



# CASLPM

THE COLLEGE OF AUDIOLOGISTS AND  
SPEECH-LANGUAGE PATHOLOGISTS  
OF MANITOBA

## **The College of Audiologists and Speech – Language Pathologists of Manitoba**

### **By – Laws**

### ***Regulated Health Professions Act, Section 222***

**Approved by MSHA Board of Directors  
16<sup>th</sup> MAY 2013**



## NOTE TO READERS

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## PREAMBLE

**The By – Laws of the College of Audiologists and Speech-Language Pathologists of Manitoba are made under Section 222 of the Regulated Health Professions Act.**

- I. **By – Laws** – The By – Laws govern the internal affairs of the College including the governance, administration, and management of the College; the rights, privileges of college members, as well as other matters.
- II. **The Code of Ethics** – The Code of Ethics establishes the ethical standards of the College and sets out guidelines for the maintenance of proper standards of professional conduct by registrants.
- III. **Council Authority** – The Council may make By – Laws governing its procedure in conducting the business of the Council. In all matters not specifically set out in the Act or in the Regulations or By – Laws, the Council may make directives and order and take all actions within its competence, upon motion duly moved, seconded and approved by a majority of the Council members with all motions recorded in the Minutes of the College.
- IV. **Interpretation** – When interpreting these By – Laws, words and expressions have the same meaning as in the Regulated Health Professions Act (the Act).
- V. **Headings** – The division of these By – Laws into sections and paragraphs and the insertion of headings and index are for convenience and reference only and shall not affect the interpretation hereof.
- VI. **Validity of Action** – The actions of any officer, notwithstanding that it may afterwards be discovered that there was some cause for disqualification or some defect in the election or appointment of any officer, shall be valid as if all had been regularly elected or appointed and were qualified to act.

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## DEFINITIONS

In these By – Laws and in any rules made by the Council, unless the context otherwise requires:

“**ACT**” means the Regulated Health Professions Act.

“**Audiologist**” means a person registered on the college register authorized to use the title audiologist;

“**appointed committee member**” means a member of the College who is not a member of the Council of the College and who is appointed to a statutory committee and includes a member appointed to fill a vacancy;

“**by teleconference**” means by any electronic manner that allows all persons participating to communicate with each other simultaneously and instantaneously;

“**committee**” means a committee of the College and includes statutory, standing, and ad hoc committees;

“**committee member**” means a member of a committee of the College;

“**councillor**” or “**council member**” means a member of the Council of the College and includes public and elected council members;

“**College**” means the College of Audiologists and Speech-Language Pathologists of Manitoba;

“**Minister**” means the member of the Legislative Assembly charged by the Lieutenant Governor in Council with the administration of the Act;

“**professional advocacy association**” means an organized group of individuals who promote and advocate for the interests of the professions but does not include a school whose sole purpose is to educate;

“**register**” means the register of Speech-Language Pathologists and Audiologists maintained by the College;

“**registered**” means entered in the register;

“**registered Audiologist**” means a person registered as an Audiologist by the College;

“**registered Speech-Language Pathologist**” means a person registered as a Speech-Language Pathologist by the College;

“**registrant**” means an individual currently registered with the College as an audiologist or speech – language pathologist, whichever the case may be, and entered on the appropriate College Register.

“**registrar**” means the registrar of the College;

“**registration**” means registration as a Speech-Language Pathologist or an Audiologist by the College;

“**Speech-Language Pathologist**” means a person registered on the College register authorized to use the title speech-language pathologist;

## **GOVERNANCE**

### **Article 1.0 BY - LAWS**

- 1.1 By – Laws of the College may be enacted, amended, or revoked by a vote of at least two-thirds of the councillors present at a Council meeting.
- 1.2 Notice of a motion to enact, amend, or revoke a By – Law shall be given to Council at least (7) seven days prior to the meeting referred to in Article 1.1.
- 1.3 Every By – Law shall be signed by the Registrar and one of the President or Vice President and sealed.
- 1.4 Every By – Law, including any amendment or revocation of a By – Law, shall be maintained as a compilation of the College’s By – Laws by the registrar.
- 1.5 A By – Law, other than a By – Law previously confirmed or verified at a special or general meeting of the college by a majority of the registrants of the college entitled to vote who are present and voting at the meeting, or a by – law setting fees, is effective only until the next special or general meeting of the college, and ceases to have effect immediately after the meeting, unless it is confirmed or verified by a majority of the registrants of the College entitled to vote who are present and voting at the meeting.
- 1.6 Once a By – Law is confirmed or verified at a general meeting by the registrants, it remains in effect until amended or revoked by Council.

### **Article 2.0 HEAD OFFICE**

- 2.1 The head office of the College shall be located in Manitoba in the City of Winnipeg.

### **Article 3.0 SEAL**

- 3.1 The College shall have a seal, which is inscribed “College of Audiologists and Speech-Language Pathologists of Manitoba.” The seal is to be kept at the head office of the College. Any document to which the seal is affixed is to be signed by the Chair or the Registrar or another person duly authorized to do so by the Council.

### **Article 4.0 COUNCIL**

#### **COMPOSITION OF COUNCIL**

- 4.1 There shall be nine members of the Council:
  - a. Four elected Speech-Language Pathologists
  - b. Two elected Audiologists
  - c. Three public representatives.
- 4.2 The elected members of Council shall be elected in accordance with Article 7.

4.3 Public representatives shall be appointed to Council by the Minister.

#### **Term of Office – Elected Members of Council**

4.4 The term of office, unless otherwise provided in this By – Law, shall commence immediately following the election or acclamation date.

4.5 Each elected member of Council shall be elected to serve a three-year term with a maximum of three consecutive terms.

#### **Term of Office – Public Representatives**

4.6 Each public representative shall serve a term of office prescribed by the Minister.

### **Article 5.0 OFFICERS**

5.1 The officers of the College shall be the President, the Vice President, and an Executive Committee Member, who shall form the Executive Committee and the Registrar as well as such other officers as the Council shall determine from time to time.

#### **Election and removal of President, Vice President, and Executive Committee Member**

5.2 At the First Council meeting each year, the Council shall elect, by secret ballot from among councillors eligible for election, a President and a Vice President and an Executive Committee Member in accordance with this by - law.

5.3 The terms of office of the President and Vice President and Executive Committee Member, shall each be for approximately one (1) year and no person shall be elected to the same position for more than three (3) consecutive terms. Officers shall hold office until their successors are elected. If an election is delayed, the officers shall continue in office until their successors are elected.

5.4 An officer may be removed from office by a vote of two-thirds (2/3) of the members present at a Council meeting and such removal shall take effect immediately upon the passing of such resolution or the time specified in such resolution.

5.5 If the President is removed or the office becomes vacant, the Vice President shall become President for the unexpired term of office. If the Vice President is removed or the office becomes vacant, the Council shall elect a Vice President from among Council members to hold office for the unexpired term of office.

5.6 Any officer of the Council may resign at any time by submitting written notice of such intent to the Council or Committee, which resignation shall be effective on the date specified in the resignation if such date is specified or if no such date is specified, on the date a successor is elected or appointed as applicable.

### **GENERAL REQUIREMENTS**

5.7 The Registrar shall oversee and administer the election process for President, Vice President and Executive Committee Member positions.



- 5.8 Unless the Council agrees in advance to some other process, the election of the President, Vice President, and Executive Committee Member positions must be held during a Council meeting where the majority of members are attending and a quorum has been achieved.

### **SEPARATE, SEQUENTIAL ELECTIONS**

- 5.9 There shall be three separate elections for positions President, Vice President and Executive Committee Member with the election for the President completing before the process to elect the Vice President begins and with the election for the Vice- President completing before the process to elect the Executive Committee Member begins. In this way, someone who is not successful in being elected as the President may run in the election for the Vice President or Executive Committee Member position.

### **NOMINATION OF EXECUTIVE COMMITTEE**

- 5.10 Any member of the Council may stand for election to any position, and may nominate themselves or be nominated by at least one other Council member in a manner or form as may be approved by the Council.
- 5.11 Nominations must be received by the Registrar (orally or in writing) by a date and time to be set by the Council (the "nomination deadline").
- 5.12 Before closing nominations for any position, the Registrar must advise the Council of the names of the members who have been nominated and ask the Council members in attendance if there are any additional nominations.

### **ELECTION BY ACCLAMATION**

- 5.13 If, after the nomination deadline, only one Council member has been nominated to a position, that member is deemed to be elected by acclamation to that position.
- 5.14 The Registrar will advise the Council if a position has been filled by acclamation.

### **CONTESTED ELECTION**

- 5.15 If, by the nomination deadline, two or more Council members have been nominated for a position, there will be an election by secret ballot to resolve the contested position.
- 5.16 If they so choose, a candidate may explain to the rest of the Council before the election takes place why he or she should be elected to the contested position.
- 5.17 Every member of the Council is entitled to vote in an election, whether or not that member is also seeking to be elected to a position.
- 5.18 The Registrar will create a ballot and will distribute one ballot to each member attending the Council meeting.
- 5.19 As referred to in Article 13.0, a Council member who is attending via teleconference or any other electronic means may participate in the meeting, including all aspects of elections, and may vote.
- 5.20 The Registrar will collect the completed election ballots and tally the results to determine which Council member had been elected to the contested position.

- 5.21 When more than two members of Council are nominated for the same position, the nominee who receives the lowest number of votes on each ballot shall be dropped from the subsequent ballot. This procedure shall be followed until one nominee receives a majority of the votes cast.

### **TIES**

- 5.22 If there are only two candidates for a position and the result is a tie vote, the Registrar will flip a coin to determine the winner of that election.
- 5.23 If there are three or more candidates for a position and the result is a tie vote for the two top candidates, there will be a second secret ballot, but the candidate with the fewest number of votes will be dropped from that second ballot.

### **RESULTS**

- 5.24 The Registrar will advise the Council of the results of an election, and then ask the Council to pass a resolution to approve the destruction of the ballots.
- 5.25 The results of the election must be set out in the minutes of that Council meeting.

### **DUTIES OF THE PRESIDENT AND VICE PRESIDENT**

- 5.26 The President shall:
- a. If present, preside as chair at all meetings of the Council unless the President designates an alternative chair for all or any portion of the meeting;
  - b. Be the chair of the Executive Committee;
  - c. Perform all duties and responsibilities pertaining to his or her office and such other duties and responsibilities as may be decided by Council; and
  - d. Unless otherwise provided by by – law or determined by Council, be an ex officio member of all standing and ad hoc committees of the College with the right to vote.
- 5.27 If the President is removed or the office becomes vacant, the Vice – President shall become President for the unexpired term of office. If the Vice – President is removed or the office becomes vacant, the Council shall elect a Vice – President from among Council members to hold office for the unexpired term of office.

