

Prince Edward Island Counselling Association Psychotherapist Counselling Chapter



February 21, 2006

MEMORANDUM OF ASSOCIATION

TITLE

- 1 The name of the Society is the "Prince Edward Island Counselling Association - Psychotherapist Counselling Chapter". *(Draft title changed January 2007)*

OBJECTIVES OF THE ASSOCIATION

- 2 In order that the public may be served and protected, the objectives of the Association are:
 - (a) To establish and maintain a registration process for members who meet educational and experience criteria in accordance with these Bylaws
 - (b) To regulate the practice of professional counselling in Prince Edward Island by its members through the following:
 - (i) implementation of a Code of Ethics and Standards of Practice
 - (ii) establishment and maintenance of a professional conduct process in accordance with these Bylaws
 - (c) To promote public awareness and support for the practice of professional counselling by Registered Psychotherapist
 - (d) To promote the professional development of counsellors
 - (e) To develop and promote legislation to license and to govern the practice of professional counselling by Registered Psychotherapist
 - (f) To provide opportunities for persons engaged in or interested in professional counselling to share information, research findings, viewpoints and common concerns

Prince Edward Island Counselling Association - Psychotherapist Counselling Chapter BYLAWS

Approved at the first General Meeting on February 21, 2006.

DEFINITIONS:

In these Bylaws:

“AGM” means Annual General Meeting of PEICA-PCC

“Association” means the Prince Edward Island Counselling Association- Psychotherapist Counselling Chapter, as defined in these Bylaws

“Board” means the Board of Directors as defined in these Bylaws

“CCA” means the Canadian Counselling Association

“CCC” means Certified Canadian Counsellor as defined by CCA

“complainant” means any person who files a formal complaint against a member

“consent agreement” means the record of an undertaking or consent given under Bylaw 65 for the purposes of resolving a complaint

“counselee” means any person who has received or is receiving professional counselling

“counselling” means assisting clients(s) through the counselling relationship, using a combination of mental health and human development principles, methods and techniques to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment through the lifespan

“disciplinary finding” means any of the actions taken pursuant to Bylaw 70 (2) (c) (d) (e) or (f), i.e., limits or conditions on the practice of professional counselling, a reprimand, suspension of registration and/or membership, or cancellation of registration and/or membership

“PEICA-PCC” means the Prince Edward Island Counselling Association - Psychotherapist Counselling Chapter

“practice of professional counselling” means:

- (1) Rendering to individuals, couples, families, groups, organizations, corporations, schools or other institutions, government agencies or the general public a service that integrates diverse models of human behaviour, such as clinical, pathology, wellness, cross-cultural, and other recognized models. This service applies a combination of mental health and human development principles and procedures to help persons achieve effective mental, emotional, physical, social, moral, educational, spiritual, and/or career development and adjustment throughout the lifespan.
- (2) Preparing for engaging in and engaging in methods and techniques which include, but are not restricted to:
 - (a) “Counselling” which means assisting clients(s) through the counselling relationship, using a combination of mental health and human development principles, methods and techniques to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment throughout the lifespan;
 - (b) “Appraisal and/or assessment” which means selecting, administering, scoring and interpreting instruments designed to assess an individual's attitudes, abilities, achievements, interests and personal characteristics and the use of methods and techniques, including interviewing and direct observation, for understanding and evaluating human behaviour in relation to coping with, adapting to, or changing

- life situations;
- (c) “Consulting” which means the application of scientific or well established principles and procedures in counselling and human development to provide assistance in understanding and solving current problems that the consultee may have in relation to a third party, be it an individual, a group, or an organization;
 - (d) “Referral” which means evaluating and identifying needs of a counsellee to determine the advisability of referral to other specialists, informing the counsellee of such judgment and communicating as requested or deemed appropriate to such referral sources;
 - (e) “Research” which means a systematic effort to collect, analyze, and interpret quantitative or qualitative data that describe how social characteristics and behaviour, emotion, cognitions, and interpersonal transactions among individuals and organizations interact.

“professional misconduct” means all such conduct or acts relevant to the practice of professional counselling which, having regard to all the circumstances, would reasonably be regarded as dishonest or unethical. Without limiting the generality of the foregoing, professional misconduct may include a violation of or failure to comply with the Code of Ethics or Standards of Practice of PEICA-PCC

“public representative” means a member of the public who is not a member or former member of PEICA-PCC and who has no close family or business relationship with a member or former member

“qualifying graduate degree” means the graduate degree approved by CCA in the granting of CCC status

“respondent” means a member against whom a complaint has been received, a member who is being investigated by the Complaints Review Committee, or a member who receives a Call to a Peer Review Hearing

“RPT” means Registered Psychotherapist

“RPT Candidate” means Registered Psychotherapist Candidate

“special resolution” means a resolution of which advance notice has been sent out, to be voted on at a Special Meeting, which resolution must be passed by 3/4 of the members entitled to vote at such meeting

PART 1 - MEMBERSHIP

Membership defined

- 1 (1) The members of PEICA-PCC are persons who, on or following the effective date of these Bylaws, meet the criteria for membership in a category described in these Bylaws and have been accepted by the Registration Committee in such category.
- (2) All members of PEICA-PCC are members of PEICA and CCA with CCC.

General duty of members

- 2 Every member shall agree in writing to comply with these Bylaws and any Code of Ethics and Standards of Practice adopted by the Association.

Rights of Members

- 3 All members are entitled to participate in general meetings of PEICA-PCC and to receive the publications of PEICA-PCC.

Ceasing to be a member

- 4 (1) A person shall cease to be a member of PEICA-PCC:
 - (a) by written resignation delivered to the Registrar of PEICA-PCC
 - (b) on having been a member not in good standing for 90 days as set out in Bylaw 17
 - (c) on having had membership suspended, for the period of suspension, or revoked by the Professional

- Conduct Committee
- (d) upon death
 - (2) Notwithstanding subsection (1) (a) or (b), if a complaint is brought against a person who was a member at the time of the subject matter of the complaints, such person is considered a member for purposes of processing the complaint, and comes within the jurisdiction of the Complaints Review Committee, the Professional Conduct Committee, and any appeal panel.

Categories of membership in PEICA-PCC

- 5 (1) Registered Members
- (a) Registered Psychotherapist
 - (b) Registered Psychotherapist Candidates
- (2) Non-registered Members
- (a) Retired Members
 - (b) Charter Members
 - (c) Student Members
 - (d) Associate Members

Registered Psychotherapist

- 6 (1) In order to qualify for initial registration as a Registered Psychotherapist, a person must satisfy the Registration Committee that the person:
- (a) (i) is of good character as defined in Bylaw 8;
 - (ii) is a Certified Canadian Counsellor as determined by CCA;
 - (iii) has completed, after the granting of the qualifying graduate degree, no less than two years of supervised experience in accordance with Bylaw 9, including a minimum of 2000 hours of professional counselling practice, of which at least 800 hours involved counselling with individuals, couples, families or groups;
 - (iv) has filed with the Registration Committee application and proof as required;
 - (v) has paid the prescribed application fee;
 - (vi) has passed an exam as may be set by the Registration Committee;
 - (vii) is not subject to any disciplinary ruling which has suspended or revoked their membership or registration with PEICA-PCC or with another registering professional association.
- (b) Notwithstanding subsection (1) (a) (vii), an applicant whose membership in PEICA-PCC was previously revoked, may, after a period of two years since the revocation, be accepted by the Registration Committee provided the applicant has met the requirements stated in Bylaw 8 (d).
- (2) A Registered Psychotherapist is entitled to:
- (a) display a certificate of registration as a Registered Psychotherapist
 - (b) use the designation "Registered Psychotherapist" or its abbreviation "RPT"
 - (c) vote at general meetings of PEICA-PCC
 - (d) stand for election to all Board positions
- (3) In order to maintain registration, a Registered Psychotherapist must:
- (a) maintain CCC status, including maintenance of Continuing Education Units and payment of fees as prescribed by CCA
 - (b) pay the prescribed PEICA-PCC annual fees
 - (c) within three years of original registration, show evidence of having successfully completed one of the following:
 - (i) an ethics course within the qualifying graduate degree program
 - (ii) a counselling ethics workshop, approved by the Registration Committee, completed subsequent to the granting of the qualifying graduate degree
 - (iii) an ethics exam as may be set and administered by the Registration Committee
- (4) If the requirements specified in subsections (3) (a) or (3) (c) are not met within a period of 12 months following the date for renewal of registration, the person's registration and membership will be cancelled.

