#### **Borrowing and Financial Management Authority**

**12-9** (1) In order to carry out the purposes of the College, Council may, on behalf of and in the name of the College, acquire, hold, charge and dispose of real and personal property, and may do all things necessary to raise or secure the payment or repayment of money in such a manner as they decide and in particular, but without limiting the generality of the foregoing, by the issue of debentures.

(2) No debenture may be issued without the sanction of a resolution by Council.

(3) Council must manage and conduct the business and affairs of the College, appoint staff and decide their remuneration, and exercise the powers of the College in the name of and on behalf of the College.

(4) Council may retain such portion of the funds of the College as it may from time to time deem to be required for current purposes on deposit in a chartered financial institution in Canada.

(5) Council may from time to time invest the funds of the College not deemed by Council to be required for current purposes under subsection (4), in investments and securities approved by Council.

## Schedule 1: Code of Ethics and Professional Conduct

### Code of Ethics Preamble

- 1 (1) Integrity, competence, accountability, and adherence to all applicable laws and regulations are the cornerstones of this Code of Ethics. College registrants are required to conduct themselves in a manner consistent with these precepts as outlined in principles enumerated in section 2, and to uphold the principles of stewardship of aquatic and terrestrial ecosystems and biological resources.

### Code of Ethics Principles


- 2 In dealings with the public, employers/clients and other registrants of the profession, registrants of the College of Applied Biology must:
  - (1) Provide objective, science-based, unfettered, forthright and intellectually honest opinion, advice and reports in applied biology. To meet this principle, registrants must:
    - (a) formulate and present opinions, conclusions and recommendations from an impartial and factual science base;
    - (b) ensure that facts and opinions used to support advice, conclusions or recommendations are accurate and are represented accurately;
    - (c) identify relevant underlying data, assumptions, methodologies, considerations, implications, and the sources for any information or background data/information in all reporting;
    - (d) identify limitations of data, concepts, conclusions, understanding, and recommendations in all reporting;
    - (e) distinguish between facts, assumptions and opinions when providing professional opinions;
    - (f) refuse to enter into agreements where compensation is contingent upon the conclusions or recommendations meeting the client's desired conclusions or recommendations;
    - (g) refuse to enter into agreements where the terms of employment restrict the registrant from applying due diligence and/or intellectual honesty;
    - (h) refuse to change their professional opinion or recommendation where the change is not supported by science, while remaining open to constructive professional dialogue;
    - (i) disclose the professional relationship (employment/contract/volunteer) when the registrant acts or presents on behalf of a client or employer or other entity; and
    - (j) recognize that all work, whether or not signed and/or sealed must meet this principle.
  - (2) Undertake assignments and offer opinions only in areas in where training and ability make the registrant professionally competent. To meet this principle registrants must:
    - (a) ensure that they practice only in areas in which they have competency;
      - i. competence can be achieved through education, study, experience and training;

- ii. competence can be demonstrated by the ability to complete a task to the same standard as trained professionals in similar situations;
  - (b) maintain competence in their field of practice and keep abreast of advances in practice and the relevant science;
  - (c) ensure that, where a registrant takes responsibility for the work of another, the work meets the appropriate standard;
  - (d) ensure that, where a registrant is the coordinating professional or project supervisor, all other
  - (e) team registrants are competent and qualified to perform their required duties;
  - (f) ensure that, where there are other team registrants contributing to an assignment, including recommendations, reports, statements or opinions that each is identified; and
  - (g) retain or advise of the necessity to retain the services of others, where additional expertise is required.
- (3) Ensure they meet a professional standard of care by practicing applied biology with attention, caution, prudence, and due diligence. To meet this principle registrants must:
- (a) identify and meet the professional standard of care that will avoid reasonably foreseeable undesirable outcomes;
  - (b) undertake their work in a manner that demonstrates due diligence;
    - i. to ensure due diligence, registrants must make certain that at a minimum:
    - ii. the level of effort expended is appropriate to the task as defined by the activities undertaken and the potential risks;
    - iii. experts have been consulted or retained where necessary;
    - iv. background information is collected and incorporated;
    - v. data have been collected to ensure proper assessment of risks and outcomes;
    - vi. the use of any new or unusual methods are justified, reference and explained;
    - vii. conclusions, uncertainties and recommendations are stated in a clear, understandable manner;
    - viii. implications of recommendations and alternatives are identified in a clear, understandable manner;
    - ix. all applicable legal requirements are met, with regard for the common law and any applicable enactments, federal enactments, or enactments of another province, as well as any applicable standards, policies, plans and practices established by the government or the regulatory body;
    - x. work is done in accordance with any guidance developed to standardize professional documentation in the profession; and
    - xi. appropriate documents, files, and filing systems are maintained;
  - (c) exercise sound judgment, document uncertainties and provide a clear rationale for all decisions;