## **Article 6.0 BUSINESS OF THE COLLEGE**

### **REGISTRAR**

- 6.1 The Registrar shall be appointed by the Council.
- 6.2 The terms of employment of the Registrar shall be set out in a written employment contract approved by the Executive Committee and shall be consistent with the College personnel policy in effect at the time such contract is approved.
- 6.3 No candidate for the position of Registrar shall be offered a contract of employment until that candidate has been approved by the Council.
- 6.4 The Executive Committee shall not exercise the authority of the Council under Article 6.1

- 6.5 The Registrar shall perform those duties and responsibilities set out in the Act, the Regulations and the By – Laws of the College.
- 6.6 The Registrar has overall responsibility for conducting the affairs of the College and demonstrating leadership and guidance of its activities including:
- a. Providing leadership and direction
  - b. Promoting the goals and objectives of the College
  - c. Providing leadership and day-to-day direction respecting programs and services
  - d. Preparing written and oral communication to Council
  - e. Ensuring legislative requirements, programs commitments, and College policies are respected
  - f. Ensuring effective allocation of resources
  - g. Overseeing program and administrative budgets
  - h. Supervising and providing functional direction to staff respecting administrative requirements of programs
  - i. Keeping the Register up to date and accurate in accordance with the RHPA and the By – Laws.

### **ACTING REGISTRAR**

- 6.7 If a vacancy occurs in the office of the Registrar, the Executive Committee or the Council shall appoint an acting Registrar.
- 6.8 During extended absences, the Registrar shall appoint, in writing, a person approved by the Executive Committee as the Acting Registrar.
- 6.9 Where the Executive Committee appoints or approves an Acting Registrar, that appointment shall be valid only until the next meeting of Council unless ratified by Council.
- 6.10 A person appointed as Acting Registrar under Article 6.7 or 6.8 shall have all the authority, duties, and responsibilities of the Registrar, including those contained in the RHPA, the Act, the Regulations and By – Laws of the College.

### **EXECUTION OF DOCUMENTS OR INSTRUMENTS**

- 6.11 Unless otherwise provided in the Act, Regulations or By – Laws of the College, documents or instruments requiring the signature of the College shall be signed by the President or the Vice President together with the Registrar. All documents or instruments so signed shall be binding upon the College without further authorization or formality.
- 6.12 Notwithstanding the above paragraph, Council is authorized, at any time and from time to time by resolution, to direct the manner in which, and to appoint any officer, person or persons by whom, any particular signed documents or instruments on behalf of the College may or shall be signed. Council members shall not sign or seal a document affecting the College unless authorized by the Council.
- 6.13 The seal of the College shall, when required, be affixed to documents, and signed on behalf of the College.
- 6.14 Certificates of Registration and Certificates of Practice shall be signed by the President and the Registrar.

## **NOTICE**

- 6.15 Any notice or other document to be given by the College to any registrant of the College or member of the Council or any committee, or the auditor of the College, shall be delivered, mailed or sent by electronic transmission addressed to such registrant of the College or member of the Council or any committee or auditor at his or her address as the same appears in the register or other books of the College, or if no address is given therein, then to the last address of such registrant of the College or member of the Council or any committee or auditor known to the Registrar.

## **BANKING AND FINANCE**

- 6.16 Deposit accounts of the College shall be maintained at a bank chartered under the Bank Act, a trust company insured under the Canada Deposit Insurance Corporation, or the Province of Manitoba Savings Bank, and shall be operated in such manner and by such persons as the Council may from time to time direct.
- 6.17 All cheques or payments issued on behalf of the College in excess of \$50,000 must be approved by the Executive Committee and signed by both the President and Registrar. Splitting orders to avoid this limit is not acceptable.
- 6.18 All cheques or payments issued on behalf of the College in excess of \$10,000.00 and less than \$50,000 must be signed by either the President or Vice President and Registrar.
- 6.19 All cheques or payments issued on behalf of the College not in excess of \$10,000 shall be signed by the Registrar, and one other member of staff or President or Vice President with the exception of the person to whom the cheque is made payable.
- 6.20 The Registrar may not make any single purchase:
- a. Wherein normally prudent protection has not been given against conflict of interest;
  - b. Of over \$10,000 without having obtained comparative prices and information on quality and durability.
- 6.21 The Registrar may endorse any negotiable instrument for deposit to the account of the College at the bank.
- 6.22 The Registrar may, from time to time and with the approval of Council:
- a. Borrow money upon the credit of the College;
  - b. Limit or increase the amount or amounts to be borrowed;
  - c. Issue, sell or pledge, for such sums and such prices as may be deemed expedient, securities of the College;
  - d. Charge, mortgage, hypothecate, or pledge all or any of the real or personal property of the College currently owned or subsequently acquired, and to secure generally any other obligation or liability of the College.
- 6.23 From time to time, Council may authorize any member of Council or officer or employee of the College or any other person, to make arrangements with reference to the monies borrowed or to be borrowed and as to the terms and conditions of the loans and the securities to be given, with power to vary or modify such arrangements, terms and conditions and to give additional securities for monies borrowed or remaining due by the College as the Council may authorize and generally to manage, transact and settle the borrowing of money by the College.

- 6.24 Without limiting the generality of the foregoing, the Registrar or such other officer or officers or person or persons as may, from time to time, be authorized by resolution of Council, may invest or reinvest funds of the College not immediately required in:
- a. Bonds, debentures or other evidences of indebtedness guaranteed by the Government of Canada, or the Government of another province of Canada which, at the time of such investment, was rated by the Dominion Bond Rating Service as one of the three best-rated provinces of Canada;
  - b. Deposit receipts, deposit notes, certificates of deposit, acceptance and other similar instruments issued or endorsed by a bank chartered under the Bank Act or a trust company insured under the Canada Deposit Insurance Corporation.
- 6.25 All shares and securities owned by the College shall be lodged, in the name of the College, with a chartered bank or a trust company, or in a safety deposit box, or in such manner as may be determined by a resolution of the Council. The shares and securities may be removed only by any two of the President, Vice President, and Registrar.

### **FINANCIAL YEAR AND AUDIT**

- 6.26 The financial year of the College shall end on December 31<sup>st</sup> in each year.
- 6.27 The Council shall appoint an accountant or a firm of accountants to audit the books and prepare a financial statement for each fiscal year.

### **PROPERTY AND ASSET PROTECTION**

- 6.28 The real and personal property of the College shall be insured against loss or damage. The Registrar shall ensure that the College's assets are protected, adequately maintained, and not unnecessarily risked in accordance with the Governance Policies. Accordingly, he or she must insure against theft and casualty losses to at least eighty (80) percent of replacement value and against liability losses to Council members, staff, or the organization itself in an amount which is equivalent to the average for comparable organizations.

### **INDEMNIFICATION**

- 6.29 Every member of the Council or any committee and every officer or employee of the College, who in respect of the execution or intended execution of his or her duties as a member of the Council or any committee or as an officer or employee of the College, or who has undertaken or is about to undertake any liability on behalf of the College, and his or her respective heirs, executors and administrators, and estates and effects shall, from time to time, be indemnified and save harmless out of the funds of the College from and against all costs, charges and expenses whatsoever that such member of the Council or any committee, officer or employee reasonably incurs in any action or proceeding that is brought, commenced or prosecuted against him or her in connection with the execution or intended execution of the duties of his or her office or employment or in respect of any such liabilities, save and except such costs, charges or expenses as are occasioned by his or her own wilful neglect or default.

### **GRANTS**

- 6.30 The Council may set aside in the budget each year such funds as are deemed appropriate for the advancement of scientific knowledge or the education of persons wishing to practice the professions, to maintain or improve the standards of practice of the professions or to provide

public information about, and encourage interest in, the past and present role of the professions in society.

## **COLLEGE MEMBERSHIPS**

- 6.31 The College may be a member of a provincial and/or national organization of regulatory bodies or other organizations with similar legislated mandates, functions, or interests.

## **Article 7.0 ELECTIONS**

- 7.1 The following electoral districts are established for the election of registrants to the Council:
- a. District 1: An Urban Area within the Winnipeg Perimeter
  - b. District 2: A Rural Area outside the Winnipeg Perimeter
- 7.2 Two Audiologists and four speech-language pathologists shall be elected to Council
- 7.3 One audiologist and three speech-language pathologists shall be elected from District 1.
- 7.4 One audiologist and one speech-language pathologist shall be elected from District 2.
- 7.5 Council members from all Districts will be elected in the first election on the same date in 2014.
- 7.6 One audiologist and two speech-language pathologists elected from District 1 in the first election shall serve a three – year (3) term. The next election for these Council members from District 1 will be held in 2017 and every three (3) years thereafter.
- 7.7 One speech-language pathologist elected in the first election in District 1 shall serve a two year term. The next election for this member from District 1 will be held in 2016 and every three (3) years thereafter. After the second election, this member of Council elected from District 1 shall serve a three – year (3) term.
- 7.8 Council members elected from District 2 in the first election shall serve a two – year (2) term. The next election for Council members from District 2 will be held in 2016 and every three (3) years thereafter. After the second election, members of Council elected from District 2 shall serve a three – year (3) term.

## **ELIGIBILITY**

- 7.9 A registrant is eligible for election to Council if:
- a. The registrant is a regulated registrant of the College, with the exception of restricted purpose registrant;
  - b. on the deadline for receipt of nominations, the registrant is a registrant in good standing and his or her registration is not subject to a term, condition or limitation other than one applicable to all registrants of the category;
  - c. on the deadline for receipt of nominations, the registrant is not in default of the payment of any fee prescribed by the Regulations or required by the By - Laws;
  - d. on the deadline for receipt of nominations, the registrant is not the subject of any disciplinary or incapacity proceeding;
  - e. the registrant's certificate of registration has not been revoked or suspended in the six years preceding the date of the election for any reason other than non-payment of fees;

- f. the registrant has not been the subject of any professional misconduct, incompetence or incapacity finding in the three years preceding the date of the election;
- g. the registrant has not been removed from Council under Article 7.43 in the three years preceding the date of the election;
- h. on the deadline for receipt of nomination, the registrant resides in the electoral district in which he or she has been nominated and has been nominated in accordance with this by - law;
- i. the registrant has resigned, before being nominated for election, any position such as director, owner, board member, officer or employee that the registrant holds with a professional advocacy association relating to the professions of audiology or speech-language pathology.

- 7.10 An employee of the College shall not be eligible for election to Council unless he or she provides an irrevocable written notice of termination of employment which must be received by the Registrar and be effective on or before the deadline for receipt of nominations.
- 7.11 A candidate may withdraw from an election by giving notice in writing to the Registrar. If the notice in writing is received at least forty (40) days prior to the date of the election, the name of the person shall not be placed on the ballot. In all other cases, the Registrar shall make reasonable efforts to notify the registrants eligible to vote that the candidate has withdrawn from the election.
- 7.12 A dispute as to whether a registrant is eligible for election or to vote in an election will be determined by the Registrar.