Registered Psychotherapist Candidate

- 7 (1) In order to qualify for initial registration as a Registered Psychotherapist Candidate, a person must satisfy the Registration Committee that the person:
- (a) is of good character as defined in Bylaw 8;
 - (b) is a Certified Canadian Counsellor as determined by CCA;
 - (c) has entered into a supervision relationship in accordance with Bylaw 9;
 - (d) has filed with the Registration Committee application and proof as required;
 - (e) has paid the prescribed application fee;
 - (f) is not subject to any disciplinary ruling which has suspended or revoked their membership or registration with PEICA-PCC or with another registering professional association.
- (2) Notwithstanding subsection (1) (f), an applicant whose membership in PEICA-PCC was previously revoked, may, after a period of two years since the revocation, be accepted by the Registration Committee provided the applicant has met the requirements stated in Bylaw 8 (d).
- (3) A Registered Psychotherapist Candidate is entitled to:
- (a) display a certificate of registration as a Registered Psychotherapist Candidate
 - (b) use the designation "Registered Psychotherapist Candidate" or its abbreviation "RPT Candidate"
 - (c) vote at general meetings of PEICA-PCC
 - (d) stand for election to all Board positions except Chair and Vice Chair
- (4) A Registered Psychotherapist Candidate shall not use the designation "Registered Psychotherapist" or its abbreviation "RPT" without including the word "Candidate".
- (5) In order to maintain registration, a Registered Psychotherapist Candidate must:
- (a) maintain CCC status, including maintenance of Continuing Education Units and payment of fees as prescribed by CCA
 - (b) pay the prescribed PEICA-PCC annual fees
- (6) If the requirements specified in subsection (5) (a) are not met within a period of 12 months following the date for renewal of registration, the person's registration and membership will be cancelled.
- (7) Limitations to candidacy: An applicant shall be limited to a period of five years as an RPT Candidate. If, after five years, the candidate has not met the criteria for RPT, the person will be categorized by the Registrar as an Associate Member. The member will then be ineligible to register as a candidate for a period of two years.

Determination of good character for applicants for registered membership

- 8 To be of good character means that the applicant for registered membership
- (a) meets the professional reference requirements for the Canadian Counsellor Certification of CCA;
 - (b) provides proof of a Canada-wide Criminal Records Check;
 - (c) submits evidence of rehabilitation acceptable to the Registration Committee, if the applicant has a criminal record; and
 - (d) submits evidence of rehabilitation acceptable to the Registration Committee, if the applicant's registration and/or membership in PEICA-PCC was previously revoked, after a period of at least two years since the revocation.

Supervision of Registered Psychotherapist Candidates

- 9 (1) A supervisor is a Registered Psychotherapist, or another registered mental health professional, chosen by the candidate, subject to the approval of the Registration Committee. The Registration Committee may not reject a potential supervisor based on the supervisor's preferred counselling approach, but will require that the supervisor
- (a) have a Master's level degree comparable to the Master's level counselling degree acceptable for CCC
 - (b) be registered in a professional mental health association governed by
 - (i) a Code of Ethics comparable to the PEICA-PCC Code of Ethics, and
 - (ii) a procedure for discipline
- (2) The Registration Committee must grant approval for and register the supervisory relationship prior to the acceptance of the applicant as a Registered Psychotherapist Candidate.

- (3) The supervisor will be responsible for confirming that the candidate has completed the requirements for supervised experience. The requirements are that the candidate:
 - (a) has completed, after the granting of the qualifying graduate degree, no less than 2000 hours of professional counselling practice;
 - (b) has completed within the 2000 hours specified in (a), a minimum of 800 hours of counselling with individuals, couples, families or groups; and
 - (c) has completed a minimum of 50 contact hours between the supervisor and the candidate.
- (4) The supervisor will report once to the Registration Committee on the following points when the candidate requests Registered Psychotherapist status:
 - (a) since the authorized beginning of the supervisory relationship:
 - (i) the number of hours of professional counselling practice completed;
 - (ii) the number of hours of counselling with individuals, couples, families or groups completed;
 - (iii) the number of hours of contact between the supervisor and the candidate; and
 - (b) a pass-fail evaluation of the candidate based on adherence to the Code of Ethics and Standards of Practice of the Association.
- (5) The relationship between the candidate and the supervisor is a confidential one except regarding adherence by the candidate to the Code of Ethics and Standards of Practice of the Association.
- (6) If the supervisor has reasonable cause to warrant a complaint against the candidate, the supervisor will follow the procedure outlined in Bylaw 61(3) and (4) for members initiating complaints, even if the supervisor is not a member.

Master's Level Member (non-registered)

- 10 (1) A Master's Level (ML) member is a person with a minimum of a Master's degree in counselling or a related field from an institution recognized by CCA, who does not hold registered membership in PEICA-PCC, and has completed the membership application form and paid the applicable fee.
- (2) A Master's Level member is entitled to:
 - (1) vote at general meetings of PEICA-PCC
 - (2) stand for election to non-executive positions on the Board
- (3) A Master's Level member shall not:
 - (a) display a certificate of registration as a registered member
 - (b) use the designations "Registered Psychotherapist", "RPT", "Registered Psychotherapist Candidate", or "RPT Candidate"
 - (c) use membership in PEICA-PCC as a credential

Retired Member (non-Registered)

- 11 (1) A Retired Member is a person who is currently not practicing as a counsellor, and has completed the membership application form and paid the applicable fee.
- (2) A Retired Member shall not:
 - (a) display a certificate of registration as a registered member
 - (b) use the designations "Registered Psychotherapist", "RPT", "Registered Psychotherapist Candidate", or "RPT Candidate"
 - (c) use membership in PEICA-PCC as a credential
 - (d) vote at general meetings of PEICA-PCC unless s/he was previously an RPT, RPT Candidate, Charter Member or Master's Level Member
 - (e) stand for election to the Board unless s/he was previously an RPT, RPT Candidate, or Master's Level Member

Charter Member (non-registered)

- 12 (1) A Charter Member is a person who was on June 19, 1999, a Full or Retired member in good standing according to the previous Bylaws, and has completed the membership application form and paid the applicable fee.
- (2) A Charter Member shall not:
 - (a) display a certificate of registration as a registered member

- (b) use the designations “Registered Psychotherapist”, “RPT”, “Registered Psychotherapist Candidate”, or “RPT Candidate”
- (c) use membership in PEICA-PCC as a credential
- (d) stand for election to the Board
- (3) A Charter Member is entitled to vote at general meetings of PEICA-PCC.

Student Member (non-registered)

- 13 (1) A Student Member is a person presently enrolled in a Master’s degree program in counselling or a related field at an institution recognized by the Association of Universities and Colleges of Canada, and has completed the membership application form and paid the applicable fee.
- (2) A Student Member shall not:
- (a) display a certificate of registration as a registered member
 - (b) use the designations “Registered Psychotherapist”, “RPT”, “Registered Psychotherapist Candidate”, or “RPT Candidate”
 - (c) use membership in PEICA-PCC as a credential
 - (d) vote at general meetings of PEICA-PCC
 - (e) stand for election to the Board
- (3) Upon graduating, a Student Member may retain the student status until his/her renewal date.

