



OPFA

The Ontario Professional Foresters Association

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By-laws

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Foresters Association**
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ONTARIO PROFESSIONAL FORESTERS ASSOCIATION

BY-LAWS

Approved By AGM 2004

BY-LAW NO.1

A By-law relating generally to the affairs, business and property of the Ontario Professional Foresters Association and its management, government, aims, objects and interests.

ARTICLE 1 – INTERPRETATION

Section 1.1 – Definitions

In these By-laws and in all other By-laws of the Ontario Professional Foresters Association hereafter passed:

“Association” shall mean the Ontario Professional Foresters Association;

b) “Council” shall mean the Council of the Association;

c) “Member” shall mean a member in good standing;

“Act” shall mean the *Professional Foresters Act 2000*, as amended from time to time or any Act that is substituted for that Act;

The practice of professional forestry is the provision of services in relation to the development, management, conservation and sustainability of forests and urban forests where those services require knowledge, training and experience equivalent to that required to become a member under the *Professional Foresters Act 2000* and includes,

The designing, specifying or approving of silviculture prescriptions and treatments, including timber harvesting;

The appraisal, evaluation and certification of forests and urban forests;

The auditing of forest management practices;

The assessment of impacts from planned activities on forests and urban forests;

The classification, inventory and mapping of forests and urban forests; and

The planning and locating of forest transportation systems including forest roads.

Words importing the singular number, or the masculine gender shall unless the context otherwise requires, include the plural or the feminine gender as the case may be and vice versa, and persons shall

include firms and corporations, except that no firm or corporation shall be a member of the Association.

ARTICLE 2 – HEAD OFFICE & CORPORATE SEAL

Section 2.1 – Head Office

The Head Office of the Association shall be in the Regional Municipality of Simcoe, in the province of Ontario, and at such place therein as the Council may from time to time determine.

Section 2.2 – Corporate Seal and Custody

The Seal of the Association shall be of the form impressed in the margin of these By-laws. It shall be kept by the Executive Director or such other officer as the Council may determine at the Head Office of the Association.

ARTICLE 3 – MEMBERSHIP

Section 3.1 – Membership Categories and Qualifications

Every person applying for a certificate of registration shall have reached the age of majority and shall be of good character and may be required to show proof of these qualifications when application is made. Registration may be subject to any terms, conditions or limitations as determined by the Registration Committee or by Council.

a) Full Membership

To be considered for registration in this category, applicants shall satisfy the requirements of one the following sub-sections:

Applicants shall be a graduate of an accredited undergraduate degree program in forestry accepted by the Council. Further, applicants shall have a record of 18 months or more post-graduation experience in professional forestry work acceptable to the Registration Committee.

Applicants shall submit proof of compliance with the above qualifications and may be required to submit a thesis on a subject designated by the Registration Committee. If the degree was not granted by a university in the province of Ontario, applicants shall satisfy the Committee as to their knowledge of Ontario forest policy.

(ii) Applicants who are graduates from non-accredited Canadian forestry programs or from Society of American Forestry accredited forestry programs, shall undergo such examinations and shall write such theses as may be required by the Committee to prove that they have a knowledge of forestry at least equivalent to that required by a student for graduation from an accredited degree course in forestry. Further, applicants shall satisfy the Committee as to their knowledge of Ontario forest policy and shall have a record of 18 months or more post-graduation experience in professional forestry work acceptable to the Registration Committee.

Revised July 20,2001

(iii) Other applicants shall undergo such examinations and shall write such theses as may be required by the Committee to prove that they have a knowledge of forestry at least equivalent to that required by a student for graduation from an accredited degree course in forestry. Further, applicants shall satisfy the Committee as to their knowledge of Ontario forest policy and shall have a record of post-graduation experience in professional forestry work acceptable to the Registration Committee provided that such work experience is not less than 18 months.

b) Life Membership

All applications for Life Membership shall be referred to the Registration Committee. An applicant for registration as a Life Member shall have been a Full Member in good standing of the Association for at least 15 years and shall, to the satisfaction of the Registration Committee, have retired from the active practice of professional forestry.

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c) Honourary Membership

A non-member who has made an outstanding contribution to the advancement of forestry in Ontario may be elected an Honourary Member of the Association by a unanimous vote of Council. No more than one Honourary Member shall be elected in any given year and Honourary Members shall comprise no more than one percent of the total Association membership at any one time. Consideration of Honourary Membership shall be initiated by nomination in writing by at least six active Association members in good standing and all applications for Honourary Membership shall be approved by the Recognition and Awards Committee prior to Council election.

Honourary Members shall be exempt from the payment of membership dues and shall have the right to attend meetings, but not the right to vote.

d) Non-Resident Membership

Any Full Member who resides and works outside the province of Ontario may apply for registration as a Non-Resident Member. Membership in this category shall be terminated upon the member resuming his/her residence or employment in the province of Ontario, and he/she may be eligible for reinstatement as a Full Member.

Upon application for reinstatement, the applicant may be required to satisfy the Registration Committee as to his/her knowledge of Ontario forest policy.

e) Associate Membership

Any person who wishes to continue to engage in the practice of professional forestry as defined in the Act, but who does not meet the qualifications for registration as a Full Member, may apply for registration as an Associate Member pursuant to this By-law and in accordance with guidelines adopted by Council from time to time.

The applicant must be of good character and repute and may be required to satisfy the Registration Committee as to his/her knowledge of forestry theory and forestry policy which relates to his/her activities which fall within the definition of the practice of professional forestry, and as to his or her suitability to become a member of the Association and to engage in the practice of professional forestry. Applications must be accompanied by the recommendation of four sponsors, at least two of whom must be Registered Professional Foresters who are currently members in good standing of the Association. Applicants shall also satisfy the requirements of one of the following subsections:

The applicant's work experience must be of a nature that is acceptable to the Registration Committee. Registration may be such as to specifically identify those aspects of professional forestry in which the applicant is given approval to work.

Amended February 4, 2003

In exceptional circumstances, the Registration Committee may agree to consider other applications for Associate Membership. Applicants must have graduated from an institute of learning approved by Council or have other qualifications and experience acceptable to the Registration Committee. Registration will be such as to specifically limit those aspects of professional forestry in which the applicant is given approval to work.

f) Provisional

Any person requiring additional competencies to attain Full Membership may apply for Provisional membership. This category of membership may be retained for a maximum of five years and shall be terminated by the end of the fiscal year during which the person becomes eligible for Full Membership.

g) Student

Persons enrolled as undergraduates in any post-secondary, forestry-related program may apply for registration as a Student Member.

h) Inactive

Any Full Member who ceases to practice professional forestry may apply for registration as an Inactive Member. The Registration Committee will consider such applications based on the circumstances of the situation and have the authority to set conditions of membership. Inactive registration shall be terminated if the member becomes active in professional forestry and is eligible for reinstatement as a Full Member.