## **ELECTIONS PROCESS**

- 7.13 The Registrar shall supervise the nominating process and elections.
- 7.14 At least ninety (90) days before the date of an election or by-election, the Registrar shall notify in writing each registrant who is then eligible to vote of the date of the election, the nomination procedure, and the deadline for returning nominations to the College.
- 7.14 A regulated registrant, with exception of a restricted purpose registrant, is eligible to vote in the electoral district in which he or she resides.
- 7.15 The Registrar shall make available a nomination form to each registrant who is eligible to vote.
- 7.16 The nomination of a candidate for election shall be in writing, be received by the Registrar at least forty (40) days before the date of the election and shall include the written consent of the registrant wishing to stand for election and the signature of three eligible nominators.
- 7.17 Each nominator shall be a registrant who is eligible to vote in that District election on the date of nomination and on the date on which the nominations close. Each nominator shall be a registrant of the same profession as the candidate he or she nominates for election.
- 7.18 The Registrar shall provide each nominated candidate with a copy of the College's conflict of interest guidelines and form.
- 7.19 If, after the deadline, the number of eligible candidates nominated is equal to the number of council members to be elected, the eligible candidates shall be elected by acclamation.

- 7.20 If, after the deadline, the number of eligible candidates nominated is less than the number of council members to be elected in an electoral District, the Registrar shall establish a new election schedule in that Electoral District, including, where necessary, a new date for that election.
- 7.21 If the number of eligible candidates nominated after the second call for nominations remains less than or equal to the number of council members to be elected those eligible candidates shall be elected by acclamation.
- 7.22 If after two calls for nominations there are still insufficient eligible candidates for election, the seat shall be considered vacant and the vacancy shall be dealt with by Council at the next regular meeting.
- 7.23 The Registrar shall advise each eligible candidate that he or she has an opportunity to have included with the ballot or electronic or other voting process a candidate information form as long as the candidate provides to the Registrar the information in a form consistent with the guidelines set by the Registrar and on or before the deadline established by the Registrar.
- 7.24 No later than thirty (30) days before the date of an election, the Registrar shall send to every registrant eligible to vote, a voting package which will include a ballot, list of eligible candidates and voting instructions.
- 7.25 Voting for eligible candidates for election to the Council shall be by ballot using the ballot or electronic or other voting process supplied by the Registrar.
- 7.26 Registrants of each profession shall be entitled to vote only for candidates of their profession that have been nominated for election. For greater clarity, audiologists shall be entitled to vote for audiologists only. Speech-language pathologists shall be entitled to vote for speech-language pathologists only.
- 7.27 The Registrar ensures the confidentiality of the ballots and voting process.
- 7.28 In an election
- a. where only one candidate is to be elected, the successful candidate is the eligible candidate with the highest number of votes; and
  - b. where more than one candidate is to be elected, the successful candidates are those eligible candidates with the highest and next highest number of votes and so on until the number of successful candidates equals the number of persons to be elected in that election.
- 7.29 The Registrar shall appoint two scrutineers who are not members of the Council to assist with the election.
- 7.30 As soon as possible following the counting of the ballots, the Registrar shall notify each eligible candidate of the results of the elections and the number of votes cast for each eligible candidate.
- 7.31 In each election the Registrar shall declare the successful candidates elected after the counting of the ballots or in the case of a recount, after the recounting of the ballots.
- 7.32 If there is a tie in any election and it is necessary to break the tie to determine who shall be the successful candidate, the Registrar shall break the tie by lot and then declare that candidate elected.



- 7.33 An eligible candidate may request a recount by giving a written notice of such request to the Registrar no more than fifteen (15) days after the date of an election.
- 7.34 A recount shall be held within fifteen (15) days of receipt of the request at a time and place determined by the Registrar.
- 7.35 A recount shall be conducted in the same manner as the original counting of the ballots except that each eligible candidate shall be entitled to attend in person or by a representative.
- 7.36 The College shall notify its registrants of the results of all elections by publication of those results in the College newsletter or in such a manner directed by the Council.
- 7.37 The Registrar may authorize destruction of all ballots thirty-one (31) days after the announcement to eligible candidates of the results of an election including any recount.

### **SPOILED BALLOTS**

- 7.38 A ballot that is received from a registrant who is not eligible to vote is spoiled and may not be used in deciding the matter.
- 7.39 If more than one ballot is received from a registrant then all ballots received from that registrant are considered spoiled and may not be used in deciding the matter.

### **FILLING OF VACANCIES**

- 7.40 If the seat of an elected Council member becomes vacant in an electoral district not more than twelve (12) months before the expiry of the member's term of office, the Council may:
- a. Leave the seat vacant;
  - b. Appoint as an elected Council member, the candidate, if any, who received the most votes of all the unsuccessful candidates in the last election of Council members for that electoral district; or
  - c. Direct the Registrar to hold an election in accordance with this By - Law for that electoral district.
- 7.41 If the seat of an elected Council member becomes vacant in an electoral district more than twelve (12) months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election in accordance with this Regulation for that electoral district.
- 7.42 The term of a member appointed under section 7.40, or elected in an election under section 7.41, shall continue until the time the former Council member's term would have expired.

### **DISQUALIFICATION**

- 7.43 An elected member of Council shall be disqualified from sitting on Council if he or she:
- a. is found by a panel of the Inquiry Committee to be incompetent or to have committed an act of professional misconduct;
  - b. is found to be an incapacitated registrant;
  - c. fails, without reasonable cause, to attend two consecutive meetings of the Council;
  - d. fails, without reasonable cause, to attend two consecutive meetings of a committee of which he or she is a member;

- e. holds a certificate of registration or certificate of practice that becomes subject to a term, condition or limitation, other than a term, condition or limitation that is prescribed by regulation.
- f. does not practice or reside in Manitoba;
- g. resigns from Council;
- h. ceases to hold a certificate of registration ;
- i. is in default of payment of any fee prescribed by College By – Law for a period of more than thirty (30) days;
- j. retains or obtains a responsible position such as director, owner, board member or officer or retains employment or becomes an employee of any professional advocacy association relating to the professions;
- k. becomes a member of a council of any other college regulated under the RHPA;
- l. is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification; or
- m. fails, in the opinion of two thirds of the members of Council present and voting, to discharge properly or honestly any office to which he or she has been elected or appointed ,or abide by the Councillor Code of Conduct or Councillor Oath of Office.

- 7.44 An elected member of the Council who has been disqualified from sitting on the Council ceases to be a member of the Council and ceases to be a member of any committees to which he or she had been appointed.
- 7.45 Despite the other provisions of this By – Law that permit the removal of a committee member or member of a working group in specific circumstances, Council may at any time also remove a member of a committee or a working group to facilitate the effective and fair operation of the College.

## **Article 8.0 CONFLICT OF INTEREST**

### **DUTY TO AVOID CONFLICTS OF INTEREST**

- 8.1 All Council and Committee members have a duty to carry out their responsibilities in a manner that serves and protects the interest of the public. As such, they must not engage in any activities or in decision-making concerning any matters where they have a direct or indirect personal, professional, or financial interest.

### **RECOGNITION OF CONFLICT**

- 8.2 Council and Committee members recognize that a conflict of interest or an appearance of a conflict of interest by a member of Council or its Committees:
- a. could bring discredit to the College,
  - b. could amount to a breach of the fiduciary obligation of the person to the College, and
  - c. could create liability for either the College and/or the person involved.

### **CONFLICTS RELATING TO INVOLVEMENT WITH A PROFESSIONAL ADVOCACY ASSOCIATION**

- 8.3 A member of Council or a Committee member shall be perceived to have conflict of interest in a matter and should not serve on Council or its Committees at all if he or she holds a responsible position such as director, owner, board member or officer in or is an employee of any professional advocacy association relating to the professions of audiology and/or speech-language pathology.

## **CONFLICTS RELATING TO POSITION IN OTHER ORGANIZATIONS**

- 8.4 A member of Council or a Committee member would be perceived to have conflict of interest in a matter and should refrain from participating in any discussion or voting if he or she holds a responsible position such as director, owner, board member or officer in or is an employee of another organization where his or her duties may be seen by a reasonable person as influencing his or her judgment in the matter under consideration of the Council or its Committees.

## **DECLARATION FORMS**

- 8.5 Upon appointment or election, and annually thereafter if requested, every Council and Committee member and every member of a working group shall fully complete and deliver to the Registrar a form, available from the Registrar, declaring his or her current and recent affiliations with professional advocacy associations and other professional organizations to facilitate compliance with the above provisions.

## **INTERESTS OF RELATED PERSONS**

- 8.6 For the purpose of this By – Law:
- a. a direct or indirect personal interest includes an issue that would benefit the Council or Committee member materially more than other Council or Committee members;
  - b. a direct or indirect professional interest includes an issue that would benefit the Council or Committee member's professional interests materially more than other Council or Committee members; and
  - c. the direct or indirect financial interests includes using one's position to confer a material financial benefit or prevent a material financial loss to a parent, spouse, child or sibling of a Council or Committee member.

## **WHERE A CONFLICT MAY EXIST**

- 8.7 Where a Council or Committee member believes that he or she may have a conflict of interest in any matter which is the subject of deliberation or action by the Council or its Committees, he or she shall:
- a. consult, as needed, with the President, or the Registrar and, if there is any doubt about whether he or she may have or be perceived to have a conflict, prior to any consideration of the matter, declare the potential conflict to the Council or the Committee and accept Council's or the Committee's direction as to whether there is an appearance of a conflict;
  - b. where there appears to be a conflict of interest, not take part in the discussion of, or vote on, any question in respect of the matter;
  - c. where there appears to be a conflict of interest, absent himself or herself from the portion of any meeting relating to the matter; and
  - d. where there appears to be a conflict of interest, not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of other members on the matter.

## **CONFLICTS RECORDED IN MINUTES**

- 8.8 Every declaration of a conflict of interest shall be recorded in the minutes of the meeting together with a description of the nature of the conflict.

## **USE OF COLLEGE INFORMATION OR PROPERTY**

- 8.9 A member of Council or a Committee member shall not use College property or information of any kind to advance his or her own interests, direct or indirect except in a manner that is reasonable in the circumstances.

## **STAFF POSITIONS**

- 8.10 A member of Council or a Committee member may not hold any other position, contract, or appointment with the College while serving as a member of Council or its Committees. There is a three-month waiting period before the individual may apply for a staff or consultant position with the College. This includes, but is not limited to, positions as peer assessor, investigator, inspector, or staff.