Associate Member (non-registered)

- 14 (1) An Associate Member is a person who supports the objectives of the Association but does not fully meet the criteria for other membership categories, and has completed the membership application form and paid the applicable fee.
- (2) An Associate Member shall not:
- (a) display a certificate of registration as a registered member
 - (b) use the designations “Registered Psychotherapist”, “RPT”, “Registered Psychotherapist Candidate”, or “RPT Candidate”
 - (c) use membership in PEICA-PCC as a credential
 - (d) vote at general meetings of PEICA-PCC
 - (e) stand for election to the Board

Reciprocity

- 15 (1) The Registration Committee may waive all or part of the criteria for registration of Registered Psychotherapist or Registered Psychotherapist Candidates when:
- (a) the applicant holds a certificate of registration from another province, state or country, or from another Prince Edward Island association of professionals who provide counselling services, and
 - (b) the standards of the other association are deemed by the Registration Committee to be at least equivalent to the standards of PEICA-PCC, and
 - (c) the applicant provides documentation of this equivalency acceptable to the Registration Committee.
- (2) Notwithstanding (1), the criterion of CCC status will not be waived.

Appeals

- 16 A person whose application for membership or registration in PEICA-PCC has been rejected by the Registration Committee may appeal that decision to the Board in accordance with Bylaw 39.

Member in Good Standing

- 17 A member is in good standing if that member has
- (a) paid the current annual membership fee
 - (b) paid any other subscription or debt owing by that member to PEICA-PCC
 - (c) complied with or completed any terms or conditions that may have been imposed by the Professional Conduct Committee under Bylaw 70.

Register of membership

- 18 (1) There shall be a register known as the PEICA-PCC Register.
- (2) On the direction of the Registration Committee, the Registrar shall enter in the register the name, membership category, address, and any disciplinary findings against the member.
- (3) The Registrar shall remove the name of a member from the register who ceases to be a member in accordance with Bylaw 4.
- (4) A member shall promptly inform the Registrar of any change in name or address, and the Registrar shall enter that change in the register.

Disclosure of membership information

- 19 (1) Where an inquiry about the membership or registration status of a member is received by the Board or the Registrar, the Registrar shall disclose:
 - (a) whether or not that person is a member or former member of PEICA-PCC
 - (b) the membership category of that member
 - (c) any disciplinary findings against the member
- (2) Except with the consent of the person affected, the Registrar shall not release the names of complainants, clients, or their families or information which might otherwise enable a person inquiring about the status of a member to establish the identity of complainants, clients, or their families.

PART 2 OFFICERS

Officers of the Association

- 20 (1) The officers of the Association are the Chair, the Past Chair, the Vice-Chair, the Secretary and the Treasurer.
- (2) The officers shall perform the duties set out in these Bylaws as well as those that are designated by the Board of Directors.
- (3) Contracts, deeds, bills of exchange, and other instruments and documents may be executed on behalf of the Association by any two of the Chair, the Treasurer, and one other person designated by the Board as a signing officer.

Chair

- 21 (1) The Chair shall ensure that the Board of Directors and the Association conduct their affairs in accordance with the Bylaws.
- (2) The Chair shall preside at all meetings of the Board of Directors and the Association.
- (3) The Chair may take on such duties as assigned by the Board.

Past Chair (Chair of the Nominating Committee)

- 22 The Past Chair shall serve as Chair of the Nominating Committee and shall take on such duties as are assigned by the Board. If the Past Chair steps down after one year, the Board may appoint another Board member to serve as an officer, and to serve on the Executive Committee.

Vice-Chair (Chair of the Registration Committee)

- 23 (1) The Vice-Chair shall assume the duties of the Chair in the absence or inability of the Chair to act for any reason.
- (2) If the office of the Chair becomes vacant prior to the expiration of the term, the Vice-Chair will assume the position of the Chair for the duration of the term and the Board of Directors may appoint a new Vice-Chair from the eligible membership.
- (3) The Vice-Chair shall take on such duties as are assigned by the Board.

Secretary

- 24 (1) The Secretary is responsible for:
- (a) recording the minutes of all Board of Directors meetings and meetings of the Association;
 - (b) maintaining the official record book in which all minutes are kept;
 - (c) preparing and distributing copies of the minutes as may be required;
 - (d) notifying Directors of meetings of the Board of Directors;
 - (e) maintaining a book(s) where shall be kept recorded a copy of the documents of incorporation and of all Bylaws of the Association;
 - (f) allowing any member to inspect the minutes of the Board meetings at any reasonable time within seven days prior to the AGM at any mutually agreed upon place;
 - (g) notifying all members of meetings of the Association;
 - (h) carrying out all correspondence as assigned by the Board; and
 - (i) maintaining a list of names, addresses, and contact numbers of all members of the Board of Directors.
- (2) The Secretary shall ensure that certified copies of all Bylaws and amendments to Bylaws are filed as required under the Societies Act.
- (3) The seal of the Association shall be in the custody of the Secretary, and may be affixed to any document upon resolution of the Board of Directors.

Treasurer

- 25 The Treasurer is responsible for
- (a) maintaining books in a manner approved by the Board of Directors;
 - (b) ensuring the collection of fees and the payment of expenses as approved by the Board of Directors;
 - (c) ensuring the depositing of the funds of the Association in a financial institution approved by the Board of Directors;
 - (d) preparing and presenting the budget to the Board of Directors and the membership at the Annual Meeting;
 - (e) submitting monthly financial reports to the Board of Directors and an annual audited financial statement to the Association; and
 - (f) recommending to the Board of Directors the appointment of an accountant and filing the annual financial statement with the Registrar of Joint Stocks.

Criteria for Officers of the Board

- 26 (1) All Officers must be members in good standing.
- (2) The Chair and Vice Chair must be current Registered Psychotherapist or Retired Members who were previously Registered Psychotherapist.
- (3) The Secretary and Treasurer must be current Registered Psychotherapist or Registered Psychotherapist Candidates, or Retired Members who were previously Registered Psychotherapist or Registered Psychotherapist Candidates.

Term of Office

- 27 (1) The Chair, Vice-Chair, Secretary and Treasurer shall be elected to office for a one year term.
- (2) Officers are eligible to serve if elected for three consecutive one year terms per office.
- (3) The Past Chair will hold office for one year, after which s/he will have the option of remaining in office in each subsequent year until a new Chair is elected.

PART 3 EXECUTIVE COMMITTEE

Composition of the Executive Committee

- 28 (1) There shall be an Executive Committee composed of the five officers of PEICA-PCC.
- (2) So long as they remain Board members, the Executive Committee members shall hold office until their successors are elected or appointed.

- (3) With the exception of the Chair, the Board may at any time fill a vacancy on the Executive Committee with a different Board member, or appoint an additional member.

Powers of the Executive Committee

- 29 (1) The Executive Committee shall act on all matters delegated to it by the Board, or that may require attention between Board meetings.
- (2) The Executive Committee may exercise the Board's powers unless the Board otherwise resolves.
- (3) If they are within the scope of its authority, the acts of the Executive Committee are effective as the acts of the Board, until they are amended or repealed by the Board.
- (4) Notwithstanding subsection (2), the Executive Committee shall not have the power to alter, repeal, or suspend a rule of the Board or to amend a Bylaw.

Chair and minutes

- 30 (1) The Association Chair, if present, shall preside at all meetings of the Executive Committee. If the Chair is not present, the Committee will appoint another member to preside.
- (2) The Executive Committee shall keep minutes of its proceedings and shall submit them for the Board's consideration at the next Board meeting.