Amended AGM 2004

Section 3.2 – Membership Rights

1. Full Members, Life Members, Non-Resident Members, and Inactive Members are entitled to use the designation "Registered Professional Forester", "R.P.F.", "Professional Forester", or any other

designation that would lead a member of the public to believe that he/she is qualified to be a member of the Ontario Professional Foresters Association. Honourary Members are entitled to use the designation "R.P.F. (Hon.)"

Amended AGM 2004

No other category of membership is entitled to use these designations, or any other designation which could lead a member of the public to believe that he/she is qualified to engage in the practice of professional forestry other than in accordance with the terms, conditions and limitations which accompany the member's membership. Any designation, name, title, abbreviation or description in any language which pertains to other categories of membership in the Association must be approved by Council.

Full Members, Life Members, Non-Resident Members, Associate and Inactive Members only are entitled to vote at meetings of the Association.

Provisional Members shall not be eligible to serve on Council or any statutory committees under the Act, but may serve on such other committees or subcommittees as, and when, Council may deem it appropriate.

Amended October 27, 2006

Full Members only are authorized to carry out duties as a professional forester under the Crown Forest Sustainability Act, 1994, or any Act that is hereafter substituted for that Act, unless otherwise approved by the Registration Committee and expressly referenced on a members' Certificate of Registration.

Revised June 22, 2001

Certificates of Registration and Annual Certificates of Continuance of Registration may state which membership rights apply to the member and which ones do not apply.

Section 3.3 – Registration Committee, Form of Application, Examination and Admission of Applicants for Membership

The Council shall make provision for the form or forms of application for registration in the Association and shall, with the exception of the member appointed by the Lieutenant Governor in Council, appoint annually a Registration Committee to consider and decide on applications, and to arrange for examinations, holding and marking of examinations, submission and examination of theses, technical work reviews, interviews, and any other proof as to the eligibility of applicants for registration in any form of membership in the association.

Application for registration in all forms of membership shall be made in writing to the Registrar who shall refer all applications to the Registration Committee. Upon consideration of the application, the Registration Committee shall decide on applicant acceptance, applicable terms, conditions or limitations, rejection, or specific examinations or theses to complete eligibility requirements.

Any registration which requires the successful writing of examinations or theses for qualification shall be granted only if the full requirements are satisfied within a maximum of six years from the time of writing the first examination.

Section 3.4 – Certificate of Registration

Every applicant qualified for registration who has made payment of the required fees and has been accepted by the Registration Committee shall be issued a certificate of registration as approved by the Council under the seal of the Association and the signatures of the President and Registrar. Such a certificate of registration under the seal of the Association is prima facie evidence of registration. Every certificate of registration is the property of the Association and shall be returned by the member to the Association when his/her registration ceases.

Upon payment of the required fees for the current year, the Executive Director shall issue to each member an annual certificate of continuance of registration and such certificate shall be prima facie evidence that the holder thereof is a duly registered member of the Association for the current year.

Each certificate of registration or annual certificate of continuance of registration may contain a reference of any terms, conditions or limitations which apply to the registration as determined by the Registration Committee.

Section 3.5 – Termination of Registration

Registration shall terminate upon the death or resignation of a member or the suspension, cancellation or revocation of their certificate of registration, or upon the expiry of the registration requirements applicable to the category or to the member or the expiry of a term, condition or limitation assigned to the member by the Registration Committee which results in the termination of the registration.

Amended October 27, 2006

Registration shall also be terminated upon non-payment of fees, assessments or other charges owing to the Association as provided by the Act or these By-laws.

Section 3.6 – Resignation

Any member in good standing who wishes to resign or withdraw from the Association shall send written notice thereof, together with his/her certificate of registration, and any other appurtenances which have identified him/her as a registered member, to the Registrar who shall cause the name of such member to be struck from the Register and he/she shall thereupon cease to be a member.

Section 3.7 – Readmission

Any person who resigned as a registered member under Section 3.6 of this Article may be re-admitted as a member upon payment of the fee for the current year. Upon application for re-admittance, the member may be required to satisfy the Registration Committee as to his/her knowledge of current forest

policy and any other requirements deemed appropriate by the Committee.

Section 3.8 – Transfer of Registration

Registration in the Association shall not be transferable or assignable.

ARTICLE 4 – FEES

Section 4.1 – General

The amounts of annual registration, application, examination and other fees and the condition and terms under which these shall be levied and collected shall be fixed by Council and ratified by vote of the members as provided under Article 16 of these By-laws.

Section 4.2 – Fees in Arrears

All fees become due on the first day of December each fiscal year unless otherwise stipulated by Council. The Registrar may cancel a registration for non-payment of any fee, non-payment of any assessments or other amounts owing to the association. The Registrar shall send by registered mail a notice to each delinquent member that he/she is in arrears and is liable to have his/her registration cancelled without further notice. If the delinquent member does not pay in full all back and current fees within two months of receiving such notice, the member shall be struck from the Register and his/her registration shall be cancelled. Notice of registration fees being in arrears shall not be sent before the last day of March following their due date of the first day of December in each fiscal year.

Section 4.3 – Remission of Fees

Upon written application and for due and sufficient cause, the Council may remit or defer the payment of any fees due by any member. In the case of registration fees, such written application shall be sent to the Registrar prior to April 30th of the year for which such fee is due.

ARTICLE 5 – MEETINGS OF MEMBERS

Section 5.1 – Annual Meetings

The annual meeting of the Association shall be held within the first seven months of each fiscal year. The Council will decide the precise date and the members shall receive from the Officers and Council, reports and recommendations in respect of the financial and other affairs of the Association and the results of the annual elections.

Section 5.2 – Special Meetings

Special meetings of members may be called at any time and any place in the province of Ontario when authorized by Council.

Section 5.3 – Notices

Thirty days prior written notice of any annual or special general meeting of members shall be given to all classes of members.

Section 5.4 – Quorum

A quorum of any meeting of the Association shall be 40 registered members of the Association present in person at the meeting.

Section 5.5 – Agenda

The agenda of all annual meetings or special meetings shall be confirmed by Council and circulated with the notice of meeting.

Section 5.6 – Presiding Officer

The President shall preside at all meetings of the Association. If he/she is absent or unable to preside, the Vice-President shall preside. If both President and Vice-President are absent or unable to preside, the Councilors shall nominate a Chairman from amongst their number who shall preside at the meeting of members.