## **FINANCIAL CONFLICT OF INTEREST**

- 8.11 Every Council member or Committee member who is, or who has a related person who is, in any way directly or indirectly interested in a proposed contract or transaction or in a contract or transaction with the College shall declare an interest and the nature and extent of such interest in the contract or transaction at a meeting of the Council in accordance with Article 8.12 below.
- 8.12 In the case of a proposed contract or transaction, the Council member or Committee member shall declare his or her interest at the meeting of the Council at which the question of entering into the contract or transaction is first taken into consideration or if the Council member or Committee member is not present at such meeting, then at the first Council meeting held thereafter. If the Council member or Committee member is not, at the date of that meeting, interested in the proposed contract or transaction, the Council member or Committee member shall make the declaration at the first Council meeting which is held after becoming interested in the proposed contract or transaction, in the case where the Council member or Committee member becomes interested in a contract or transaction after it is made, the Council member or Committee member shall declare his or her interest at the first Council meeting held after becoming so interested.
- 8.13 For the purposes of this Article, a general notice given to the remaining Council members or Committee members by a given Council member or Committee member to the effect such Council member or Committee member or a related person is a Council member or Committee member, officer or shareholder of, or is otherwise interested in, any other company, or is a member of a specified firm and is to be regarded as interested in any contract or transaction made with such other company or firm, shall be deemed to be a sufficient declaration of interest in relation to a contract or transaction so made, but no such notice is effective unless it is given at a meeting of the Council members or Committee members or the given Council member or Committee member takes reasonable steps to ensure that the delivery of such notice is acknowledged and read at the next meeting of the Council members or Committee members after it is given.
- 8.14 No Council member or Committee member nor any related person shall enter into any proposed contract or transaction with the College, except:
- a. on a competitive bid basis; and
  - b. where the Council member or Committee member has declared any interest therein, and where the Council member or Committee member has absented himself or herself from the meeting at which such contract or transaction was approved and where the Council member or Committee member has refrained from voting thereon.

- 8.15 A Council member or Committee member shall not vote on any matters in which he or she or any related person have a direct or indirect financial interest and shall declare the details of such interest prior to the discussion and the vote on such matter.
- 8.16 Any Council member or Committee member who has declared an interest in any proposed contract or transaction or other financial interest with the College which is being discussed, shall absent himself or herself during the discussion of and vote upon the matter and the event shall be recorded in the minutes.
- 8.17 Any Council member or Committee member who has declared an interest in any proposed contract or transaction with the College and who has not voted thereon shall not be accountable to the College, its registrants, or its creditors for any profit resulting from such contract or transaction. The contract or transaction will not be voidable by reason only of the Council member or Committee member holding that office or of the fiduciary relationship established thereby.
- 8.18 Despite anything in this section, a Council member or Committee member is not accountable to the College or to any of its registrants or creditors for any profit realized from such contract or financial transaction and the contract or financial transaction is not by reason only of the Council member's or Committee member's interest therein voidable if it is confirmed by a majority of the votes cast at a general meeting of the registrants duly called for that purpose and if the Council member's or Committee member's interest in the contract or financial transaction is declared in the notice calling the meeting.

### **DUTY OF CONFIDENTIALITY**

- 8.19 Members of the Council and Committees, staff and persons retained or appointed by the College are required to maintain confidentiality of information that comes before them in the course of discharging their duties unless disclosure is authorized by the Council or is otherwise permitted under the RHPA.

### **CONFIDENTIALITY AGREEMENT**

- 8.20 Council and Committee members, staff and persons retained or appointed by the College are required to sign, annually, the confidentiality or fiduciary agreement.

### **MEDIA CONTACTS**

- 8.21 All media contact shall be channelled and coordinated through the Registrar. Any Council or Committee member or any member of a working group being asked by media representatives to provide interviews, respond to inquiries or to comment on issues concerning the regulation of the profession or the operation of the College shall not provide any such communication and shall instead refer them to the Registrar.

### **COLLEGE COMMUNICATIONS**

- 8.22 The Registrar, the President or, in the absence of the President, the Vice President,
- a. are the authorized spokespersons of the College; and
  - b. may communicate with the media to provide interviews, respond to inquiries, or comment on issues concerning the regulation of the profession or the operation of the College. A member of Council or a Committee member shall not perform such communications

unless authorized by the Registrar, the President or, in the absence of the President, the Vice President.

### **CONSISTENT MESSAGING**

- 8.23 All messages to the media and to the public must be consistent with the approved policies and positions of the College. Any member of Council or Committee shall resign all positions with the Council and its Committees prior to expressing public disagreement with a decision, policy, or position of the College or its Committees and even then, shall only do so in a manner consistent with his or her ongoing fiduciary duties towards the College. This provision does not prevent a person from stating that an issue dealt with at a public meeting was vigorously debated or that it was not decided unanimously.

### **ENFORCEMENT PROCESS**

- 8.24 The following procedure shall be followed in the event that a Council or Committee member is alleged to have contravened the duties of a Council or Committee member or meets the criteria for disqualification set out in Articles 7.43 and 9.12.
- a. A written complaint shall be filed with the Registrar. A complaint can be made by a registrant of the College, a member of the public, a Council or Committee member or the Registrar. If a member of Council or a Committee receives such a complaint, he or she shall immediately file it with the Registrar.
  - b. The Registrar shall forthwith report the complaint to the President and/or the Vice President who shall bring the complaint to the Executive Committee.
  - c. If the Executive Committee, after any investigation it deems appropriate, believes that the complaint warrants formal action, it shall call a meeting of the Council. Council shall determine whether there has been a breach of duties or whether the criteria for disqualification have been met and, if so, impose the appropriate sanction. The appropriate sanction can include one or more of the following:
    - i. censure of the member verbally or in writing,
    - ii. removal of the member from any Committee and/or working group on which he or she serves,
    - iii. disqualification of an elected member of Council from the Council, or a report requesting removal of the member concerned from the Council to the Minister of Health.
  - d. A decision finding that there has been a breach of duties or that a Council or Committee member meets the criteria for disqualification set out in Articles 7.43 and 9.12 and a decision to impose a particular sanction must be approved by a majority vote of the Council members present and voting.
  - e. The Council or Committee member whose conduct is the subject of concern shall not take part in the deliberation or vote, however, he or she will be given a reasonable opportunity to respond to the allegation.
  - f. The President shall make his or her best efforts to report any complaints to the Executive Committee within thirty (30) days of receiving it. The Executive Committee shall make its best efforts to conduct its investigation within sixty (60) days of receiving it. The goal is to make best efforts to bring any concerns warranting Council action within one hundred twenty (120) days of it being brought to the attention of the College.

## **Article 9.0 COMMITTEES**

### **STATUTORY COMMITTEES UNDER THE ACT**

- 9.1 Pursuant to the Act and Regulations, the College shall have the following Statutory Committees, the duties of which are set out in the Act, the Regulations and these By - Laws:
- a. Complaints Investigation Committee;
  - b. Inquiry Committee; and
  - c. Continuing Competence Committee;

### **STANDING COMMITTEES**

- 9.2 In addition to the Statutory Committees, the College may establish Standing Committees, including:
- a. Executive Committee;
  - b. The Audiology Practice Advisory Committee; and
  - c. The Speech – Language Practice Advisory Committee
- 9.3 The exercise of any non-statutory power by any Committee, unless specifically provided for by the By - Laws of the College, is always subject to the approval of Council.

### **APPOINTMENT OF SPECIAL COMMITTEES**

- 9.4 The Council may, from time to time, appoint such special committees, task forces and working groups as it deems appropriate or necessary for the attainment of the objects of the College and the efficient conduct of its affairs. Every special committee, task force or working group shall have specified terms of reference and a date upon which it shall dissolve.

### **REPORTING OF COMMITTEES**

- 9.5 All Committees shall report to the Council at each Council meeting. Committees shall request comments from the Executive Committee on all recommendations to Council and these comments shall be included in the Committee's submission to Council. Executive Committee shall not comment on the statutory decisions of any Committee.

### **APPOINTMENTS OF STATUTORY AND STANDING COMMITTEES**

- 9.6 At its first meeting following an election, the Council shall elect the members of the Executive Committee, as outlined in Article 5.0.
- 9.7 The President of the Council shall be an ex – officio member of all Statutory and Standing Committees with the exception of the Complaints Investigation and Inquiry Committees.
- 9.8 The Executive Committee shall make appointments to committees as soon as possible after the first Council meeting following an election or, in the event of a vacancy, at the time such vacancy occurs, and report to Council at the next Council meeting.
- 9.9 Every appointment to a committee, both Council members and non – council members of the College, shall be determined in the best interest of the College's mandate.

- 9.10 The term of office of a Council member on a committee is one (1) year. Every appointment of a Council member to a committee expires each year at the first regular Council meeting following the elections to Council.
- 9.11 When a Council member's appointment to a committee expires, the Council member is eligible for re – appointment. No member of Council may be a member of the same Committee for more than six (6) consecutive terms.
- 9.12 The Council shall disqualify a member appointed to a Committee from sitting on the Committee if the member:
- a. Ceases to be a regulated registrant of the College;
  - b. Is in default of any obligation to the College under the regulations or the by – laws;
  - c. Becomes the subject of a current or pending proceeding for incompetence, professional misconduct, or incapacity;
  - d. Is found guilty of professional misconduct or incompetence or to be an incapacitated registrant;
  - e. Remains or becomes a director, officer, committee member, employee, or holder of any position of decision making influence of any organization of audiologists and/or speech – language pathologists that has as its primary mandate the promotion of the professions of audiology and/or speech – language pathology;
  - f. Continues to hold or assumes a position with any organization or group whose mandate or interests conflict with the mandate of the College;
  - g. Fails, without cause, to attend two (2) consecutive meetings of the committee or of a subcommittee of which he or she is a member;
  - h. Fails, without cause, to attend a hearing or review of a panel for which he or she has been selected;
  - i. Fails, in the opinion of the Council, to discharge properly or honestly any office to which he or she has been appointed.
  - j. Neither practices nor resides in Manitoba; or
  - k. Dies.
- 9.13 A member who is disqualified under Article 9.12 from sitting on a committee ceases to be a member of the Committee, and the Executive Committee shall appoint a successor as soon after the disqualification as feasible.
- 9.14 The term of office of a person who is appointed as a successor under Article 9.13 expires when the term of office of the person being replaced would have expired.
- 9.15 Any vacancies occurring in the membership of a committee shall be filled by registrants appointed by the Executive Committee as soon as possible.
- 9.16 Executive Committee may, at any time, remove a chair of any committee for due cause and appoint a new chair.

### **APPOINTMENT OF NON-COUNCIL MEMBERS TO COMMITTEES OF THE COLLEGE**

- 9.17 This Article applies with respect to the registrants appointed to a committee of the College who are not members of the Council.
- 9.18 The term of office of a non - Council Committee member is two (2) years. No non-Council member may be a member of the same committee for more than three (3) consecutive terms.