Quorum and voting

- 31 (1) Three members of the Executive Committee is a quorum of that committee.
- (2) Where there is a quorum at a meeting of the Executive Committee, all resolutions shall pass by a 50% plus one affirmative vote of the Directors attending that meeting.
- (3) The chair of the meeting does not have a casting or deciding vote.
- (4) In case of an equality of votes the motion shall be lost.
- (5) A written resolution signed by all members of the Executive Committee shall be valid and binding and of the same effect as if such a resolution had been duly passed at a meeting of the Executive Committee.

PART 4 REGISTRAR

Registrar

- 32 (1) The Registrar is appointed by the Board of Directors.
- (2) The Registrar may be remunerated as the Board directs.
- (3) Powers and duties of the Registrar
 - (a) To inform applicants for registered membership of the decision of the Registration Committee;
 - (b) To maintain the PEICA-PCC Register and answer inquiries in accordance with Bylaw 19;
 - (c) To renew annually the registration of registered members provided they have met the requirements for registration maintenance as specified in Bylaws 6 (3) and 7 (5);
 - (d) To renew the membership of non-registered members annually, provided that they have paid their dues, and;
 - (e) To carry out any duties as assigned by the Complaints Review Committee or the Professional Conduct Committee or the Registration Committee.
- (4) Notwithstanding Bylaw 20 (3), the Board may designate the Registrar to co-sign membership cards and other documents.

PART 5 BOARD OF DIRECTORS

Composition of the Board of Directors

- 33 The Board of Directors consists of the five Officers and the committee chairs of the Membership, Public Relations, Professional Development, Legal, Ethics and Registration Committees. In a year when the Past Chair position is vacant, an additional member will be elected at the Annual General Meeting.

Criteria for Board Members

- 34 (1) All Board Members must be members in good standing.
- (2) All Board Members must be current Registered Psychotherapist, Registered Professional Counsellor Candidates, Master's Level Members, or Retired Members who were previously Registered Psychotherapist or Registered Psychotherapist Candidates, or Master's Level Members. The Officers are subject to additional criteria as stated in Bylaw 26 (2) and (3).

Election and term of office

- 35 (1) Members of the Board of Directors take office immediately following the annual general meeting at which they are elected.
- (2) All members of the Board of Directors except the Past Chair shall be elected by the Association at the annual general meeting for a one year term.
- (3) All members of the Board of Directors except the Past Chair are eligible to serve if elected for three consecutive one year terms per office.
- (4) Nominees for election shall be those nominees advanced by the Nominating Committee pursuant to Bylaw 52, and such other nominees who are nominated from the floor at the AGM by at least three members in good standing.
- (5) If a member of the Board of Directors does not attend three consecutive meetings, without sufficient cause accepted by the Board of Directors, a vacancy shall be declared.
- (6) The Board may, by a 2/3 majority vote of the total Board membership, remove any Director before the expiration of the period of office and appoint another person in their stead. The person so appointed shall hold office during such time only as the Director in whose place they are would have held office had that Director not been removed.
- (7) With the exception of the Chair, the Board may at any time fill a vacancy on the Board with a different Board member, or appoint an additional member to the Board to fill the vacant position.

Remuneration and Expenses

- 36 Members of the Board of Directors do not receive remuneration for their services but are entitled to reimbursement, to be submitted within 60 days of expenditure, for expenses actually incurred on Board business and which are approved by the Board.

Powers and Duties of the Board

- 37 Subject to these Bylaws, the powers and duties of the Board of Directors are
- (a) to administer the affairs of the Association;
 - (b) to put into effect the decisions and directions of the membership;
 - (c) to serve as the governing body of the membership;
 - (d) to exercise any other functions entrusted to it by the membership;
 - (e) to appoint delegates and experts to act on behalf of the Association when necessary;
 - (f) to prepare the budget for approval at the annual general meeting;
 - (g) to make such other decisions as may be necessary to further the activities of the Association;
 - (h) to initially approve any proposed amendments to the Bylaws;
 - (i) to recommend to the membership for approval any Code of Ethics and Standards of Practice, or any changes thereto; and
 - (j) to approve any policies and procedures of PEICA-PCC.

Procedures of the Board

- 38 (1) The Board of Directors shall meet to conduct the business of the Association, not less than four times a year.
- (2) The Secretary shall give notice of Board of Directors meetings to members of the Board of Directors at least six days in advance of the meeting, stating place and time.
- (3) The quorum shall be a simple majority of the Board of Directors membership.

- (4) The Chair or other person chairing the Board meeting shall vote only if the vote on a question is evenly divided.
- (5) Subject to Bylaw 35 (6), all questions brought before the Board of Directors shall be decided by majority vote. Voting shall be in person by showing of hands or by secret ballot if requested.
- (6) The minutes of the Board of Directors meetings shall be submitted to all members of the Board of Directors at, or prior to, the next meeting.

Appeals to the Board

- 39
- (1) Where a provision of these Bylaws grants a person the right to appeal a decision or order to the Board, the appeal shall be conducted in accordance with this Bylaw.
 - (2) Except as otherwise provided by these Bylaws or law, the Board may make rules governing the manner of initiating an appeal, how an appeal shall be heard, considered and resolved, and other related matters.
 - (3) An appeal must
 - (a) be in writing;
 - (b) set out the grounds for the appeal;
 - (c) provide new information to be considered by the Board if applicable; and
 - (d) be delivered to the Secretary within 30 days of the decision or order being appealed.
 - (4) If an appeal has been received in accordance with subsection (3), the Board may strike an Appeal Panel in accordance with Bylaw 60 to assume the powers and duties assigned to the Board in the remainder of this Bylaw.
 - (5) In hearing an appeal under this Bylaw, the Board shall conduct the appeal in accordance with the principles of fairness and may
 - (a) review any information or documents, whether or not that information was produced before the original committee; and
 - (b) make such inquiries of any person it considers necessary.
 - (6) After it has completed its review, inquiries, or hearing, the Board shall
 - (a) confirm, vary or reverse the decision or order of the committee;
 - (b) refer the matter back to the committee, with or without directions; or
 - (c) make any other decision or order that it considers appropriate in the circumstances.
 - (7) A decision of the Board under subsection (6) is final and conclusive, and is not open to question or review in any court, and proceedings by or before the Board shall not be restrained by injunction, prohibition, or other process or proceeding in any court or be removable by certiorari or otherwise in any court.

PART 6 MEETINGS OF THE ASSOCIATION

Annual General Meeting

- 40
- (1) The Association shall hold its Annual General Meeting prior to the end of the fiscal year, notice of which shall be sent to the membership at least 21 days prior to the meeting.
 - (2) At least 21 days prior to the meeting date, the members shall be issued copies of the agenda which must include any proposed changes recommended by the Board to annual fees, application fee, Bylaws, Code of Ethics, or Standards of Practice, and all other material to be voted on at the AGM, which the Board has in its possession at the time the notice of the meeting is issued.
 - (3) The following matters shall be voted on at the AGM:
 - (a) the matters named in subsection (2); and
 - (b) any motion brought forward by a member, when 2/3 of the voting members present approve of voting on the motion.
 - (4) Notwithstanding subsection (3), any motions to amend Bylaws, Code of Ethics, or Standards of Practice must be made in accordance with Bylaws 83 and 84.

Special Meeting

- 41
- (1) A Special Meeting of the Association may be called by the Chair at any time considered by the Chair to be

appropriate.

- (2) The Chair shall call a Special Meeting of the Association upon request to the Secretary made by at least 25% of the membership of the Association.
- (3) Notice of a Special Meeting including a draft agenda shall be sent at least 14 days prior to the meeting.
- (4) A special resolution must be passed by 3/4 of the members entitled to vote at the meeting.
- (5) No other business shall be voted on other than the business set out in the notice of the meeting.