Section 5.7 – Voting at Meetings

Subject to Section 3.2 of this By-law, every member is entitled to one vote and may vote by either being present at an annual or special meeting or appointing in writing any other member who is entitled to vote to represent him/her as his/her proxy.

Voting will be by showing of hands unless a ballot is requested by either the Chairman or any three members present. If a ballot is taken the Chairman shall direct the manner of taking the ballot.

A simple majority of votes unless otherwise stated, by members present or represented by proxy, shall be required to decide any vote.

Section 5.8 – Casting Vote

The Chairman of the meeting shall have a casting vote in the case of a tie vote.

Section 5.9 – Voting by Letter Ballot

The Council or any meeting of the Association may order that any resolution or any matter concerning Association policy or administration may be put for vote of the members by letter ballot, in which case all members of the Association entitled to vote shall each have one vote.

Unless otherwise stated, letter ballots shall be returned to the Executive Director within 30 days of the date of mailing of the ballots and shall not be counted if received after that time. Letter ballots should be

counted by two or more scrutineers appointed by the Council.

ARTICLE 6 – COUNCIL

Section 6.1 – The Council

The affairs of the Association shall be managed by the Council, which will assume office on the first day of the new fiscal year of the Association immediately following the election of the members of the Association.

2. The Council shall be composed of:

The President, Vice-President, Immediate Past President and at least six and no more than 12 Councilors of whom two shall be elected from each section, and

At least four and no more than seven persons who are not members of the Association and who are appointed by the Lieutenant Governor in Council, and whose numbers on the Council shall represent at least one-third of the total number of Council members.

Section 6.2 – Quorum

A quorum for the transaction of Council business shall consist of not less than one-third of the members of Council.

Section 6.3 – Qualifications

Each member of Council shall be under no legal disability and Councilors who are members of the Association shall have been elected as provided in the By-laws.

Section 6.4 – Meetings of Council

The Council shall meet at a time and place set by the President and at least three times a year. Meetings shall be called at any time by the Executive Director at the request in writing of three members of Council.

An agenda for any meeting of the Council, together with the notice thereof, shall be forwarded in writing to each member of Council not less than ten days prior to each meeting. The first meeting of the Council elected to office for the ensuing year may be held on the day preceding the annual meeting and, except for those Councilors appointed by the Lieutenant Governor in Council, no notice of such first meeting shall be necessary. Meetings of the Council may be held at any time without notice, if all the members are present and consent thereto, or if those absent signify their consent of such meeting. Notice of any meeting or any irregularity in the holding of any meeting or the notice thereof may be waived by any member of Council.

Section 6.5 – Resolution Adopted in Writing

A resolution assented to and adopted in writing under the hands of all the members of Council, although not passed at a Council meeting, shall be of the same force and effect as if it had been duly passed at a Council meeting.

Section 6.6 – Election of Council Members

The members shall elect annually by letter ballot a President, Vice-President, and one Councilor from the candidates nominated for the section to which the member belongs, and any other Councilors whose positions are vacant or whose terms are expired. The Councilor elected by the members of each section shall serve a two-year term and only one for each section will be elected annually.

Section 6.7 – Nomination of Council Members

1. The President, within the first ten weeks of the fiscal year, shall appoint a Nominating Committee consisting of the Past President (Chair), the Executive Director and two additional members of the Association.
2. The Executive Director will, by the first day of March each year, provide the Nominating Committee and the voting members of the Association with a list of the Council vacancies in the upcoming year and ask for nominations, to be submitted by May 1st, for any of the identified vacancies.
3. The Nominating Committee, will submit a list of all the nominations, including those received from the members and those identified by the Nominating Committee, to Council by June 1st of each year.
4. The Executive Director shall prepare a ballot containing the names of all candidates nominated for the various offices and mail such ballot to each member by July 15th of each year. The poll shall close at 5 p.m. on the last day of August. All ballots received by the Executive Director after that day shall not be counted.
5. The Executive Director shall count the ballots and the results witnessed by two members of the Association. The Executive Director shall report the results to Council by September 30th of each year.”

Revised April 11, 2002

Section 6.8 – Vacancies on Council

Any vacancy occurring in the Council from among elected councilors during the year may be filled by majority vote of the remaining Council. Such a replacement will have effect only for the unexpired term of the vacancy.

Section 6.9 – Conflict of Interest

All members of the Council and officers of the Association shall disclose any interest they may have,

other than as members of the Council or as officers of the Association, in any matter coming before the Council or committees of the Council. Members of the Council who so declare shall not participate in the discussion or vote on the matter. At the direction of the Chair, any member of Council who has made such a declaration may be asked to leave any meeting of the Council or a committee at which such matter is discussed for so long as such matter is being discussed. Officers who so declare shall not act in the matter and shall seek direction from the Chair or Registrar, as the case may be.

2. A record shall be kept of all declarations of conflict.

A member of the Council, or an officer of the Association, has a conflict of interest when the member or officer makes a decision, or is present when a decision is made or participates in making a decision in the carrying out of his or her role that may directly or indirectly confer a benefit on the member or officer or any person with whom the member or officer does not deal at arm's length, and at the same time knows that in the making of the decision there is the opportunity to further his or her private interest, or the private interest of a party with whom the member or officer does not deal at arm's length, provided that members or officers shall be deemed not to have a conflict of interest when approving resolutions relating to:

a) Remuneration of Council

b) Indemnification of Council members, or

The acquisition of insurance in respect of the indemnification of Council members.

Section 6.10 – Code of Ethics for Council Members

1. Members of Council shall, in the performance of their duties:

Comply with the provisions of the *Professional Foresters Act, 2000*, the By-laws of the Association, and the rules and regulations adopted by Council from time to time.

Familiarize themselves with the Act, the By-laws, the rules and regulations adopted by Council, and any other records, documents and guidelines that may be necessary for the performance of the duties of their office.

Take part in the committee work of the Association and serve actively during their term of office on any committees to which they have been appointed.

Ensure that confidential matters coming to their attention as members of the Council are not disclosed by them except as required for the performance of their duties or as directed by the Council or the Chair.

Recognize the distinction between their corporate and individual authority as council members and conduct themselves accordingly with Association staff, members of the Association and the public.

Exercise care, diligence, skill and prudence in carrying out the business of the Association.

Conscientiously perform duties on behalf of the officers of the Association, as requested.

Seek to enhance the public perception of the Association and the profession of forestry.