- (d) provide advice that is carefully and conscientiously developed;
  - (e) ensure that the employer/client is aware of potentially adverse consequences if the registrant's professional recommendations are not followed; and
  - (f) recognize that all work, whether or not signed and/or sealed, must meet the professional standard of care.
- (4) Provide a professional standard of service to clients and employers by conducting business practices fairly, avoiding conflict of interest and respecting client/employer confidentiality. To meet this principle registrants must:
- (a) recognize that the requirement to provide a professional standard of service applies whether the registrant provides services in the private or public sector, as a contracting professional, volunteer, sole proprietor or an associate in a corporation, or working at the staff or management level;
  - (b) exercise fairness in business practices by following practices that are just and reasonable, open and honest, fair and respectful, and undertaken properly;
  - (c) consider employer/client materials confidential
    - i. a registrant must not use the proprietary/confidential information for personal gain or the advantage of other parties;
  - (d) recognize the expectation of confidentiality does not hold where
    - i. the employer/client actions are unlawful, in which case the registrant is obliged to report the activity to the appropriate authority; or
    - ii. the registrant has been otherwise directed by the employer/client or legal authority;
    - iii. where the registrant is required by law to disclose confidential information, the registrant must so advise the employer/client, unless directed otherwise by the legal authority;
  - (e) avoid situations and circumstances where there is a conflict of interest;
    - i. there is a real or perceived conflict of interest where a registrant's interests conflict or appear to conflict with the registrant's professional responsibilities;
    - ii. in determining whether a conflict exists or appears to exist, registrants should consider whether a reasonably well-informed individual in possession of the facts would believe a conflict exists;
    - iii. registrants must take measures necessary to ensure a conflicting interest does not bias decisions or recommendations that the registrant may be called upon to make; in extreme situations this might require the registrant to withdraw from a project.
  - (f) ensure conflicts of interests, real or perceived, are properly disclosed to employer/clients and others who may be affected by the conflict
  - (g) ensure that accurate information in respect of qualifications and experience are provided to employer/clients
- (5) Hold paramount the safety, health and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace. To meet this principle registrants must:
- (a) give consideration to the potential effects of their work on public health and safety and the environment;