Notice of meeting

- 42 (1) Any notice sent to the last known address of a member of the Association is deemed to be notice to that member of a meeting.
- (2) No member or group may present a resolution requiring a change in Bylaws unless written notice of the proposed resolution has been submitted to the Board of Directors for approval according to Bylaw 37 (h) at least six weeks before the annual general meeting or special meeting.

Quorum

- 43 Five percent of the membership of the Association constitutes a quorum.

Voting

- 44 (1) Eligible members may vote at a Special Meeting or the AGM by either attending such a meeting, or by submitting a proxy vote where authorized by the Board.
- (2) Where authorized by the Board, a form allowing for a proxy vote shall be distributed to all eligible members at the time such members are notified of any special meeting or annual general meeting of the Association. Should a member wish to vote by proxy, such member shall complete the proxy form and forward it to the address indicated on the form in sufficient time to ensure that the proxy form is received at least one business day in advance of the meeting. Any proxy votes which are not received at least one business day in advance of the meeting shall not be counted.
- (3) All matters to be voted on at the AGM, except Bylaw amendments and changes to the Code of Ethics and Standards of Practice, shall be decided by a majority of the votes of the eligible members who are either present at the meeting or who have submitted their proxy votes where proxy voting is authorized by the Board.
- (4) Eligible members who are present shall vote by a show of hands unless a majority decides that a vote should be taken by secret ballot. Proxy votes, where authorized by the Board, shall be counted and added to the show of hands, with the total result of the vote then read out to those present at the meeting.
- (5) The Chair or other person chairing the meeting shall only vote if the vote on a question is evenly divided.

PART 7 COMMITTEES

General rules for committees

- 45 (1) The provisions of this Bylaw apply to any committee that may be established by the Board of Directors.
- (2) All members of committees must be members in good standing of PEICA-PCC.
- (3) The Board may set up an ad hoc committee, as the need arises.
- (4) The chairs of the Public Relations, Membership, Professional Development, Legal, Ethics and Registration Committees shall be elected by the Association at the Annual General Meeting for a term of one year and are eligible for re-election, in accordance with Bylaw 35.
- (5) The chair or other person chairing the committee shall vote only if the votes on a question are evenly divided.
- (6) Each Committee shall:
- (a) perform its duties subject to the direction of the Board;
 - (b) meet as frequently as is required to fulfill its terms of reference;
 - (c) report to the Board on the business of each meeting of the committee as appropriate;
 - (d) report to the Annual General Meeting of the Association on the business of the committee; and
 - (e) liaise with other committees as is appropriate.

Standing Committees

- 46 (1) The standing committees of PEICA-PCC shall be:
- (a) Membership Committee
 - (b) Public Relations Committee
 - (c) Professional Development Committee
 - (d) Legal Committee
 - (e) Ethics Committee
 - (d) Nomination Committee
 - (f) Registration Committee
 - (g) Complaints Review Committee
 - (h) Professional Conduct Committee
- (2) The committee members shall be approved by the Board or by the committee chair.

Membership Committee

- 47 (1) There is established a Membership Committee which shall concern itself with:
- (a) recruitment of members to the Association;
 - (b) maintaining and distributing a brochure for prospective members;
 - (c) representing the concerns of members to the Board;
 - (d) keeping membership informed about Board activities; and
 - (e) supervising the preparation and editing of the Association news bulletins directed to the members.
- (2) The chair of the Membership Committee shall be elected in accordance with Bylaw 35.

Public Relations Committee

- 48 (1) There is established a Public Relations Committee which shall be responsible for:
- (a) publicizing to the general public the aims and purposes of the Association, including preparation of news releases;
 - (b) lobbying with third party insurers;
 - (c) liaison with other professional associations;
 - (d) developing and maintaining a public relations policy; and
 - (e) developing a strategy for lobbying government for licensure.
- (2) The chair of the Public Relations Committee shall be elected in accordance with Bylaw 35.

Professional Development Committee

- 49 (1) There is established a Professional Development Committee which shall promote continuing education for Psychotherapist Counselling by:
- (a) Coordinating information about existing opportunities for professional development;
 - (b) Creating professional development opportunities to meet the needs of members;
 - (c) Providing information about professional development opportunities to the Association;
 - (d) Coordinating procedures for members to receive Continuing Education Units from CCA; and
 - (e) Developing counselling ethics training for the purposes of Bylaw 6 (3) (c).
- (2) The chair of the Professional Development Committee shall be elected in accordance with Bylaw 35.

Legal Committee

- 50 (1) There is established a Legal Committee which shall:
- (a) draft Bylaws or recommend amendments to Bylaws;
 - (b) work on drafting legislation governing the practice of counselling by Registered Psychotherapist in the province of Prince Edward Island;
 - (c) recommend to the Board of Directors retaining legal counsel as required and liaise with such counsel in consultation with the board.
- (2) The chair of the Legal Committee shall be elected in accordance with Bylaw 35.

Ethics Committee

- 51 (1) There is established an Ethics Committee which shall:
- (a) review the current ethical and practice standards of PEICA-PCC,
 - (b) propose changes as required for approval by the Board and the membership, and
 - (c) assist members in resolving ethical questions.
- (2) The chair of the Ethics Committee shall be elected in accordance with Bylaw 35.

Nomination Committee

- 52 (1) There is established a Nomination Committee which shall:
- (a) solicit nominations of persons for elected positions to be filled at the AGM;
 - (b) submit a report to the Annual General Meeting containing nominations for those offices or positions on the Board for which elections are required; and
 - (c) receive from any member, a nomination or nominations for any office or position on the Board provided that the nominee agrees in writing to the nomination, and the nomination is supported by the signed approval of at least three members in good standing of the Association.
- (2) The Past Chair shall serve as chair of the Nomination Committee. In a year when the Past Chair position is vacant, the Board will appoint a Board member or a Registered Psychotherapist to chair the committee.
- (3) All nominees must have consented to act if nominated and elected.
- (4) If more than one nomination is proposed to one or more positions of the Association including the officers or members of the Board, an election shall be held in accordance with the voting procedures for meetings of the Association as set out in Bylaw 44.

Registration Committee

- 53 (1) There is established a Registration Committee which shall consist of at least three Registered Psychotherapist or Retired Members who were previously Registered Psychotherapist, appointed by the Board.
- (2) Three members of the Registration Committee shall be a quorum.
- (3) The Registration Committee will evaluate the applications of all applicants for registered membership in PEICA-PCC in accordance with the membership requirements in these Bylaws.
- (4) If in the opinion of the majority of members present at a meeting of the Registration Committee an applicant for registered membership meets the eligibility criteria prescribed by these Bylaws, the Registration Committee may
- (a) grant the applicant admission to PEICA-PCC as a registered member in the applicable category; and
 - (b) direct the Registrar to enter that person's name, address, and membership category in the Register.
- (5) The Registrar shall inform the applicant, in writing, of the Committee's decision.
- (6) The Registration Committee may delegate any of its powers under this Bylaw to the Registrar as it sees fit.
- (7) The Registration Committee will oversee the supervisory relationship of RPT Candidates by
- (a) granting approval of the supervisory relationship of a RPT Candidate prior to the registration of the Candidate, according to Bylaw 9 (2); and
 - (b) confirming that the Candidate has completed the supervised experience requirements before granting Registered Psychotherapist status to the Candidate, according to Bylaw 9 (4).
- (8) The Registration Committee shall develop or modify as appropriate, subject to the approval of the Board:
- (a) application forms and procedures;
 - (b) certificates of registration and procedures for issuance and renewal of same; and
 - (c) supervision forms and procedures.