Section 6.11 – Delegation of powers and duties to the Executive Committee

Council shall delegate to the Executive Committee by way of a motion passed at a meeting of Council the authority to carry out the powers and duties set out in the regulations of the Professional Foresters Act 2000 or By-laws of the Association.

This authority does not extend to the power to make, amend or revoke a regulation or by-law.

Amended by Council June 5, 2002

ARTICLE 7 – OFFICERS

Section 7.1 – President

The President shall be the Chief Executive Officer of the Association and shall be charged with the general direction of the business and affairs of the Association. He/She shall act as presiding officer at the meetings of the Council and of the Association. He/She shall serve as immediate Past President immediately on his/her retirement from office until his/her successor is designated. The President shall be an ex-officio member of all committees.

The President shall sign all By-laws and other documents requiring the signatures of Officers of the Association and shall have such other duties as the Council may assign.

Section 7.2 – Vice-President

The Vice-President shall have all the powers and responsibilities of the President during the absence or inability to act of the President. He/She shall also perform such duties and exercise such powers as the President may delegate or the Council prescribes.

Section 7.3 – Executive Director, Registrar and Non-Elected Officers and Employees

The Council shall appoint an Executive Director, a Registrar and such other officers and employees as it may determine who shall perform such duties as the Act, By-laws of the Association and the Council may prescribe.

The Executive Director shall act as secretary and shall give or cause to be given all notices required to members, members of Council, auditors and members of committees. He/She shall attend all meetings of the Council and of the members and shall be responsible for the taking and keeping of minutes of these meetings. He/She shall be the custodian of the Seal of the Association.

The Executive Director shall act as treasurer and shall keep full and accurate books of accounts showing receipts and disbursements of the Association and, under the direction of Council, shall control the

deposit of money, the safekeeping of securities and the disbursements of the funds of the Association and shall render on demand to Council the financial position of the Association.

Each such appointment shall remain in effect until resigned by the incumbent or revoked by resolution of the Council or of a special or general meeting of members.

5. Council, if it deems advisable, may appoint as Officers of the Association more than one person to perform such of the various duties and functions of the Executive Director as Council shall determine.

The appointment of such persons by the Council has the effect of substituting the titles of their offices for references to the words "Executive Director" in these By-laws whenever such words are used in conjunction with the duties and functions of the Executive Director designated to be performed by the holders of such office.

Section 7.4 – Bonding of Officers and Employees

The Council shall require such Officers and employees of the Association as the Council may deem advisable to furnish bonds for the faithful discharge of their duties in such form and amount and with such surety as the Council may from time to time prescribe.

Section 7.5 – Reimbursement of Members of Council

The reimbursement of members of the Council shall be such as is approved from time to time by members of the Association at their regular annual meeting.

ARTICLE 8 – SECTIONS

Section 8.1 – Numbers of Sections

The membership will be divided into at least three geographical Sections comprising at least a northern, a central and a southern Section.

Additional Sections may be recommended by Council or by written application to Council from at least twenty members resident in the area of proposed new Sections.

The establishment of new Sections must be ratified by the members of the Association.

Section 8.2 – Boundaries of Sections

The boundaries of the Sections are as outlined in Appendix A to this By-law.

ARTICLE 9 – COMMITTEES

Section 9.1 – Constitution

Council may establish such standing committees and special committees, consisting of members of Council, members of the Association or both, for such purposes as Council may from time to time direct.

The members may appoint a Committee of Members at any annual or special meeting of members.

Section 9.2 – Composition of Committees

Council shall appoint a Chair for each committee of Council. Members of the Association shall elect a Chair of each Committee of Members at the special or annual meeting where the Committee of Members is set up.

Section 9.3 – Review and Reporting of Committees

Committees will be reviewed annually and extended, renewed or disbanded.

Committees will be required to submit periodic progress and/or final reports to Council.

Committee Terms of Reference will be published annually.

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Section 9.4 – Registration, Complaints and Discipline Committees

Members and Chairs of the committees shall be appointed annually by Council. Where a vacancy occurs in a committee, Council may appoint a replacement for the remainder of the term.

ARTICLE 10 – FINANCIAL

Section 10.1 – Financial Year

The financial year of the Association shall be the period December 1 to November 30.

Section 10.2 – Books of Accounts

The Council shall cause true accounts to be kept of the sums of money received and expended by the Association and the manner in respect of which receipt and expenditure takes place and of the assets and liabilities of the Association. The books of accounts shall be kept at the Head Office of the Association or at such other place or places as the Council sees fit, and shall always be open to the inspection of the Council and the Finance Committee.

Section 10.3 – Inspection of Books of Accounts by Members

Members of the Association shall have the right to inspect any account or book or document of the Association as authorized by the Association in general meeting.

Section 10.4 – Balance Sheet, Audit, Appointments of Auditors

A balance sheet shall be drawn up annually for the year ending November 30, and such balance sheet together with the books of the Association shall be audited annually by a firm of chartered accountants appointed by the Council. A report duly signed and certified by such auditors shall be presented to the

Council, which shall cause such report together with the balance sheet of the Association to be sent to all members with the notice calling the annual meeting. These reports shall be accompanied by a report of the Council as to the state of the affairs of the Association.

Section 10.5 – Banking Arrangements

The banking business of the Association, or any part thereof, shall be transacted with such bank, trust company or other firm carrying on a banking business as the Council may designate or authorize from time to time by resolution.

2. All cheques, drafts or orders for the payment of money and all notices and acceptances of bills of exchange shall be signed by the Executive Director with the President, Vice-President or other Officer or employee of the Association as is determined by Council. All other banking business may be carried out as the Council may specifically describe and delegate by resolution, or as the members may decide and delegate at a special or annual meeting of members.

ARTICLE 11 – CONTRACTS AND EXECUTION OF DOCUMENTS

Section 11.1 – General

Contracts, documents or any instruments in writing requiring the signature of the Association may be signed by the President or the Vice-President, together with the Executive Director, and all contracts, documents and instruments in writing so signed shall be binding upon the Association without any authorization or formality. The Council shall have power from time to time by resolution to appoint any officer or officers, person or persons, on behalf of the Association either to sign contracts, documents and instruments in writing generally or to sign specific contracts, documents or instruments in writing. When required with the approval of Council, the corporate seal of the Association may be affixed to contracts, documents or instruments in writing signed as aforesaid.

ARTICLE 12 – BOOKS

Section 12.1 – Keeping of Books

1. The Council shall cause Minutes to be made in books provided for the purpose:
 - a) Of all appointments of Officers, Examining Boards, and Clerical Staff made by the Council;
 - b) Of the names of the members of Council present at each Council meeting and of any committee of the Council and of any Committee Members; and,
 - c) Of all resolutions and proceedings of all meetings of the Association, and of the Council, and of Committees of the Council and of any Committees of Members.