- 9.19 A registrant is eligible for appointment to a committee if, on the date of appointment:
- a. The registrant is a regulated registrant, excluding restricted purpose registrants, of the College;
  - b. The registrant is practising or a resident in Manitoba;
  - c. The registrant is not in default of any obligation to the College under the regulations or the by – laws;
  - d. The registrant is not the subject of a current or pending proceeding for incompetence, professional misconduct or incapacity;
  - e. The registrant has not been found guilty of professional misconduct, incompetence, or found to be incapacitated;
  - f. The registrant's certificate of registration or certificate of practice has not been revoked or suspended in the six (6) years preceding the date of the appointment as a result of a professional misconduct, incompetence or incapacity hearing;
  - g. The registrant's certificate of registration or certificate of practice is not subject to a term, condition or limitation other than one prescribed by regulation;
  - h. The registrant does not have a conflict of interest in respect of the committee to which he or she is to be appointed.
- 9.20 The Council shall disqualify a non-Council member appointed to a committee from sitting on the committee if the registrant:
- a. Ceases to be a regulated registrant of the College;
  - b. Is in default of any obligation to the College under the regulations or the by – laws;
  - c. Becomes the subject of a current or pending proceeding for incompetence, professional misconduct, or incapacity;
  - d. Is found guilty of professional misconduct or incompetence or to be an incapacitated registrant;
  - e. Remains or becomes a director, officer, committee member, employee, or holder of any position of decision making influence of any organization of audiologists and/or speech – language pathologists that has as its primary mandate the promotion of the professions of audiology and/or speech – language pathology;
  - f. Continues to hold or assumes a position with any organization or group whose mandate or interests conflict with the mandate of the College;
  - g. Fails, without cause, to attend two (2) consecutive meetings of the committee or of a subcommittee of which he or she is a member;
  - h. Fails, without cause, to attend a hearing or review of a panel for which he or she has been selected;
  - i. Fails, in the opinion of the Council, to discharge properly or honestly any office to which he or she has been appointed.
  - j. Neither practices nor resides in Manitoba; or
  - k. Dies.
- 9.21 A registrant who is disqualified under Article 9.20 from sitting on a committee ceases to be a member of the committee, and the Executive Committee shall appoint a successor as soon after the disqualification as feasible.
- 9.22 The term of office of a person who is appointed as a successor under Article 9.21 expires when the term of office of the person being replaced would have expired.
- 9.23 Any vacancies occurring in the membership of a committee shall be filled by appointments made by the Executive Committee as soon as possible.

## **Article 10.0 COMPOSITION AND DUTIES OF STATUTORY AND STANDING COMMITTEES**

### **STATUTORY COMMITTEES**

In respect of its regulatory role, the Council has the following Statutory Committees:

- 10.1 The Complaints Investigation Committee shall be composed of six (6) members, including the chair, as follows:
- a. Two (2) members of the Council who are registrants of the College, one (1) of whom shall be an Audiologist and one (1) of whom shall be a Speech – Language Pathologist;
  - b. Two (2) public representatives appointed by Council from the roster established by the Minister for this purpose; and
  - c. Two (2) non-Council members.
  - d. Two (2) members shall be Audiologists.
  - e. Two (2) members shall be Speech – Language Pathologists.

### **DUTIES OF THE COMPLAINTS INVESTIGATION COMMITTEE**

- 10.2 The Complaints Investigation Committee shall:
- a. Perform such functions as are assigned to it in the Act. These include investigating and providing a fair review of all complaints received in accordance with the Act; attempting to resolve complaints informally where it considers it appropriate, and making decisions in accordance with the Act;
  - b. Recommend to Council proposals for changes to the legislation, including regulations to applicable statutes, and by - laws , as well as programs to support the complaints process;
  - c. Submit an annual report to the Council. The report will include information on numbers of complaints resolved informally, on decisions, on adherence to policies and procedures, and timely provision of decisions and documentation.
- 10.3 The Inquiry Committee shall be composed of at least six (6) members, including the chair, as follows:
- a. At least two (2) members of the Council who are registrants of the College, one (1) of whom shall be an Audiologist and one (1) of whom shall be a Speech-Language Pathologist;
  - b. At least two (2) public representatives appointed by Council from the roster established by the Minister for this purpose; and
  - c. At least two (2) non-Council members.
  - d. At least two (2) members shall be Audiologists.
  - e. At least two (2) members shall be Speech-Language Pathologists.

### **DUTIES OF THE INQUIRY COMMITTEE**

- 10.4 The Inquiry Committee shall:
- a. Perform such functions as are assigned to it in the Act. These include holding hearings on matters referred to it by the Complaints Investigation Committee, providing a fair process and making decisions about the conduct of investigated registrants;
  - b. Recommend to Council proposals for changes to the legislation, including regulations to applicable statutes, and by – laws, as well as programs to support the discipline process;

- c. Submit an annual report to Council. The report will include information on development of, and adherence to, policies and procedures, numbers of decisions and timely provision of decisions and documentation.

10.5 The Continuing Competence Committee shall be composed of six (6) members, including the chair, as follows:

- a. At least two (2) members of the Council who are registrants of the College, one (1) of whom shall be an Audiologist and one (1) of whom shall be a Speech-Language Pathologist;
- b. Two (2) members of the Council appointed to the Council by the Minister;
- c. Two non-Council members
- d. Two (2) members shall be Audiologists.
- e. Two (2) members shall be Speech-Language Pathologists.

### **DUTIES OF THE CONTINUING COMPETENCE COMMITTEE**

10.6 The Continuing Competence Committee shall:

- a. Perform such functions as are assigned to it in the Regulations. These include administering the Continuing Competence Program in accordance with the Regulation and identifying continuing competence measures which promote continuing competence and continuing quality improvement among registrants;
- b. Recommend to Council proposals for changes to the legislation, including regulations to applicable statutes, and by - laws, as well as programs to support the continuing competence process;
- c. Submit an annual report to the Council. The report will include information on continuing competence program activities, decisions reached as well as information on the development of standards regarding practice and ethics and related program proposals.

### **STANDING COMMITTEES**

In its role as the governing body of the College, the Council may form Standing Committees, ad hoc committees and working groups. These committees and groups will be used for preparatory work to aid Council in making decisions. These committees and groups shall not interfere with the delegation from Council to the Registrar. The following Standing Committees have been struck by Council:

10.7 The Executive Committee shall be composed of three (3) members, as follows:

- a. The President,
- b. Vice President, and
- c. One other member.
- d. At least one (1) member shall be an Audiologist.
- e. At least one (1) member shall be a Speech-Language Pathologist.
- f. At least one member shall be a member of the Council appointed to the Council by the Minister.
- g. The President of the Council shall be the Chair of the Executive Committee and the Council.

### **DUTIES OF THE EXECUTIVE COMMITTEE**

10.8 The Executive Committee shall:

- a. Perform such functions as are assigned to it by Council and co-ordinate the work of Council and assist in its decision-making by reviewing and providing comments to Council on all recommendations and proposals from committees and working groups.
- b. Subject to the RHPA, Regulations and the By - Laws of the College, Council delegates to the Executive Committee the power and authority to manage and direct the affairs of the Council of the College with respect to any matter that, in the Committee's opinion, requires immediate attention. This excludes the power to revoke, amend, or pass by – laws and such other powers as are specifically reserved to the Council in the RHPA, this By – Law or any other by – law of the College. As part of its commitment to retaining the wholeness of its decision-making, the Council will do all in its power to avoid the need for the Executive Committee to act in this capacity.
- c. Appoint members of statutory and standing committees in accordance with these By - Laws;
- d. Recommend to Council proposals for changes to the legislation, including regulations to applicable statutes and by - laws;
- e. Submit an annual report to Council.

10.9 The Audiology Practice Advisory Committee shall be composed of at least six (6) members as follows:

- a. All members of the Council who are Audiologists;
- b. Two (2) members of the Council appointed to the Council by the Minister; and
- c. Two (2) non-Council members who are Audiologists.

#### **DUTIES OF THE AUDIOLOGY PRACTICE ADVISORY COMMITTEE**

10.10 The Audiology Practice Advisory Committee shall provide advice to Council on matters affecting Audiologists and the practice of audiology. In doing so it:

- a. At the request of Council and in a format approved by Council, develops and monitors College regulations, by – laws, standards of practice and practice directions and position statements that relate to Audiologists with respect to:
  - i. Clinical Matters
  - ii. Professional practice issues
  - iii. Business practice issues
  - iv. Interdisciplinary issues
- b. Develops policies and positions for consideration of Council on external matters such as provincial legislation that impact on the practice of audiology;
- c. As part of the strategic planning process, undertakes an annual review of issues and matters affecting Audiologists and the practice of audiology and reports to Council on these issues and recommends policies and initiatives to address them as appropriate;
- d. Assesses the information and support needs of Audiologists and makes recommendations to Council.
- e. Develops communication and education programs for College registrants, the public, other professions and the government, related to the objects of the College;
- f. Provides advice and input on any other issues referred to the Committee by the Executive Committee or by Council.

10.11 The Speech-Language Pathology Practice Advisory Committee shall be composed of at least eight (8) members as follows:

- a. All members of the Council who are Speech-Language Pathologists;
- b. Two (2) members of the Council appointed to the Council by the Minister; and
- c. Two (2) non-Council members who are Speech-Language Pathologists.

## **DUTIES OF THE SPEECH-LANGUAGE PATHOLOGY PRACTICE ADVISORY COMMITTEE**

- 10.12 The Speech-Language Pathology Practice Advisory Committee shall provide advice to Council on matters affecting Speech-Language Pathologists and the practice of speech-language pathology. In doing so it:
- a. At the request of Council and in a format approved by Council, develops and monitors College regulations, by – laws, standards of practice and practice directions and position statements that relate to Speech-Language Pathologists with respect to:
    - i. Clinical Matters
    - ii. Professional practice issues
    - iii. Business practice issues
    - iv. Interdisciplinary issues
  - b. Develops policies and positions for consideration of Council on external matters such as provincial legislation that impact on the practice of speech-language pathology;
  - c. As part of the strategic planning process, undertakes an annual review of issues and matters affecting Speech-Language Pathologists and the practice of speech-language pathology and reports to Council on these issues and recommends policies and initiatives to address them as appropriate;
  - d. Assesses the information and support needs of Speech-Language Pathologists and makes recommendations to Council;
  - e. Develops communication and education programs for College registrants, the public, other professions and the government, related to the objects of the College;
  - f. Provides advice and input on any other issues referred to the Committee by the Executive Committee or by Council.

## **COMMITTEE CHAIRS**

- 10.13 The Chairs of each Committee other than the Executive Committee shall be elected from among the members of the Committees at their first meeting of each calendar year. Chairs shall be elected by vote of the majority of members of each Committee.
- 10.14 The Chairs of all Committees shall be members of Council.
- 10.15 The Chairs of Committees other than the Executive Committee have the same rights as other Committee members to vote. Where there is a tie, the issue shall be decided in the negative.
- 10.16 Committee meetings shall be called by the Chair of the relevant Committee, or the Chair may be directed by the Executive Committee or Council to call a meeting. The Chair shall designate the time and place of the meeting.
- 10.17 The Chairs of Committees are responsible for selecting panels from among the members of the Committee. Panel composition and quorum requirements for the Complaints Investigations Committee and the Inquiry Committee, must conform with the relevant sections of the Act.