Complaints Review Committee

- 54 (1) There is established a Complaints Review Committee consisting of at least three Registered Psychotherapist or Retired Members who were previously Registered Psychotherapist, appointed by the Board. A public representative may be appointed by the Board in lieu of one of the PEICA-PCC Members.
- (2) The Chair of the Complaints Review Committee will be appointed by the Board and may serve in that position for no longer than three years.
- (3) No person who is a member of the Professional Conduct Committee may be a member of the Complaints

Review Committee.

- (4) The Complaints Review Committee shall investigate and attempt to resolve complaints against members.
- (5) The Complaints Review Committee may adopt or modify, subject to the approval of the Board, policies and procedures necessary for it to carry out its functions.
- (6) The Complaints Review Committee may appoint additional members or panels as needed to carry out its functions.

Professional Conduct Committee

- 55 (1) There is established a Professional Conduct Committee consisting of at least three Registered Psychotherapist or Retired Members who were previously Registered Psychotherapist, appointed by the Board. A public representative may be appointed by the Board in lieu of one of the PEICA-PCC Members.
- (2) The Chair of the Professional Conduct Committee will be appointed by the Board and may serve in that position for no longer than three years.
 - (3) The Professional Conduct Committee will conduct Peer Review Hearings as necessary to resolve complaints against members.
 - (4) The Professional Conduct Committee may adopt or modify, subject to the approval of the Board, policies and procedures necessary for it to carry out its functions.
 - (5) The Professional Conduct Committee will maintain a Professional Conduct Roster of Registered Psychotherapist, Retired Members who were previously Registered Psychotherapist, and public representatives who can be called upon to act as members of a Professional Conduct Panel.

Ad Hoc Committees

- 56 (1) The Board may set up ad hoc committees as the need arises.
- (2) The chairs of ad hoc committees shall be appointed by the Board and shall attend Board meetings to report on the business of their meetings.
 - (3) The remaining ad hoc committee members shall be approved by the Board or by the ad hoc committee chair.

PART 8 PANELS

Panels

- 57 Temporary panels may be appointed by the Board or by the designated committee chair to resolve issues which arise.

Incapacity to Practice Panel

- 58 When the Complaints Review Committee has reason to believe that a member may be incapacitated due to a physical illness, mental disorder, emotional disturbance, or an addiction to alcohol or drugs that would impair the member's ability to practice counselling, the chair of the Complaints Review Committee may appoint a panel to investigate and make recommendations to the Committee to be considered pursuant to Bylaw 62.

Professional Conduct Panel

- 59 (1) The chair of the Professional Conduct Committee may appoint a Professional Conduct Panel to conduct a Peer Review Hearing.
- (2) The panel will consist of at least three persons from the Professional Conduct roster, one of whom may be a public representative.
 - (3) No person who has been a member of the Complaints Review Committee or Incapacity to Practice Panel in relation to this respondent may sit on the panel.
 - (4) No person who is in a conflict of interest with this respondent may sit on the panel .
 - (5) The Professional Conduct panel will exercise all the powers and duties assigned to the Professional Conduct Committee with respect to the Peer Review Hearing.

Appeal Panel

- 60 The Board may appoint an Appeal Panel to act in accordance with Bylaw 39, consisting of at least three members

of the Board, but no member of the Board who has been involved in the decision or matter under appeal may sit on the Appeal Panel.

PART 9 COMPLAINTS AND PROFESSIONAL CONDUCT

Initiation of complaints

- 61 (1) A person who wishes to make a complaint against a member concerning professional misconduct in Prince Edward Island or incompetence or incapacity in the performance of professional duties in Prince Edward Island shall deliver the complaint in writing to the Registrar.
- (2) As soon as practical after receiving the complaint, the Registrar shall deliver to the chair of the Complaints Review Committee a copy of the complaint.
- (3) When a member has reasonable cause to warrant a complaint against another member concerning professional misconduct in Prince Edward Island or incompetence or incapacity in the performance of professional duties in Prince Edward Island, the member shall
- (a) first attempt to resolve the issue informally with the other member if feasible, providing that such action does not violate confidentiality rights that may be involved, and
 - (b) if such action does not lead to correction of the conduct, file a formal complaint.
- (4) Members shall not initiate, participate in, or encourage the filing of complaints that are unwarranted or intended to harm a counsellor rather than to protect clients or the public.

Investigation by the Complaints Review Committee

- 62 (1) Where a complaint is delivered to the chair of the Complaints Review Committee by the Registrar, the Complaints Review Committee shall investigate the matter raised by that complaint.
- (2) Where a complaint is delivered to the chair of the Complaints Review Committee, the chair will send a copy of the complaint to the respondent as soon as practical.
- (3) Notwithstanding subsection (1), the Complaints Review Committee may on its own motion investigate a member regarding the following matters:
- (a) an alleged contravention of these Bylaws;
 - (b) an alleged failure to comply with a limit or condition imposed under these Bylaws;
 - (c) an alleged violation of the Code of Ethics or Standards of Practice of PEICA-PCC occurring in Prince Edward Island;
 - (d) any type of alleged professional misconduct in Prince Edward Island;
 - (e) alleged incompetence to practice professional counselling;
 - (f) alleged incapacity to practice in Prince Edward Island due to a physical illness, mental disorder, emotional disturbance, or an addiction to alcohol or drugs; and
 - (g) criminal conviction.
- (4) The Complaints Review Committee may require the member who is the subject of an investigation under this Bylaw to provide it with any information regarding the matter being investigated.
- (5) After considering any information provided by the respondent, the Complaints Review Committee shall
- (a) dismiss the complaint if the committee deems that the matter is trivial, frivolous, made in bad faith, not relevant to PEICA-PCC or to the practice of professional counselling, or that the conduct does not amount to professional misconduct or incompetence or incapacity in the performance of professional duties;
 - (b) take any action it considers appropriate to resolve the matter between the complainant and the respondent;
 - (c) take extraordinary action to protect the public according to Bylaw 64;
 - (d) enter into a Consent Agreement according to Bylaw 65;
 - (e) propose mediation under Bylaw 66; or
 - (f) direct the matter to the Professional Conduct Committee to be heard in a Peer Review Hearing under Bylaw 68.
- (6) The Complaints Review Committee shall notify the respondent, any complainant, the Board, and such other

persons as it considers relevant of the disposition of the investigation and any action taken under this Bylaw.

Right of complainant to appeal a decision of the Complaints Review Committee

- 63 (1) A complainant who is dissatisfied with the decision of the Complaints Review Committee referred to in Bylaw 62(5) may appeal that decision to the Board in accordance with Bylaw 39.
- (2) Notwithstanding Bylaw 39, the Board may, after hearing the report of the Complaints Review Committee
- (a) uphold, vary or reverse the decision of the Complaints Review Committee; or
 - (b) direct the matter to the Professional Conduct Committee to be heard in a Peer Review Hearing under Bylaw 68.

Extraordinary action to protect the public

- 64 (1) If the Complaints Review Committee considers action is necessary to protect the public during the investigation of the complaint, or the Professional Conduct Committee considers it necessary pending the ruling of a Hearing, the committee may
- (a) set limits or conditions on the practice of professional counselling by the respondent, with which the respondent must comply in order to retain membership or registration
 - (b) suspend temporarily the membership or registration of the member.
- (2) If the Complaints Review Committee or the Professional Conduct Committee acts under subsection (1), it shall notify the respondent in writing of its decision and of the reasons for the decision, and shall direct the matter to the Professional Conduct Committee to be heard in a Peer Review Hearing in accordance with Bylaw 68.
- (3) A decision under subsection (1) is not effective until the earlier of
- (a) the time the respondent receives the notice under subsection (2), or
 - (b) three days after the notice is mailed to the respondent at the last address recorded in the Register of PEICA-PCC.
- (4) If the Complaints Review Committee or the Professional Conduct Committee determines that the action taken under subsection (1) is no longer necessary to protect the public, it shall cancel the limits, conditions, or suspension and shall notify the respondent in writing of this as soon as possible.