ARTICLE 13 – MANAGEMENT OF PROPERTY**Section 13.1 – General**

1. The Council shall make provision for the maintenance of the Association and the management of its property including:
 - a) The conduct of general business, banking, borrowing, and credits;
 - b) The appointment of such permanent staff as may be required and the fixing of their remuneration;
 - c) The incurring of such other expenses as may be necessary;
 - d) All other acts reasonably necessary for the management of the Association.

ARTICLE 14 – CODE OF ETHICS**Section 14.1 – General**

A Code of Ethics to govern the discipline, conduct and control of members shall be drawn up under the direction of the Council to be submitted to the members of the Association for their approval and adoption.

Section 14.2 – Professional Seal

The Association shall provide a Professional Seal to the members upon registration, which shall remain the property of the Association.

ARTICLE 15 – AMENDMENT OF BY-LAWS**Section 15.1 – Amendment of By-laws**

By-law amendments must be passed by Council and confirmed by a majority vote at an annual or special meeting of the Association or by means of a vote conducted by mail when notice of motion of change in By-laws has been circulated through the Executive Director to the membership at least one month before the date of the annual or special meeting or the vote conducted by mail.

ARTICLE 16 - RULES**Section 16.1 – Rules**

The Council may prescribe, as they deem expedient such rules, not inconsistent with the Act or these By-laws, relating to the management and operation of the Association. Such rules shall have force and effect only until the next Annual Meeting of Members of the Association unless confirmed thereat and, in default of confirmation, shall thereupon cease to have force and effect and in such case no new rule of the same or like substance shall be promulgated by Council until confirmed at a subsequent general

meeting of members of the Association.

ARTICLE 17 – GUIDELINES AND PROTOCOL

Section 17.1 – Guidelines and Protocol

Council may adopt from time to time operating guidelines and protocols for the Registration, Complaints and Discipline Committees and any other Committees formed under Article 9 above.

Revised June 22, 2001

Revised July 20, 2001

Revised June 5, 2002

APPENDIX "A" TO BY-LAW No. 1 – SECTION BOUNDARIES

Northern Section

Includes all members in Ontario living northerly or westerly of a line commencing on the north shore of Lake Superior at the south-west corner of Range XXIII, Township 33, and running north until it reaches the northwest corner of Downer Township; thence east along the northern boundary of Downer, Mercer, Cross and Arnott Townships; thence south along the east boundary of Arnott Township to the south-east corner of Newlands Township; thence east to the north-east corner of Schofield Township; thence south to the north-east corner of Minnipuka Township; thence east to the north-east corner of Concobar Township; thence south to the south-east corner of Lougheed Township; thence east to the north-east corner of Frey Township; thence south to the north-west corner of Northrup Township; thence east to the north-east corner of Semple Township; thence south to the south-east corner of Hodgetts Township; thence east along the northern boundary of Leask, Valin, Haftschel, Selkerk, Dundee, Acadia, Shelburne, Canton, Aston, Banting and Best Townships to the point of intersection with Gillies Limit Township; thence following the southern boundary of Gillies Limit Township to the north-west corner of South Lorrain Township; thence south to the south-west corner of South Lorrain Township and thence easterly along the southern boundary of South Lorrain Township to the point of intersection with the Quebec border.

Revised April 11, 2002

Central Section

Includes all members in Ontario living in the area south and east of the above described boundary line with the exception of the Southern Section.

Southern Section

All other members not included in the above two Sections are members of the Southern Section, whose internal Ontario boundary is as follows:

Starting at a point where the easterly boundary of Lennox and Addington Counties meet Lake Ontario, the said point being just west of Kingston; thence along this boundary northerly and westerly until it joins the east boundary of Hastings County; thence northerly and westerly along the northern boundaries of Hastings County and of Haliburton and Muskoka Districts to a point on Georgian Bay.

BY-LAW No. 2

A By-law respecting the borrowing of money, the issuing of securities and the securing of liabilities.

BE IT ENACTED as a By-law of the Ontario Professional Foresters Association (Hereinafter called the "Association") as follows:

1. Council may from time to time,

a) Borrow money on the credit of the Association;

Issue, sell or pledge securities (including bonds, debenture stock or other like liabilities) of the Association;

Charge, mortgage, hypothecate or pledge all or any of the real or personal property of the Association, including book debts and unpaid calls, rights, powers, franchises and undertakings, to secure any such securities or any money borrowed, or other debt, or any other obligation or liability of the Association;

Delegate to such one or more of the Councilors of the Association as may be designated by Council, all or any of the powers conferred by the foregoing clauses of this By-law to such extent and in such manner at the time of each delegation;

Give indemnities to any Councilor or other person who has undertaken or is about to undertake any liability on behalf of the Association or any Association controlled by it, and secure any such Councilor or other person against loss by giving him/her by way of security a mortgage or charge upon the whole or any part of the real and personal property, undertaking the rights of the Association.

BY-LAW No. 3

Conflict of interest.

In this By-Law:

1. "Related person" means a person connected with a member by blood relationship, marriage or adoption, and,

a) Persons are connected by blood relationship if one is the child or other descendent of the other or one is the brother or sister of the other,

- b) Persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other, and
 - c) Persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship, except as a brother or sister, to the other.
2. "related corporation" means a corporation wholly or substantially owned or controlled by the member or a related person to the member.
 3. A conflict of interest exists where there is an arrangement or relationship between the member or a related person or a related corporation and a person where it could be reasonably concluded that the exercise of the member's professional expertise or judgment is or may be influenced by the arrangement or relationship. A conflict of interest may be actual, potential or perceived.
 4. A member shall promptly provide to the Registrar or his designate, any document or explanation requested about the member's arrangement or relationship with another person or corporation to enable the Association to assess whether there is a conflict of interest.

Amended October 27, 2006

BY-LAW No. 4

Approved by Council June 5, 2002

A By-law respecting the principles and standards of practice for the practice of professional forestry.

BE IT ENACTED as a By-law of the Ontario Professional Foresters Association (Herein after called the "Association") as follows:

Professional Standards of Practice relate to how a member of the Association goes about his or her work. They refer to the application of professionally accepted methodologies and procedures in both obtaining and interpretation of information. They are applicable to professional conduct and action.

Professional Standards of Practice are distinct from technical standards that may be imposed by legislation or specified by an owner or employer. Silvicultural Standards and Guidelines are examples of technical standards. These are associated with professional activities and are the prerogative of the client.