## **QUORUM AND VACANCIES**

- 10.18 The quorum for any committee or panel of any committee shall be a majority of the members of that committee unless otherwise provided in the Act, the Regulations, or these By – Laws.
- 10.19 A committee remains properly constituted despite any vacancy so long as it can still form a quorum unless otherwise provided in the Act, the Regulations, or these by - laws.

## **Article 11.0 REMUNERATION AND EXPENSES OF COUNCIL AND STATUTORY AND STANDING COMMITTEES**

- 11.1 Council members shall be paid by the College, in accordance with Schedule 1: Remuneration, for time spent while engaged in the business of the Council.
- 11.2 Members of Statutory and Standing Committees shall be paid by the College in accordance with Schedule 1: Remuneration, for time spent while engaged in the business of the committee.
- 11.3 All members of Council or Statutory and Standing Committees of the College shall be reimbursed by the College for expenses incurred in the course of carrying out the business of the College, the Council, or Committee, in accordance with these By – Laws.
- 11.4 The College shall remit any payments provided for in this section to the persons entitled to such payment upon submission to the College of claim forms and receipts representing the days or parts thereof engaged or expenses incurred in the course of carrying out the business of the College, the Council, or any Committee.
- 11.5 Where a member of Council or Statutory or Standing Committee of the College must travel outside of the community in which he or she resides, such travel costs shall be reimbursed according to the Expense Reimbursement Policy approved by Council.
- 11.7 If the Council appoints a registrant of the College, other than a Council or Committee member, to represent the College at a meeting or conference, the registrant shall be reimbursed for expenses incurred in accordance with these By – Laws, plus registration fees, if applicable. The registrant shall not accept reimbursement for expenses from any other body.
- 11.8 Registrants of the College who are appointed to special committees, task forces and working groups by Council shall be reimbursed by the College for expenses incurred in the course of carrying out the business of the College, as approved by Council, in accordance with these By – Laws.

## **Article 12.0 MEETINGS OF COUNCIL**

### **MEETINGS OF COUNCIL**

- 12.1 The quorum for the transaction of business at any meeting of the members of Council shall be a majority of members of Council.
- 12.2 To the extent practical, the Council shall hold at least three meetings in a calendar year.
- 12.3 Meetings of Council shall be held in the offices of the College, or in such other location as determined by the Council.

- 12.4 When a member of Council is not able to be present in person at a meeting, the member may participate by means of such telephone, electronic or other communication facilities as permit all participating persons to communicate simultaneously and instantaneously with the others, and a member participating in such meeting by such means is deemed for the purposes of this By – Law to be present at that meeting.
- 12.5 Meetings of the Council shall be called by the President. The President, or in his or her absence or failure to act, the Vice President(s), shall, on the direction in writing of two-thirds (2/3) of the members of the Council, call a special meeting of the Council. Notice of all such meetings shall be delivered or sent by electronic transmission to each Council member not less than five (5) days, or shall be mailed to each member of Council not less than ten (10) days, before the meeting is to take place. A statutory declaration of the President that notice has been given pursuant to this By – Law shall be sufficient and conclusive evidence of the giving of such notice. An inadvertent failure to give proper notice shall not affect the validity of a meeting of the Council.
- 12.6 In the event that the President or Vice President(s) are unable, or fail to call a meeting of Council, two-thirds (2/3) of the members of Council may call a meeting upon their written request delivered to the Registrar. Notice of the special meeting shall be given as set out in Article 12.5.
- 12.7 The President shall act as Chair of the Council meetings. In the absence of the President, the Vice President shall preside. In the absence of both the President and Vice President, the Registrar shall call the meeting to order and the members of Council present at the meeting shall appoint a Chair from among themselves.
- 12.8 Voting at a Council meeting, unless otherwise specified in the RHPA, Regulations or By – Laws shall be by secret ballot or a show of hands. In the event that a roll call is requested, the chair shall require the Registrar to request each member in turn to record his or her vote and the total number or proportion of the votes for, against or otherwise will be recorded in the minutes. All recorded votes are called as “All in favour”; “Opposed”; “Abstaining.” Members who vote to abstain will be recorded as formal abstentions. A silent abstention, i.e.: a member, who does not vote, will be counted with the majority.
- 12.9 Except where otherwise specified in the Act, Regulation or By – Laws, every issue to be decided at a Council meeting shall be decided by a simple majority of votes of those voting at the meeting.
- 12.10 Other than to self-nominate, the President, when acting as Chair of Council, shall not propose motions or nominate candidates. The Chair of Council may exercise the right to vote on all motions.
- 12.11 A motion to reconsider a resolution may be offered by any councillor and, like any motion, requires a seconder. Any motion to reconsider a previous resolution requires the support of two-thirds (2/3) of those members voting at the meeting.
- 12.13 Minutes of all meetings of Council shall be kept at such a place as is designated by the Registrar of the College.
- 12.14 A declaration by the Chair of Council that a resolution has been carried and the recording in the minutes of the meeting shall be admissible in evidence as prima facie proof of the fact without proof of the number or proportion of the vote recorded in the favour, against or otherwise in respect of such resolution.
- 12.15 At the regular meetings of members of Council, the business shall include but not be limited to:

- a. Approving the agenda;
- b. Approving the minutes of the previous meeting;
- c. Report from the Registrar
- d. Regulatory decisions;
- e. Regulatory monitoring;
- f. Governance decisions;
- g. Governance monitoring;
- h. Matters for which written notice was given by a member of Council to the Executive Committee at least ten (10) days before its meeting and at least 30 (thirty) days in advance of the Council meeting, along with supporting materials that are no more than five (5) pages in length, that the Executive Committee determines to be appropriate for Council's consideration, may be placed on the agenda. If the Executive Committee fails to put the matter on the agenda, the Executive Committee shall report to Council giving reasons for its decision. The member may request that Council review the decision. The majority of Council members in attendance may vote to place the matter on the agenda.
- i. Such other matters, not included on the agenda, as the majority of Council members in attendance and voting determine to be of an urgent nature may be placed on the agenda. However, a motion to reconsider a matter previously considered by Council shall require a two – thirds (2/3) majority of Council members.
- j. Adjournment.

## **GENERAL RULES**

- 12.16 Matters for Regulatory or Governance Decisions shall be prepared in accordance with Governance Policy on Policy Development. The Registrar shall ensure that adequate research has been done and that the policy proposal is in the format that identifies the decision or action required, the need for the policy initiative, expected outcomes, impact on the registrants, the public, and other stakeholders, ability of the registrants to comply and the College to enforce and estimated implementation timetable and costs.
- 12.17 The Council may allow discussion of a topic without a motion needing to be made first.
- 12.18 The Council may decide matters by consensus and may indicate preferences by a straw vote or other informal method but, motions will usually be made if:
- a. decision will commit the College to an action or a public position, or
  - b. the Chair or the Council is of the opinion that the nature of the matter or of the discussion warrants a motion.
- 12.19 If a formal motion is moved and seconded, the person who has proposed it is entitled to speak first and last in the debate preceding a vote. The Chair or Registrar must state the motion to the Council before the debate commences.
- 12.20 Members should address their remarks through the Chair.
- 12.21 No individual may speak a second time on a question until every member who wishes to speak has done so.
- 12.22 The Chair cannot call a vote until all those who wish to speak have had an opportunity to do so at least once.
- 12.23 When the motion contains distinct propositions, any Council member may require the vote upon each proposition to be taken separately.



- 12.24 No Council member shall vote upon any motion in which he or she has a direct monetary or other conflict of interest, and the Chair shall disallow the vote of any Council member on any motion in which the Chair believes the Council member has a direct monetary or other conflict of interest.

### **AMENDMENTS AND OTHER SUBORDINATE MOTIONS**

- 12.25 A substantive motion in writing that has been moved, seconded, and read by the Chair may be amended by a motion to amend. The Chair shall rule a motion to amend out of order if it is irrelevant to the main motion or defeats the basic effect of the main motion.
- 12.26 When a motion has been moved, seconded, and given to the Chair, no other motion may be made except a motion to amend the motion, to refer the motion to a committee, to postpone the motion, either indefinitely or to a specific meeting, to call the question, to adjourn the debate or to adjourn the meeting.
- 12.27 When a motion to refer a motion to a committee has been made, it shall be decided before any amendment is decided and, if it is passed, no further debate or discussion is permitted.
- 12.28 A motion to amend the main motion shall be disposed of before the main motion is decided and, where there is more than one motion to amend, they shall be decided in the reverse order to which they were made.

### **PRESERVING ORDER**

- 12.29 The Chair shall call upon Council members to speak as nearly as feasible in the order in which they indicate a wish to speak.
- 12.30 The Chair shall preserve order and decorum, and shall rule on any question of order or procedure. However, a Council member who believes the Chair's ruling is wrong may appeal the ruling to the Council.
- 12.31 During a meeting, electronic devices shall only be used to conduct Council business. For example, personal cell phones shall be turned off, no texting shall occur and e-mails and internet searches shall be confined to those necessary for the business of the meeting.
- 12.32 Unless an electronic meeting is open to the public, Council members shall protect the confidentiality of the meeting including not disclosing access details to others, not using a speakerphone if others are able to hear and participating in any confidentiality declarations requested by the Chair.
- 12.33 Whenever the Chair is of the opinion that a motion offered to the Council is contrary to these rules or the By – Laws, he or she shall immediately inform the Council of his or her opinion, rule the motion out of order and explain why.
- 12.34 If a Council member believes that another Council member has behaved improperly or that the Council has broken the By - Laws or these rules, the Council member may state a point of order. The Chair shall promptly rule on the point of order, which is subject to an appeal to the Council.
- 12.35 The Chair may limit the number of times a Council member may speak, limit the length of speeches, and impose other restrictions reasonably necessary to finish the agenda of a meeting.

- 12.36 The Chair, with the approval of the Council, may direct the removal of any person, including a Council member, from the meeting if the person is disrupting the meeting or is otherwise acting so improperly as to make removal necessary for conducting an orderly meeting.
- 12.37 The Chair may appoint a parliamentarian to advise him or her and may direct the parliamentarian to provide advice to the Council about the By – Laws and rules of the Council or provide the Council with other parliamentary advice.
- 12.38 Council may appoint an independent person who is not a member of the Council to chair the Council meeting.

#### **MATTERS NOT COVERED BY THESE RULES**

- 12.39 When a circumstance arises in a formal session that is not provided for by these rules or by other rules of the Council, the Chair shall make a ruling, which is subject to an appeal to the Council without debate. The Chair and the Council shall be guided by the principles set out in ***Robert's Rules of Order***.
- 12.40 These Rules of Order apply with necessary modification to meetings of committees of the Council. For example, committee meetings are closed to the public and observers are not permitted.