- (b) identify and communicate the level of risk and appropriate measures for prevention or mitigation; and
  - (c) take immediate corrective action where a threat to health and safety or to the environment is identified.
- (6) Uphold professional obligations to the College while in the workplace. To meet this principle registrants must:
- (a) ensure professional obligations override all other work related obligations; and
  - (b) refuse requests and pressures to compromise professional obligations to the College.
- (7) Maintain a standard of personal and professional conduct that does not reflect adversely on the College or its registrants. To meet this principle registrants must:
- (a) behave in a manner that recognizes a registrant's conduct, both in private and professional life, shapes the perception the public and others have of the individual and, by association, the College and other registrants of the College; and
  - (b) be mindful that they are accountable to the College for both personal and professional conduct.
- (8) Avoid injuring the reputation of others through malice or negligence. To meet this principle registrants must:
- (a) display due regard, fairness and courtesy to all individuals with whom they interact;
  - (b) exercise due care to avoid unintentionally damaging a person's reputation when making a comment on a person's ability or work, and not knowingly or intentionally damage a person's reputation by making misleading or malicious statements about another person's conduct or work;
  - (c) respect that registrants of legally established professions have been assessed by their peers as being capable of practicing in a competent manner and, as such, are due the respect and deference normally accorded a professional; and
  - (d) comment with restraint and demonstrate full consideration of the facts when expressing opinions that differ from those of other professionals.
- (9) Recognize the duty to address poor conduct and/or practice of another professional under the *Professional Governance Act* in order to protect the public interest, the profession, and the reputation of the College as a regulator. To meet this principle the registrant must:
- (a) address the conduct or practice issue while respecting the rights and reputation of the other registrant;
  - (b) where one College registrant believes another professional registrant has engaged in poor practice and/or conduct, i.e. has contravened the *Professional Governance Act* and/or Bylaws, the registrant making the allegations should, where possible, approach the other registrant privately to seek clarification of the actions before making any public statements or notifying the College. In undertaking this approach the registrant must:
    - i. make every effort to maintain respectful regard; and
    - ii. not maliciously or negligently injure the reputation of the other registrant;



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- (c) where it is not possible for a College registrant to raise a matter of poor practice or conduct directly with the other professional, or where discussions between professionals have not resolved the situation satisfactorily, and where the registrant is of the opinion that the matter merits the attention of the regulating body, the registrant must report the allegations by filing a complaint with the appropriate regulating body in accordance with the Act and Bylaws.
  - (d) Notwithstanding the above, where a registrant has reasonable and probable grounds that the practice of another registrant or other person might pose a risk of significant harm to the environment or to the health and safety of the public or a group of people, the registrant must promptly report this to the appropriate regulating body and not first approach the other registrant

**Schedule 2: Fees and Charges**

**Group I**

**Annual Dues**

|                               |           |
|-------------------------------|-----------|
| RPBio (active)                | \$ 400.00 |
| RPBio (Ret)                   | \$ 45.00  |
| RBTech (active)               | \$ 275.00 |
| RBTech (Ret)                  | \$ 30.00  |
| ABT                           | \$ 125.00 |
| BIT                           | \$ 125.00 |
| Trainee (RBTech)              | \$ 85.00  |
| Trainee (ABT)                 | \$ 60.00  |
| Temporary Withdrawal (RPBio)  | \$ 100.00 |
| Temporary Withdrawal (RBTech) | \$ 70.00  |
| Temporary Withdrawal (BIT)    | \$ 100.00 |
| Student                       | \$ 15.00  |

**Group II**

**Application Fees**

|                      |           |
|----------------------|-----------|
| RPBio                | \$ 250.00 |
| RBTech               | \$ 250.00 |
| ABT                  | \$ 150.00 |
| BIT/Trainee (RBTech) | \$ 125.00 |
| Trainee(ABT)         | \$ 75.00  |
| Student              | \$ 20.00  |

**Late Fees**

|                                  |                      |
|----------------------------------|----------------------|
| RPBio(active)/RBTech(active)/ABT | 10% of category dues |
| RPBio(Ret)/RBTech(Ret)           | 10% of category dues |
| BIT/Trainee(RBTech)/Trainee(ABT) | 10% of category dues |
| Student                          | 10% of category dues |

**Re-instatement Fees**

|                      |           |
|----------------------|-----------|
| RPBio                | \$ 250.00 |
| RBTech               | \$ 250.00 |
| Student              | \$ 150.00 |
| BIT/Trainee (RBTech) | \$ 125.00 |
| Trainee(ABT)         | \$ 75.00  |
| Student              | \$ 20.00  |

**Upgrade Fees**

|                            |           |
|----------------------------|-----------|
| BIT to RPBio               | \$ 125.00 |
| Trainee (RBTech) to RBTech | \$ 125.00 |
| Trainee (ABT) to ABT       | \$ 75.00  |



COLLEGE OF  
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