Professional Standards of Practice flow from a series of Principles of Professional Conduct. For the Ontario Professional Foresters Association, these principles and associated professional standards are as follows:

Principle 1

A member of the Association shall undertake activities in conformity to all relevant legislation and regulations and in consideration of all guidelines and shall ensure the client is informed.

Maintain familiarity with legislation, regulations, and guidelines, which are relevant to the member's practice.

Principle 2

A member of the Association shall advocate and practice forest land management consistent with ecologically sound principles.

Demonstrate an understanding of the relevant ecological processes related to forest practices.

Principle 3

A member of the Association shall undertake only such work as he/she is competent to perform by virtue of training and experience.

Principle 4

A member of the Association shall ensure that the type, currency and reliability of information are suitable for the intended purposes.

Use suitable, relevant information.

Provide an analysis of methodology, risks and costs of the information used to affect decisions as required.

Principle 5

A member of the Association shall provide the client with explicit and viable alternatives to meet stated objectives.

Inform the client of:

The forestry related social, economic and environmental outcomes expected with selected alternatives.

The effects of the planned activities in meeting stated objectives.

The most probable spatial and temporal changes in the forest resulting from activities.

Principle 6

A member of the Association in prescribing actions shall provide for a continuing evaluation of activities and assessment of results, where appropriate.

Document the outcomes of planned actions so as to provide useful benchmarks of their

effectiveness.

All of the Principles and Professional Standards have been developed to meet certain criteria. These are:

They must be capable of being measured in an objective and measurable manner.

They must apply to all professional foresters independent of their level or nature of employment.

They must be enforceable, for without they have no meaning.

They must be linked to and be consistent with the Code of Ethics.

BY-LAW No. 5**Amended AGM 2004**

CONTINUING EDUCATION

A By-law respecting Continuing Education as a requirement for the maintenance of membership in the Ontario Professional Foresters Association (OPFA).

Article 1 – Key Points

The key points in the Continuing Education Program include: Mandatory Participation, Continuing Education Program Description, Credit Assessment and Non-Compliance.

Article 2 – Mandatory Participation

Every person who is or becomes a member of the OPFA in any one of the following membership categories is required to fulfill the continuing education requirements as set out in this by-law. The membership categories are: Full, Associate and Non-Resident.

Article 3 – Program Overview**Section 3.1 – Purpose**

To ensure that all members remain informed and current with respect to the practice of forestry in Ontario.

Members are expected to understand what learning is required to maintain competency and to take the necessary steps to acquire it.

Section 3.2 – Continuing Education Targets

1. Each member must accumulate **150 Continuing Education credits over a rolling three-year period**, an average of 50 credits per year.

The program is effective December 1, 2001. The first three-year period runs to November 30, 2004.

Members will utilize a credit-based system to demonstrate their adherence to the OPFA Continuing Educational requirements.

At the time of membership renewal for 2004/05, each member must account for at least 150 credits within two subject areas (General Forestry and Specific Forestry - see Sections 3.4.1 to 3.4.2)

Each Full, Associate and Non-Resident member must accumulate a minimum of 150 credits within each subsequent three-year period on a rolling basis.

There is no requirement to accumulate any minimum number of credits within a given year except as may be necessary to reach the required three-year total of 150 credits.

Current members will begin accumulating credits effective December 1, 2001.

New Full and Associate members will begin accumulating credits upon admission to the Association. The first three-year period will begin December 1 of the year in which they are admitted.

The Registrar is responsible for recording and monitoring member credits and for developing appropriate procedures and mechanisms.

Section 3.3 – Competency Standards

1. The member must maintain competency to established standards where established, or not practice in that area (as per the Code of Ethics).

Where competency standards have been developed by an appropriate agency for a specific area of practice (e.g. tree marking, compliance inspection, forest management planning), the member engaged in such practice must ensure they are aware of the applicable standards.

Where competency standards have not been established by some appropriate agency, the member must be adequately familiar with the specific area of practice to make an informed decision regarding:

- The competencies required to work successfully in that area of practice and
- The degree to which their own competencies meet their forecast requirements.

The member must maintain competency to the standards that are reasonably necessary to conduct work in the specific area of practice, or not to practice in that area (as per the Code of Ethics).

Section 3.4 – Subject Areas

There are two Subject Areas recognized by the Association for the purpose of obtaining credits. They are **General Forestry Awareness** and **Specific Forestry Awareness**.

1. **General Forestry**

This subject area focuses on keeping a member's general forestry awareness up to date. The purpose is to ensure that all members remain informed and current with respect to this broader subject area, considered to be essential to the practice of forestry in Ontario.

This broad subject area includes, but is not limited to the following:

New forestry legislation and policy in Ontario (e.g. Forest Management Planning Training Module 1 – Introduction to Forest Management Planning)

- Revisions to existing forestry policy in Ontario
 - Emerging approaches to forest ecosystem and landscape management of importance to Ontario (e.g. Landscape Analysis Workshop, Emulating Natural Forest Landscape Disturbances Symposium)
 - Changing economic and social pressures affecting forest management in Ontario
 - New and revised forestry legislation and policy on a global level
 - Professional standards and accountability
- (c) The criteria for inclusion within this broad subject area include but are not limited to the following:
- **The objective** of the course/training must be to provide a general level of awareness. A detailed analysis of the subject matter is not a criterion.
 - **The scope** of the course/training should be wide in scope, providing a broad overview of the subject matter as opposed to a detailed in depth review. The course may include linkages to other subject areas and/or discuss impacts or influences on other aspects of professional forestry.
- (d) Credits for this subject area are:
- Each hour of actual learning time earns **3 credits** to a maximum of 18 credits in one day.
 - Field trips associated with workshops, meetings, courses and seminars earn **3 credits per hour** to a maximum of 18 credits in one day.

3. Specific Forestry

- (a) This subject area focuses on the practice of professional forestry in relation to the development, management, conservation and sustainability of forests and urban forests. The focus is on the specific competency or competencies of the member.

(b) The specific subjects that qualify for credits include but are not limited to:

- Detailed review of forestry related legislation and policy (e.g. clause by clause review)
- Biodiversity
- Silviculture
- Designing, specifying or approving of silvicultural prescriptions and treatments, including timber harvesting
- The appraisal, evaluation and certification of forests and urban forests
- The classification, inventory and mapping of forests and urban forests
- The auditing of forest management practices
- The assessment of impacts from planned activities on forests and urban forests
- The classification, inventory and mapping of forests and urban forests
- The planning and locating of forest transportation systems, including forest roads
- Field trips relative to specific subject areas

The criteria for inclusion within this subject area include but are not limited to the following:

The objective of the course/training must be to provide a specific level of awareness. A general overview of the subject matter is not a criterion.