Remedial action by Consent Agreement

- 65 (1) In relation to the matter being investigated by the Complaints Review Committee, the Committee may request that the respondent sign a Consent Agreement to do one or more of the following:
- (a) not to repeat the conduct to which the matter relates;
 - (b) take educational courses specified by the Committee;
 - (c) limit professional practice to specified areas or populations;
 - (d) practice under supervision for a specified period;
 - (e) agree to any of the actions listed in Bylaw 70 (2) (d) (e) and (f) without a Hearing; or
 - (f) any other action specified by the Committee.
- (2) A Consent Agreement can only be entered into if the Complaints Review Committee is satisfied that the public is protected and that the respondent will cooperate fully.
- (3) A Consent Agreement shall
- (a) include consent to any action agreed to under subsection (1),
 - (b) specify the length of time that the agreement is binding on the respondent, and
 - (c) specify the procedure the respondent shall follow to be released from the undertaking.
- (4) Where a respondent refuses to consent to an undertaking proposed under subsection (1), or where a respondent fails to comply with the agreement, the Complaints Review Committee may direct the matter to the Professional Conduct Committee to be heard in a Peer Review Hearing under Bylaw 68.

Mediation

- 66 (1) The Complaints Review Committee may recommend that a complaint be mediated where
- (a) the Complaints Review Committee determines that extraordinary action to protect the public under

- Bylaw 64 is not warranted,
- (b) where the objectives of the Association can be upheld, and
 - (c) the complainant and the respondent agree to mediation.
- (2) Following a recommendation under subsection (1), the Complaints Review Committee shall appoint a mediator who is acceptable to both parties.
 - (3) Where an agreement between the complainant and the respondent is reached through mediation, the terms of the agreement must be approved by the Complaints Review Committee.
 - (4) Where an agreement reached through mediation is approved by the Complaints Review Committee and requires the respondent to consent to an action referred to in Bylaw 65(1), the Complaints Review Committee may request that the respondent sign a Consent Agreement to do the action(s).
 - (5) Where a mediated agreement is approved by the Complaints Review Committee the Committee shall
 - (a) report the resolution to the Board and
 - (b) retain a copy of the agreement on file.
 - (6) Where an agreement is not reached through mediation, the mediator shall refer the matter back to the Complaints Review Committee.

Call to a Peer Review Hearing

- 67 (1) Where directed by the Professional Conduct Committee the Registrar shall issue a Call to a Peer Review Hearing that:
 - (a) names the respondent,
 - (b) describes the nature of the complaint or other matter that is to be the subject of the hearing,
 - (c) specifies the date, time, and place of the hearing, and,
 - (d) advises the respondent that the Professional Conduct Committee is entitled to proceed with the hearing in her/his absence.
- (2) The Registrar shall have the Call to a Peer Review Hearing delivered to the respondent by personal service or sent by registered mail to the respondent at the last known address not fewer than 30 days before the date of the Hearing.
- (3) Where the subject matter for the Hearing is a complaint, the Registrar shall notify the complainant in writing of the date, time and place of the Hearing, not fewer than 30 days before the date of the Hearing.

Peer Review Hearings

- 68 (1) The Professional Conduct Committee shall hear and determine, as a peer review, a matter which has been set for a hearing by a Call to a Peer Review Hearing issued under Bylaw 67.
- (2) The parties to the Hearing are the respondent and the public interest.
- (3) The respondent may represent him/herself and/or may be represented or assisted by a Peer Advocate, who shall be one other PEICA-PCC member chosen by the respondent or a public representative chosen by the respondent.
- (4) The public interest shall be represented by a Public Interest Advocate, who shall be one PEICA-PCC member or public representative appointed by the Board.
- (5) The complainant, if any, shall be given the opportunity to present a description of the events that led to the complaint and a description of the impact on her/himself of these events.
- (6) A Peer Review Hearing shall be in public unless
 - (a) the respondent, the complainant, or any other counsellor involved in the matter requests that the Hearing be held in private, and
 - (b) the Professional Conduct Committee is satisfied that a private Hearing would be appropriate.
- (7) If the Hearing is held in public, information about the date, time and subject matter of the Hearing shall be provided to any person on request, subject to any publication bans.
- (8) At a Peer Review Hearing
 - (a) anyone presenting a submission shall take an oath, which may be administered by any member of the Professional Conduct Committee, and
 - (b) each party may ask questions of anyone presenting information
- (9) Where the respondent does not attend, the Professional Conduct Committee may

- (a) proceed with the Hearing in the respondent's absence on proof of the receipt of the Call to a Peer Review Hearing by the respondent, and
 - (b) without further notice to the respondent, take any action that it is authorized to take under Bylaw 70.
- (10) The Professional Conduct Committee may require a person to attend a Hearing to provide information and to produce records in possession of or under the control of the person, and shall provide notice by registered mail or personal service to that person, provided that:
- (a) a client's right to privacy is upheld and disclosure of confidential information occurs only when:
 - (i) the client or her/his legally recognized representative has waived the right to privacy, or
 - (ii) when disclosure is required to prevent clear and imminent danger to the client or others;
 - (b) when circumstances require the disclosure of confidential client information, as defined in subsection (10) (a), only essential information shall be revealed, and whenever possible, clients shall be informed before confidential information is disclosed; and
 - (c) a person shall not be required to attend a hearing when attendance might be harmful to the mental or physical health of that person, unless that person's attendance is necessary to prevent clear and imminent danger to a client or others.
- (11) All Peer Review Hearings shall be recorded, and any person who was entitled to attend may obtain, at her/his own expense, a transcript of any part of the Hearing.
- (12) Where the Professional Conduct Committee considers an action necessary to protect the public between the time a Hearing is commenced and the time it makes a ruling under Bylaw 70, the Professional Conduct Committee may set limits or conditions on the practice of counselling by the respondent, with which the respondent must comply in order to retain membership or registration, or may temporarily suspend the registration of the respondent, according to Bylaw 64.

Disclosure

- 69 At least 10 days before the scheduled Hearing, the parties shall exchange with each other
- (a) a copy of every document intended to be introduced at the Hearing; and
 - (b) a list of people who will be called on to speak, together with a summary of what they will say.

Action by the Professional Conduct Committee

- 70 (1) On completion of the Hearing, the Professional Conduct Committee shall determine whether or not any of the following has been proven:
- (a) a contravention of these Bylaws;
 - (b) a failure to comply with a limit or condition imposed under these Bylaws;
 - (c) a violation of the Code of Ethics or Standards of Practice of PEICA-PCC;
 - (d) any type of professional misconduct;
 - (e) incompetence to practice professional counselling; and/or
 - (f) incapacity to practice due to a physical illness, mental disorder, emotional disturbance, or an addiction to alcohol or drugs.
- (2) If any of subsection (1) (a) (b) (c) (d) (e) or (f) has been proven, the Professional Conduct Committee may do one or more of the following:
- (a) dismiss the matter;
 - (b) issue a warning not to repeat the conduct which has been investigated;
 - (c) impose limits or conditions on the practice of professional counselling by the respondent, including practicing under supervision for a defined period of time, with which the respondent must comply in order to retain membership or registration;
 - (d) issue a reprimand;
 - (e) suspend the registration and/or membership of the respondent for a defined period of time or until specified conditions are met;
 - (f) cancel the registration and/or membership of the respondent; and/or
 - (g) assess costs or part of the costs of the investigation of the respondent's conduct and of the Hearing.
- (3) A ruling of the Professional Conduct Committee under subsection (1) shall be in writing and shall be delivered to the respondent, the representative of the public interest and to the complainant, if any.