### **Article 13.0 USES OF ELECTRONIC MEDIA FOR COUNCIL AND COMMITTEE BUSINESS**

#### **MEETINGS BY TELECONFERENCE**

- 13.1 Any one or more Council members, up to and including all Council members, may participate in a meeting of the Council by such telephone conference facilities as permit all persons participating in the meeting to hear or otherwise communicate with each other.

#### **MEETINGS BY OTHER ELECTRONIC MEANS**

- 13.2 In addition to the manner of a meeting provided for in Section 13.1, any one or more Council members, up to and including all of the Council members, may meet by any other electronic means that permits each Council member to communicate adequately with each other.

#### **COUNCIL MEMBERS DEEMED TO BE PRESENT**

- 13.3 A Council member participating in any meeting of the Council by conference telephone facilities in accordance with Section 13.1, or by any other electronic means in accordance with Section 13.2, is deemed to be present at the meeting.

#### **ACCESS TO THE PUBLIC**

- 13.4 The meetings of the Council shall be open to the public except where Council considers that a private meeting is necessary to consider matters of a confidential nature or of a personal nature concerning an individual, as set out in the Act.
- 13.5 Persons wishing to make submissions on issues to the Council may apply in advance to the Registrar in accordance with the Governance Policies.

## **Article 14.0 MEETINGS OF REGISTRANTS**

### **ANNUAL GENERAL MEETING**

- 14.1 An Annual General Meeting shall be held at least once every calendar year and no more than fifteen months after the adjournment of the last Annual General Meeting.
- 14.2 The Annual General Meeting of the College shall be held at a date, time, and place to be determined by Council, and the agenda for the meeting shall be prescribed by Council.
- 14.3 Notice of the time and place of the Annual General Meeting shall be sent to registrants at least thirty (30) days in advance of the Annual General Meeting. Notice may be sent by regular mail, email, facsimile or other method of delivery. The accidental omission to give the notice to any registrant or registrants shall not invalidate any action taken at an Annual General Meeting.

### **SPECIAL MEETINGS**

- 14.4 Notice of the time, place, and business to be transacted at a special general meeting of the College shall be sent to registrants at least ten (10) days in advance. The business to be transacted at a special general meeting of the College shall be limited to that specified in the notice thereof. The accidental omission to give notice to any registrant or registrants shall not invalidate any action taken at a special meeting.

### **QUORUM AT MEETINGS OF MEMBERS**

- 14.5 A quorum for any meeting of registrants shall be the number in attendance at the meeting.

### **RECORDING OF THE COLLEGE MEETINGS**

- 14.6 Minutes shall be taken at all meetings of registrants and circulated to registrants.

### **VOTING AT MEETINGS OF MEMBERS**

- 14.7 At any meeting of registrants, each regulated Audiologist and Speech – Language Pathologist, excluding restricted purpose registrants, shall be entitled to one vote. In the event of an equality of votes, the motion would be defeated.

## **Article 15.0 REGISTRANTS**

The obligations, rights, and privileges of each category of registration are:

### **REGULATED REGISTRANTS**

#### **15.1 Full Regulated Audiologist**

- a. Shall pay an annual fee and any other fees as applicable.
- b. Is entitled to practice audiology in Manitoba.
- c. Shall participate in the Continuing Competency Program of the College
- d. Shall maintain professional liability insurance as required by Regulation
- e. Shall submit Criminal Record, Child Abuse Registry, and Adult Abuse Registry checks as required by Regulation
- f. Shall receive full voting privileges and all privileges extended by the College.
- g. Is eligible for election or appointment to any position within the College.

- h. Is entitled to attend and participate in general College meetings.
- i. Is entitled to receive copies of official College publications.

#### **15.2 Provisional Regulated Audiologist**

- a. Shall pay an annual fee and any other fees as applicable.
- b. Is entitled to practice audiology in Manitoba in accordance with the mentorship program as specified in the Council Regulation of the College.
- c. Shall participate in the Continuing Competency Program of the College
- d. Shall maintain professional liability insurance as required by Regulation
- e. Shall submit Criminal Record, Child Abuse Registry, and Adult Abuse Registry checks as required by Regulation
- f. Shall receive full voting privileges and all privileges extended by the College.
- g. Is eligible for election or appointment to any position within the College.
- h. Is entitled to attend and participate in general College meetings.
- i. Is entitled to receive copies of official College publications.

#### **15.3 Restricted Purpose Regulated Audiologist**

- a. Shall pay any fees as applicable.
- b. Is entitled to practice audiology in Manitoba.
- c. Shall maintain professional liability insurance as required by Regulation
- d. Shall submit Criminal Record, Child Abuse Registry, and Adult Abuse Registry checks as required by Regulation
- e. Is entitled to receive copies of official College publications.

#### **15.4 Non – Practising Regulated Audiologist**

- a. Shall pay an annual fee and any other fees as applicable.
- b. Is not eligible to practice audiology in Manitoba.
- c. Shall participate in the Continuing Competency Program of the College
- d. Shall submit Criminal Record, Child Abuse Registry, and Adult Abuse Registry checks as required by Regulation
- e. Shall receive full voting privileges and all privileges extended by the College.
- f. Is eligible for election or appointment to any position within the College.
- g. Is entitled to attend and participate in general College meetings.
- h. Is entitled to receive copies of official College publications.

#### **15.5 Full Regulated Speech – Language Pathologist**

- a. Shall pay an annual fee and any other fees as applicable.
- b. Is entitled to practice speech – language pathology in Manitoba.
- c. Shall participate in the Continuing Competency Program of the College
- d. Shall maintain professional liability insurance as required by Regulation
- e. Shall submit Criminal Record, Child Abuse Registry, and Adult Abuse Registry checks as required by Regulation
- f. Shall receive full voting privileges and all privileges extended by the College.
- g. Is eligible for election or appointment to any position within the College.
- h. Is entitled to attend and participate in general College meetings.
- i. Is entitled to receive copies of official College publications.

#### **15.6 Provisional Regulated Speech – Language Pathologist**

- a. Shall pay an annual fee and any other fees as applicable.
- b. Is entitled to practice speech – language pathology in Manitoba in accordance with the mentorship program as specified in the Council Regulation of the College.
- c. Shall participate in the Continuing Competency Program of the College
- d. Shall maintain professional liability insurance as required by Regulation

- e. Shall submit Criminal Record, Child Abuse Registry, and Adult Abuse Registry checks as required by Regulation
- f. Shall receive full voting privileges and all privileges extended by the College.
- g. Is eligible for election or appointment to any position within the College.
- h. Is entitled to attend and participate in general College meetings.
- i. Is entitled to receive copies of official College publications.

**15.7 Restricted Purpose Regulated Speech – Language Pathologist**

- a. Shall pay any fees applicable.
- b. Is entitled to practice speech – language pathology in Manitoba.
- c. Shall maintain professional liability insurance as required by Regulation
- d. Shall submit Criminal Record, Child Abuse Registry, and Adult Abuse Registry checks as required by Regulation
- e. Is entitled to receive copies of official College publications.

**15.8 Non – Practising Regulated Speech – Language Pathologist**

- a. Shall pay an annual fee and any other fees as applicable.
- b. Is not eligible to practice speech – language pathology in Manitoba.
- c. Shall participate in the Continuing Competency Program of the College
- d. Shall submit Criminal Record, Child Abuse Registry, and Adult Abuse Registry checks as required by Regulation
- e. Shall receive full voting privileges and all privileges extended by the College.
- f. Is eligible for election or appointment to any position within the College.
- g. Is entitled to attend and participate in general College meetings.
- h. Is entitled to receive copies of official College publications.

**REGULATED ASSOCIATE REGISTRANTS**

**15.9 Inactive/Retired Regulated Associate Audiologist**

- a. Shall pay an annual fee and any other fees as applicable.
- b. Is not eligible to practice audiology in Manitoba.
- c. Is entitled to receive copies of official College publications.

**15.10 Inactive/Retired Regulated Associate Speech – Language Pathologist**

- a. Shall pay an annual fee and any other fees as applicable.
- b. Is not eligible to practice speech – language pathology in Manitoba.
- c. Is entitled to receive copies of official College publications

**OBLIGATIONS, RIGHTS, AND PRIVILEGES OF REGISTRATION**

All registrants shall:

15.11 Notify the Registrar in writing of any change in the following and the effective date of the change within thirty (30) days of the change:

- a. The registrant’s home address, home telephone number, and preferred e – mail address;
- b. The name, business address, business telephone number, business facsimile number and business e mail address of each place of practice of the registrant;
- c. Legal amendments to the registrant’s name

15.12 Practise the profession of audiology or speech – language pathology, whichever the case may be, in accordance with the Standards of Practice, Code of Ethics, and Practice Directions of the College;

- 15.13 Provide information respecting his or her suspension or dismissal from his or her place of employment;
- 15.14 Answer all correspondence from the College in which a reply is requested, within 15 days or the deadline specified in the correspondence, unless an extension is granted by Council;
- 15.15 Accurately complete and return the required annual renewal by providing such information as may be requested including:
  - a. information required to be maintained in the register of the College;
  - b. information respecting his or her participation in the Continuing Competency Program;
  - c. information that relates to the professional characteristics and activities of the registrant that may assist the College in carrying out its objects; and
  - d. information respecting a Criminal Record, Child Abuse Registry, and Adult Abuse Registry Check as required by Regulation
  - e. information respecting professional liability insurance coverage as required by Regulation.
  - f. Information for the purposes of compiling statistical information to assist the College in fulfilling its objects

## **Article 16.0 FEES**

- 16.1 The Registrar may charge a fee for anything he or she is required or authorized to do under statute, regulations or by – law.
  - a. The fees for anything the Registrar is required or authorized to do, except for the fees for those things that are prescribed, are the fees set by the Registrar.
  - b. The prescribed fee for election recounts is \$150.
  - c. The prescribed fee for providing a notice to a registrant for failure of the registrant to provide information or a form to the College or a committee of the College within thirty (30) days of being requested or required to do so is \$50.
- 16.2 The Registrar may charge registrants a fee for anything that a committee of the College is required or authorized to do under statute or regulations.
  - a. Fees may be assessed for the following services that committees of the College are required or authorized to do:
    - i. For an onsite Practice Audit  
  
This does not apply to:
      - those registrants who are randomly selected or volunteer for the annual Continuing Competency Program Practice Audit process, or
      - those registrants who are at the completion of a first cycle of remediation at the request of a committee (i.e.: the Continuing Competency Committee.)
    - ii. For one cycle of a remediation plan which incorporates College initiated resources (i.e.: College decision to require a mentor and mentorship period, practice auditor, etc.)