The scope of the course/training should be specific, providing a detailed study of the subject matter as opposed to a general overview. The learning should relate to the competency of the member. The course/training may include linkages to other subject areas and/or discuss impacts or influences on other aspects of professional forestry.

Credits for this subject area are:

Each hour of actual learning time earns **3 credits** to a maximum of 18 credits in one day.

Field trips associated with workshops, meetings, courses, conferences and seminars earn **3 credits per hour** to a maximum of 18 credits in one day.

Section 3.5 - Flexibility

1. Members have the flexibility to achieve credits in any combination of subject areas or learning methodologies that best suit the member.

2. Members are encouraged to acquire some credits through Continuing Education activities in the General Forestry Awareness subject area.

Section 3.6 – Learning Methodologies

1. Group Learning

Group Learning involves learning in a group, often within a classroom setting. Credits can be obtained by participating in workshops, seminars, training courses and some technical sessions. This learning may be of higher value to the member because the member may benefit from the organized structure and interaction of other participants.

2. Individual Learning

Individual learning activities are achieved through personal research, reading (The Forestry Chronicle, the Professional Forester, Monographs [scientific papers], books, magazines, videos, Internet, operations related material), developing courses, workshops, and educational material that require new learning*, or through networking, discussions, and human interaction. (* If there is no new learning acquired by the developer of a course or seminar then there will be no credits allotted to the developer of the course or seminar.)

Section 3.7 - Record Keeping and Reporting

1. Members are expected to maintain records, on an ongoing basis, in order that claimed credits may be verified during audit or under other circumstances requiring verification of competency maintenance. Members are required to keep these records for a minimum of seven years.
2. Members will report annually to the Registrar on Continuing Education activities as required (see Section 4.4 – Annual Reporting Protocol). A form will be attached to the Annual Fee Renewal Form, which must be completed and returned with the fees payment to the Registrar by December 1st of each year.
3. Failure to maintain appropriate records under this component may be considered an act of professional misconduct.

Section 3.8 - Accountability

1. Members

(a) Members must maintain appropriate competency according to the Continuing Education Program administered by the OPFA,

(b) Members are accountable for maintaining competency in the area of activity for which they wish to practice.

Members must report credits to the OPFA on a yearly basis,

Members are accountable for the maintenance of their personal Continuing Education records.

The maintenance of competency is a voluntary activity for those in other than the Full, Non-Resident or Associate membership classes.

Registrar

(a) The Registrar will ensure the information on the Continuing Education program is made available to all members of the Association in a timely and regular fashion. (e.g. on the Web site and in the Professional Forester newsletter),

(b) The Registrar will ensure that members are aware of their standing regarding the accumulation of credits over any three-year period (e.g. the credit standing will be printed on the Annual Fee Renewal Form,

The Registrar will determine and maintain corporate records as required,

The Registrar will provide examples on the types of records to be maintained.

Article 4 - Credit Assessment

Section 4.1 – Responsibility

1. Credit Assessment can be done by Members or by the Registrar (where course providers in advance of delivering courses request credit assessment).

Section 4.2 - Member Assessment

1. The procedure for assessing learning activities for Continuing Education credits provided below will be used by individual members who attend Continuing Education activities such as events, workshops and seminars that have not had prior assessment by the Continuing Education Committee. If questions or doubts arise on the CE assessment the member is encouraged to contact a Continuing Education Committee member. The procedure for assessment is as follows:

(a) Obtain copy of program outline or agenda,

(b) Determine which portions of the program meet one or more of the subject areas and criteria

(c) Determine the number of hours spent in active learning time (i.e. excluding breaks, meals, and non-qualifying activities),

(d) Multiply the number of hours x 3 credits/hour to a maximum of 18 per day.

Section 4.3 – Assessment by the Registrar

1. Sponsoring/organizing agencies are encouraged to submit their programs, by e-mail if possible, to the Registrar for Continuing Education credit assessment prior to the event. The OPFA Continuing

Education Committee will assess events that have been submitted. Course/workshop providers do not have the authority to unilaterally assign Continuing Education credits to their events and should apply to the OPFA for prior assessment.

The procedure for assessment is as follows:

Requests for assessment are to be submitted to the Registrar at least 30 days prior to the event. Requests must include a copy of the program/agenda with dates and times,

The Registrar will forward the request to the appropriate member of the CE Committee for assessment (Lead Continuing Education Credit Assessor) The Lead Assessor will assess the program and determine the Continuing Education credits that the program qualifies for and forward results to the Registrar who will notify the requestor. The Lead Assessor will consult with other Continuing Education Committee members as appropriate in determining Continuing Education credits,

The time from receipt of the program/agenda to the notification of Credits should not exceed 2 weeks.

Section 4.4 - Annual Reporting Protocol

1. Members are required to report their Continuing Education credits on an annual basis for a rolling 3-year period on a Continuing Education Credit Reporting Form to be developed by the Registrar.
2. Members are not required to provide a list of activities that they have participated in.
3. It is in the best interests of the members to keep detailed documentation of all Continuing Education activities, as this documentation may be required in such instances as peer reviews or complaint investigations.
4. The Continuing Education Credit Reporting Form developed by the Registrar will accompany the Annual Fee Renewal Form and will be provided to members in October of each year.
5. The form will be personalized for each member.
6. The form will indicate the number of credits that a member has accumulated over the previous 3-year period and provide the opportunity for a member to indicate the number of credits that a member is claiming for the immediately preceding 12 month period (December to November).
7. The form will require members to identify the number of credits that they are claiming over the preceding 12-month period. The completion and maintenance of these records is the responsibility of the members.
8. Members must complete the form and return it to the Registrar by December 1st of each year beginning December 1st, 2002.

Article 5 – Non Compliance Process and Outcomes

Section 5.1 – Purpose

To describe the process to be followed that will result in the suspension of any Full, Associate or Non-Resident member who has failed to meet the continuing education requirements.

Section 5.2 – Process for Suspending the Certificate of Registration

1. The process for suspending the certificate of registration of a member who has failed to meet the continuing education requirements is as follows;

(a) The Registrar shall mail or otherwise deliver to the member written notice that the member does not appear to have met the continuing education requirements and that the member will be expected to complete and report the required continuing education credits within 60 days following the end of the three year reporting period or following the date of the letter, whichever is later.