- (4) In determining the penalty to be imposed after making a determination of the facts, the Professional Conduct Committee may consider a previous relevant ruling of a Peer Review Hearing or previous Consent Agreement.
- (5) Notwithstanding (2) (e) and (f), when the conduct which has been determined by the Professional Conduct Committee to be professional misconduct has not been identified in these Bylaws or in the Code of Ethics or Standards of Practice, the Professional Conduct Committee shall not issue a suspension or revocation of membership and/or registration, unless:
 - (a) a warning or reprimand has been previously issued to this respondent for this particular conduct;
or
 - (b) the Professional Conduct Committee is unanimous in their ruling.
- (6) Notwithstanding subsection (1), if a respondent has been convicted of a criminal offence, a certificate of conviction can be taken by the Professional Conduct Committee as proof of the commission of that offence.

Member under suspension

- 71 A member under suspension shall not
- (a) represent her/himself as a member;
 - (b) display a certificate of registration;
 - (c) use the designations "Registered Psychotherapist", "RPT", "Registered Psychotherapist Candidate", or "RPT Candidate"; or
 - (d) vote at meetings of the Association.

Appeal to the Board of a Peer Review Hearing decision

- 72 (1) A party to the Hearing or a complainant aggrieved or adversely affected by a ruling of the Professional Conduct Committee under Bylaw 70 may appeal the ruling to the Board in accordance with Bylaw 39.
- (2) An appeal initiated under this Bylaw shall be served on both parties to the Peer Review Hearing in which the decision was made, and if the matter relates to a complainant, the complainant shall be notified of the appeal.
 - (3) On request by a party to an appeal and on payment by the party of any disbursements and expenses in connection with the request, the Registrar shall provide that party with copies of part or all, as requested, of the transcript of the Hearing.
 - (4) An appeal initiated under this Bylaw shall be
 - (a) a new hearing if there is no transcript of the Hearing in which the decision being appealed was made,
or
 - (b) a review of the transcript and proceedings if there is a transcript, unless the Board determines that a new hearing or the admission of new evidence is necessary in the interests of justice.
 - (5) An appeal considered under this Bylaw shall be conducted in accordance with the principles of fairness.

Notification and publication of a decision

- 73 (1) Where disciplinary proceedings result in the limitation of a member's practice or suspension of a member's registration, the Board may advise every member of:
- (a) the name of the respondent; and
 - (b) the nature of the limitations on the member's practice or the suspension or revocation of the member's registration and the dates this is in effect.
- (2) Where the decision of the Hearing results in limitation of the member's practice or suspension or revocation of the member's registration, upon direction by the Professional Conduct Committee the Registrar may notify
- (a) CCA if the respondent is a member;
 - (b) the association responsible for regulating the profession in any other jurisdiction in Canada;
 - (c) the employer, agency or institution where the respondent is employed;
 - (d) any other regulatory body of which the respondent is a member;
 - (e) the respondent's liability insurance carrier; and
 - (f) the public.

Retention of records

- 74 The Registrar shall keep records of the results of all investigations of the Complaints Review Committee, transcripts of Peer Review Hearings, and decisions of the Professional Conduct Committee for a period of not less than seven

years, or a longer period if advised by legal counsel.

PART 10 FINANCES

Receipts required

75 All financial transactions of the Association must be supported by bills or receipts.

Fiscal year

76 The fiscal year of the Association is January 1 to December 31.

Annual financial statement

77 The Treasurer shall file a copy of the accountant's report with the Chair within fifteen days after receiving it, and file it annually with the Joint Registry of Stocks.

Personal and Real Property

78 The Association, in furtherance of its objectives, shall have the power to:

- (a) acquire and hold assets and property, both real and personal, by way of purchase, lease, grant, hire, exchange or otherwise, and to dispose of such property by any means;
- (b) provide for the management of its property and assets, and of its affairs and business including the employment of staff;
- (c) invest money of the Association, not immediately required for any of its objectives, in any manner as it may from time to time determine;
- (d) borrow money for the purpose of carrying out any of the objectives of the Association, subject to approval by a 3/4 majority of the eligible members voting on the proposal at the AGM or a Special Meeting of the Association;
- (e) give security for the money borrowed on any of its real or personal property by way of mortgage, pledge, charge or otherwise.

Annual membership fees

- 79
- (1) Annual membership fees are due on the date of renewal of CCA membership.
 - (2) The annual membership fees may be revised at the AGM to cover the costs of Association functioning, subject to approval by a majority of the eligible members voting at the AGM.
 - (3) The Registrar shall strike the name of any member who has not paid the membership fee within 90 days of the member's renewal date.
 - (4) "Honourary" status may be granted by the Board to a member in any category based on outstanding service to the Association. The member shall be listed in the register by her/his basic membership category, followed by the term "honourary". The honorary member shall have the same rights and limitations of her/his basic membership category, but shall not pay annual fees.
 - (5) Special financial circumstances may be taken into account by the Registration Committee in determining the annual fee for a member.
 - (6) If a member applies for a different membership category and is accepted, the earlier annual fee paid by the member will be applied to the newer category.

Application fees

- 80
- (1) There is a one-time non-refundable application fee for Registered Psychotherapist or Registered Psychotherapist Candidates.
 - (2) The application fee may be revised to cover the costs of processing applications, subject to approval by a majority of members eligible to vote at the AGM.

PART 11 ADMINISTRATIVE

Robert's Rules adopted

81 Subject to these Bylaws, Robert's Rules of Order, latest edition, shall govern procedure at all meetings of the membership, Board, or any committee or panel of PEICA-PCC.

Limitation of liability

82 The Association, the Board, and all committees of the Board are not liable for any loss or damage suffered by any person as a result of anything done by it or them in good faith in the administration of its Memorandum of Association or these Bylaws. No member of the Association is personally liable for any of the debts or liabilities of the Association unless such member expressly agrees to be liable.

PART 12 BYLAW AMENDMENTS

Procedure for amending Bylaws

- 83 (1) The Board of Directors may propose amendments to any of the Bylaws of the Association by providing notice of the proposed amendments to the Secretary for circulation to the membership at least three weeks prior to the meeting of the Association at which the proposed amendments are to be submitted to the membership for a vote.
- (2) Proxy voting will be authorized by the Board for all Bylaw amendments.
- (3) Any proposed changes in the Bylaws shall be subject to the approval of 3/4 of the eligible members voting on the proposed amendment.
- (4) Any proposed changes in the Bylaws shall be effective from the date of the vote or any effective date identified in the proposed Bylaw amendment.
- (5) A member wishing to propose a Bylaw amendment shall notify the Board in writing.

PART 13 CODE OF ETHICS AND STANDARDS OF PRACTICE

Procedure for adoption and modification of the Code of Ethics and Standards of Practice

- 84 (1) The Code of Ethics of PEICA-PCC includes, as a minimum, the Code of Ethics of CCA.
- (2) Subject to (1), the Board of Directors may propose the adoption of a Code of Ethics and/or Standards of Practice, or amendments to the Code of Ethics and/or Standards of Practice, by providing notice of the proposal to the membership at least three weeks prior to the meeting of the Association at which the proposal is to be submitted to the membership for a vote.
- (3) Proxy voting will be authorized by the Board for all amendments to the Code of Ethics and/or Standards of Practice.
- (4) Any proposed changes in the Code of Ethics and/or Standards of Practice shall be subject to the approval of 2/3 of the eligible members voting on the proposed amendment.
- (5) Any proposed changes in the Code of Ethics and/or Standards of Practice shall be effective from the date of the vote.
- (6) A member wishing to propose an addition or change to the Code of Ethics or Standards of Practice shall notify the Board in writing.