- 16.3 Fees payable by registrants of the College are those fees determined by the Council and include, but are not limited to:
- a. Application for Registration
  - b. Application for Certificate of Practice
  - c. Annual Registration Fee
  - d. Certificate of Practice Renewal
  - e. Transfer of Registration Category
  - f. Application for Advanced Competency Certification and renewal

### **ANNUAL REGISTRATION FEES AND CERTIFICATE OF PRACTICE RENEWAL FEES**

- 16.4 On or before the first day of October in each year, the Registrar shall send, by mail or otherwise, a notice to each registrant to pay the annual registration fee and for those registrants holding a Certificate of Practice, to renew their Certificate of Practice and pay the annual renewal fee.
- 16.5 A Certificate of Practice shall expire on December 31<sup>st</sup> in each year, unless renewed prior to that date, and each person whose Certificate of Practice has expired shall not practice as an audiologist or speech – language pathologist.
- 16.6 The annual registration fee and Certificate of Practice renewal fee are due on October 31<sup>st</sup> of each year. If not received by October 31<sup>st</sup>, an automatic late penalty, to be determined by Council, will be rendered and a late notice will be sent.
- 16.7 Registrants receiving a late notice must respond by payment upon receipt of the late filing notification.
- 16.8 If the annual registration fee and/or the Certificate of Practice renewal fee and late penalty are not received by November 30<sup>th</sup>, a letter will be sent by registered mail, giving notice of the Registrar's intent to revoke registration and decline renewal of the Certificate of Practice if the fees and late penalty are not received by December 31<sup>st</sup>.
- 16.9 Annual registration fees and Certificate of Practice renewal fees may be paid by instalments according to Financial Policy.
- 16.10 An automatic fee will be rendered for payments made by cheques that are returned NSF or where credit card authorization is declined. All assessed penalties and outstanding payments are due upon receipt of notification. Failure to pay will result in renewal of the Certificate of Practice being declined and registration being revoked.
- 16.11 Registrants who stop practising for a period of time during the current Practice Year will not be entitled to any reduction in their annual fees.

### **APPLICATION FEES**

- 16.12 An application fee for registration, Certificate of Practice, or transfer of registration category, determined by Council, shall be paid prior to the granting of registration in any registration category of the College, or granting of a Certificate of Practice, whichever the case may be, and is non – refundable.

### **OTHER FEES**

- 16.13 Other fees may be levied, in accordance with Schedule 2: Fees.

## **Article 17.0 HONOURARY MEMBERS**

- 17.1 The privilege of honorary membership shall be open to any person who is not a registrant of the College who has made an outstanding contribution to furthering the mission of the College and/or fulfilling its mandate and objects relating to the regulation of the professions of audiology and speech – language pathology in Manitoba in the public interest.
- 17.2 Honorary members must be nominated by five (5) regulated registrants of the College. Nominations shall be submitted once, annually, on November 1<sup>st</sup>.
- 17.3 Council shall consider nominations of honorary members annually, at its December meeting. Council may approve honorary members by at least a two – thirds (2/3) vote.

### **FEES**

- 17.3 Honorary members will not pay annual registration fees.

### **CONDITIONS**

- 17.4 An honorary membership shall be for life, save and except in the case where, in the opinion of Council, the member acts in a manner inconsistent with an honorary member designation.
- 17.5 Honorary members shall not be eligible for nomination to Council.
- 17.6 Honorary members shall not have voting privileges.
- 17.7 Honorary members shall not use the titles "Audiologist" or "Speech – Language Pathologist," or a variation or abbreviation or an equivalent in another language or any other title protected by the College and shall not hold themselves out as qualified to practice as an audiologist or speech – language pathologist.

## **Article 18.0 BUSINESS ARRANGEMENTS**

- 18.1 Council may pass by - laws to prescribe the form and manner in which a health corporation must notify the Registrar of a change in voting shareholders, and directors and the time for doing so.

## **Article 19.0 PROCEDURES TO ADOPT A CODE OF ETHICS**

- 19.1 Council shall adopt a code of ethics, as set out in the following procedures:
- a. Council shall, at an open meeting, approve in principle, a code of ethics.
  - b. Council shall provide a copy of the proposed code of ethics, for review and comment, as required in the RHPA (SECTION 83.3).
  - c. Council shall receive comments for a period of thirty (30) days.
  - d. Council shall consider the comments received.
  - e. After considering the comments received, Council shall adopt a code of ethics at an open meeting of Council.



**SCHEDULES:**

**Schedule 1: Remuneration of Council Members and Committee Members**

**Schedule 2: Fees**

<b>REMUNERATION OF COUNCIL MEMBERS AND COMMITTEE MEMBERS</b>				
<b>Honorarium</b>	<b>Length of Meeting</b>			
	<b>Full Day</b> (6.5 hours or more)	<b>¾ Day</b> (4.5 to 6.0 hours)	<b>½ Day</b> (2.5 to 4.0 hours)	<b>¼ Day</b> (0.5 to 2.0 hours)
Council President (or Vice President acting in the absence of the Chair)	\$250.00	\$187.50	\$125.00	\$62.50
Council Vice President	175.00	131.25	87.50	43.75
Chair of Statutory or Standing Committee	250.00	187.50	125.00	62.50
General Members of Council or Committees	150.00	112.50	75.00	37.50

**NOTES:**

1. Individuals who receive honoraria payments must report such income on their personal income tax returns. Canada Revenue Agency requires an organization, such as the College, to issue T4's to recipients of honoraria for income tax reporting purposes. You will be required to provide your Social Insurance Number to the College in order that a T4 is prepared appropriately.
2. Canada Revenue Agency requires the College to deduct Canada Pension Plan (CPP) contributions if total honoraria payments to an individual exceed \$3500.00.

<b>REGISTRATION &amp; PRACTICE FEES</b>		<b>INITIAL REGISTRATION</b>			
	Full Regulated Registration	Provisional Regulated Registration	Restricted Purpose Regulated Registration	Non – Practising Regulated Registration	Inactive/Retired Regulated Associate Registration
Application for Registration (Non – refundable)	\$ 100.00	\$ 100.00	\$100.00	\$ 100.00	N/A
Initial Certificate of Registration	\$ 315.00	\$ 315.00	\$ 315.00 For 12 months OR \$ 80.00 Per 3 – month block	\$315.00	N/A
Initial Certificate of Practice	\$420.00	\$420.00	\$ 420.00 For 12 months OR \$105.00 Per 3 – month block	N/A	N/A
Advanced Competency Certification  (Valid for three (3) years; see NOTE 7)	First certification \$50.00  Additional certification \$50.00  (\$100.00 maximum charge)	N/A	First certification \$50.00  Additional certification \$50.00  (\$100.00 maximum charge)	N/A	N/A

## ANNUAL REGISTRATION, PRACTICE RENEWALS, & TRANSFERS

	Full Regulated Registration	Provisional Regulated Registration	Restricted Purpose Regulated Registration	Non – Practising Regulated Registration	Inactive/Retired Regulated Associate Registration
Annual Registration Fee	\$ 315.00	\$ 315.00	N/A	\$ 315.00	\$ 100.00
Certificate of Practice Renewal or Reinstatement	\$ 420.00	\$ 420.00	N/A	N/A	N/A
Application to Transfer Registration Category (at any time other than during annual renewal period)	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	N/A
Advanced Competency Certification Renewal  (Valid for three (3) years; see NOTE 7)	First certification \$50.00  Additional certification \$50.00  (\$100.00 maximum charge)	N/A	First certification \$50.00  Additional certification \$50.00  (\$100.00 maximum charge)	N/A	N/A

## PENALTIES

	Penalty	Effective
Penalty for late payment of Annual Registration Fees	20%	Charged on payment received after 31 <sup>st</sup> October
Penalty for late payment of renewal of Certificate of Practice	20%	Charged on payment received after 31 <sup>st</sup> October
Penalty for reinstatement of Certificate of Practice (Non – renewal for failure to pay fees or apply in time)	35%	Charged on payments received after 31 <sup>st</sup> December
Penalty for reinstatement of Certificate of Practice (for any reason other than failure to pay renewal fees or apply in time)	35%	At time of reinstatement
Penalty for reinstatement of Certificate of Registration (when a Certificate of Registration has been revoked due to failure to pay Annual Registration Fees)	\$ 100.00	At time of reinstatement

## MISCELLANEOUS FEES

	Fee	Details
Payment declined, NSF, unauthorized	\$ 50.00	Applicable to any and all payment methods
Issuing duplicate receipt	\$ 50.00	
Verification of Registration	\$ 50.00	
Issuing copies of documents from a registrant's file	\$ 50.00	Up to 25 pages; \$1.00 per page thereafter
Notice to registrant for failure to provide information or form to the College or a Committee of the College within thirty (30) days of being requested to do so	\$ 50.00	
Administration fee: payments made by any means other than on – line	\$ 25.00	Per transaction
Election recount	\$150.00	

## COMMITTEE SERVICE FEES

	Fee	Details
Onsite Practice Audit	\$500.00	Does not apply to registrants who are randomly selected or volunteer for a Practice Audit as per the Continuing Competency Program , CASLPM General Regulation, Section 6.11(1)
One cycle of a remediation plan	First ten (10) hours – no charge	All successive hours billed at \$ 100.00 per hour

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### NOTES:

1. A Certificate of Practice expires on 31<sup>st</sup> December in each year, unless renewed prior to that date.
2. Fees for Annual Registration and Certificate of Practice renewal are due 31<sup>st</sup> October, and effective 1<sup>st</sup> January to the 31<sup>st</sup> of December of the up – coming Practice Year.
3. The fees for Annual Registration and Practice are based on a Practice Year, 1<sup>st</sup> January to 31<sup>st</sup> December. Registrants who begin practice in Manitoba part way through a Practice Year or who cease to practise for a period of time during a Practice Year are not entitled to any reduction in their annual fees.
4. An application fee for registration, Certificate of Practice, or transfer of registration category must be paid prior to registration being granted in any category, or Certificate of Practice being granted, whichever the case may be, and is non – refundable.

5. Inactive / Retired Regulated Associate Registrants who had been granted Life Membership with MSHA, as of 31<sup>st</sup> December 2013, shall be exempt from annual registration fees for the duration of their registration with the College.
6. An Advanced Competency Certificate held by a full regulated registrant is valid for three years from the date that it is issued or renewed, unless suspended or cancelled prior to expiry.

An Advanced Competency Certificate held by a restricted purpose regulated registrant is valid only for as long as the registrant's Certificate of Practice is valid, unless suspended or cancelled prior to expiry.

A registrant **must** maintain a valid Certificate of Practice in order to maintain Advanced Competency Certification. If the Certificate of Practice is canceled for any reason, Advanced Competency Certificates are revoked.

7. All transactions processed in **Canadian Funds**.
8. All fees subject to GST.
9. Payments due upon receipt of invoice.
10. Penalty charges are cumulative on outstanding balance.
11. Overdue accounts subject to 2% interest per month.