

BY-LAW NO. 9 – COMPLAINTS COMMITTEE

By-Law No. 9

A By-law relating to the Complaints 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 Complaints Committee to implement and manage the complaints procedure in accordance with the Act and the Complaints and Discipline Regulation (the “Regulation”).
2. The Complaints 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 non-member appointees; and
 - (c) five (5) members from the membership at large.

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

3. Council shall appoint Councillors to sit on the Complaints Committee in accordance with the composition set out in section 2. 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

4. All members of the Complaints Committee shall attend a training seminar conducted by the Association setting out the complaints process.
5. The Complaints 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 Complaints 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 Complaints Committee, again with the approval of Council.
6. The business of the Complaints Committee shall be conducted in accordance with By-law No. 1.
7. 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.
8. No person shall sit as a member of the Complaints 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 person or entity complained about; or
 - (d) a member of his or her firm has been retained to assist the Complaints Committee in investigating the complaint.

9. In the event that a councillor who is a non-member appointee is unable to sit on the Complaints Committee, Council shall appoint an elected councillor to represent the non-member appointees.
10. The Chair of the Complaints Committee (the “Chair”) shall be appointed by a majority of members of the Complaints Committee.
11. The Chair shall appoint several preliminary review panels of one person for the purpose of reviewing complaints received by the Registrar or the Association. In accordance with subsection 2(2) of the Regulation, if the Chair is of the opinion that the matter deserves special consideration, the Chair may refer the matter to a preliminary review panel of three members comprised of not less than one member being a councillor who is a non-member appointee.
12. In the event that a complainant or person or entity complained about makes further written submissions in response to a notice of intention to dismiss a complaint, the written submissions shall be reviewed by a separately constituted review panel of three persons comprised of not less than one member being a councillor who is a non-member appointee.
13. All correspondence between the Association, the Complaints Committee, any panel of the Complaints Committee, the complainant and/or the person or entity complained about shall be transmitted through the Registrar.