(b) Should the member's continuing education credits remain incomplete or unreported to the satisfaction of the Registrar after the 60 day period, the Registrar will deliver a second letter to the member directing the member to contact the Registrar within ten (10) days of receipt of the second notice to explain the failure to meet the continuing education requirements and to propose specific actions to be taken to meet the continuing education requirements within a time period to be determined by the Registrar.

(c) After the expiration of the time period, the Registrar shall review any response of the member and if not satisfied that the member has met the continuing education requirements, the Registrar may notify the member:

(i) that the member's certificate of registration will be suspended 30 days after the date of the final notice and,

that the Registrar will send a letter to the member's employer advising that the member has been suspended, and

that notice of the suspension will be posted on the OPFA website and in the Professional Forester, or

(ii) that the Registrar has set terms, conditions and limitations which, if not met, will result in the automatic commencement of the suspension of the member's certificate of registration. The terms, conditions and limitations may include but are not limited to:

that the member must satisfy the Registrar that the member has successfully completed certain continuing education activities by a specified date, or

that the member must restrict their professional activities in the manner specified by the Registrar until the member has satisfied the Registrar that the member has successfully completed certain continuing education activities.

Section 5.3 – The criteria for reinstatement are as follows;

1. The member may be reinstated if the Registrar is satisfied that the continuing education requirements have been met and that there are no outstanding fees or other unmet obligations to the Association.

Section 5.4 - The process for a member to appeal the Registrar's decision is as follows;

1. The member may seek a review of the Registrar's decision before the Executive Committee by delivering a written request for a review to the Registrar setting out the grounds for the review and any documentary information to support the request. The suspension shall not start or, if has already started shall be halted, upon receipt of the request until a decision is made by the Executive Committee.
2. The Executive Committee shall evaluate the request for a review and any supporting information from the member as well as any documentary information provided by the Registrar shall:
 - (a) confirm the suspension,
 - (b) set aside the suspension, or
 - (c) set terms, conditions and limitations (that may be different from any set by the Registrar) which, if not met, will result in the automatic commencement of suspension.

Section 5.5 – Criteria for Suspension of Certificate of Registration

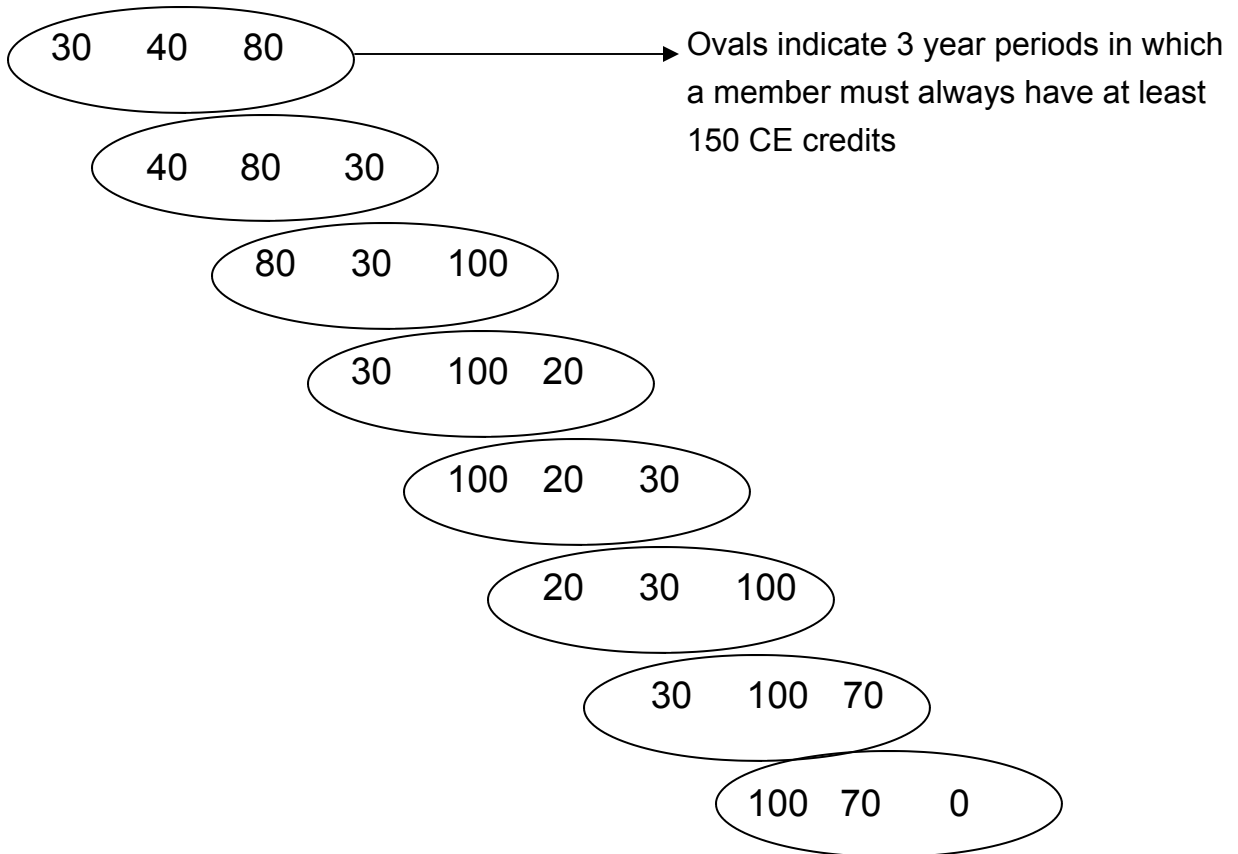
1. The criteria for suspending the Certificate of Registration of a member who has failed to meet the continuing education requirements are as follows:
 - (a) the member has failed to provide sufficient information on the reporting form to reasonably satisfy the Registrar that the member has fulfilled the continuing education requirements;
 - (b) the member has failed to provide sufficient information in response to specific inquiries from the Association to reasonably satisfy the Registrar that the member has fulfilled the continuing education requirements or;
 - (c) the member has provided false information to the Registrar about the member's fulfillment of the continuing education requirements.

APPENDIX "A" TO BY-LAW No. 5 – 3 YEAR ROLLING CHART

Each member must accumulate at least **150 Continuing Education credits over a rolling three-year period**, an average of 50 credits per year.

Year 1 2 3 4 5 6 7 8 9 10

Credits



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BY-LAW No. 6**Complaints**

1. Complaints regarding the actions or conduct of a Member are to be filed with the Registrar of the OPFA and shall include, to the extent reasonably available, the information outlined in the Form set out below.
2. Provided that the required information is provided, a complaint shall not be rejected or considered void, solely because the specified Form was not used.
3. The Form may be accompanied by such additional documents as the complainant deems appropriate.