

BY-LAW NO. 10 – DISCIPLINE COMMITTEE

By-Law No. 10

A By-law relating to the Discipline Committee of the Association of Professional Geoscientists of Ontario as approved by Council on May 30, 2003.

BE IT ENACTED

as a By-law of the Association of Professional Geoscientists of Ontario (hereinafter called the “Association”).

APPOINTMENT OF COMMITTEE

1. Council shall appoint a Discipline Committee to implement and manage the discipline procedure in accordance with the Act and the Complaints and Discipline Regulation (the “Regulation”).
2. The Discipline Committee shall conduct a discipline hearing for all orders of the Complaints Committee referring a complaint in whole or in part to the Discipline Committee.
3. The Discipline Committee shall be comprised of the following individuals, but not limited to:
 - (a) two (2) councillors who are sitting as elected councillors;
 - (b) two (2) councillors who are either non-member appointees appointed in accordance with By-law No. 7 or appointed by the Lieutenant Governor in Council; and
 - (c) five (5) members from the membership at large.

For the purposes of subsection (a) above, during the transitional period, the Discipline Committee shall be comprised of two (2) appointed councillors who are members.

4. Council shall appoint councillors to sit on the Discipline Committee in accordance with the composition set out in section 3. Upon notice by the Association, members from the membership at large may submit their names to the Nomination Committee for consideration for appointment.

TERMS OF REFERENCE

5. All members of the Discipline Committee shall attend a training seminar conducted by the Association setting out the discipline process.
6. The Discipline Committee shall develop and adopt rules (the “Rules”) governing its procedure in accordance with the provisions of the Statutory Powers Procedure Act. The Rules shall be approved by a majority of members of the Discipline Committee and shall be submitted to Council for approval. Forthwith upon approval by Council, the Rules shall have full force and effect until amended by the Discipline Committee, again with the approval of Council.
7. The business of the Discipline Committee shall be conducted in accordance with By-law No. 1.
8. A member of the Complaints Committee shall be permitted to sit on the Discipline Committee. However, a member shall not be entitled to sit on a panel of the Discipline Committee, if such member also served on a panel of the Complaints Committee with respect to the same matter.
9. No person shall sit as a member of the Discipline Committee or any panel thereof investigating any complaint in which:
 - (a) such person, or a member of his or her firm, is the complainant or has advised the complainant in connection with the subject matter of the complaint;
 - (b) such person or any member of his or her firm will be a witness;
 - (c) such person, or a member of his or her firm, is the investigated person or entity; or

- (d) a member of his or her firm has been retained to assist the Complaints Committee in investigating the complaint.
- 10. In the event that a councillor who is a non-member appointee is unable to sit on the Discipline Committee, Council shall appoint an elected councillor to represent the non-member appointees.
- 11. The Chair of the Discipline Committee (the “Chair”) shall be appointed by a majority of the members of the Discipline Committee.
- 12. The Chair of the Discipline Committee shall appoint several panels of not less than three members of the Discipline Committee comprised of at least one councillor who is a non-member appointee.
- 13. Upon receipt of an order from the Complaints Committee, the Chair of the Discipline Committee shall assign any panel constituted in accordance with Sections 9 and 12 to adjudicate the matter pursuant to the Regulation.