



COLLEGE OF
ACUPUNCTURISTS
OF ALBERTA

Bylaws

Pursuant to the *Health Professions Act*

Effective: January 23, 2021

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Part I – General

1. Definitions

(1) In these bylaws:

- (a) “Act” means the Health Professions Act, RSA 2000;
- (b) “College” means the College of Acupuncturists of Alberta;
- (c) “Council” means the Council of the College;
- (d) “Educational Affiliate” means a person who is currently affiliated or has in the preceding two years been affiliated with an acupuncture education program approved by Council in any of the following ways:
 - i. as an owner or shareholder;
 - ii. as a board member or officer;
 - iii. as an employee in a management position; or
 - iv. as an instructor.
- (e) “Executive Committee” means the Executive Committee established under Part II of these bylaws;
- (f) “Executive Director and Registrar” means the Executive Director and Registrar of the College;
- (g) “Regulations” means regulations made under section 131 of the Act;
- (h) “TCM” means traditional Chinese medicine.

(2) Terms used in these bylaws have the same meaning as in the Act and the Regulations.

2. Bylaws in Force

These bylaws come into effect on the same day that Council passes a motion to adopt the proposed bylaws.

3. Enactment, Amendment and Repeal of Bylaws

A bylaw, or an amendment to a bylaw, may be passed at any meeting of the Council provided a notice of motion has been

- (a) given at a previous meeting or
- (b) sent to all members of Council at least fourteen (14) days prior to the meeting.

A notice of motion may be waived by a unanimous vote of Council.

Part II – Governance

4. Council

4.1 Duties and Powers

The Council is the governing body of the College and will exercise all the powers and duties granted to a governing Council under the *Act*.

4.2 Composition

(1) Council shall consist of:

- (a) six (6) regulated members elected by the regulated members of the College; and
- (b) the number of public members required to be appointed by the Lieutenant Governor in Council in accordance with the *Act*.

(2) The Executive Director and Registrar shall be a non-voting member of Council.

4.3 Terms of Office

(1) Except when these bylaws provide otherwise, the term of office for each regulated member on Council is three (3) years, with two regulated members elected each year.

(2) In accordance with section 5(4) of the *Act*, a Council member other than the President continues to hold office after the expiry of that member's term until a successor is elected or appointed.

(3) A regulated member may only serve two (2) consecutive terms as a Council member.

(4) If a regulated member is appointed as a Council member under bylaw 6.1, the initial term of such appointment will not be counted for the purposes of subsection (3) above.

(5) Council is empowered to increase or decrease the length of terms of office of Council members, including those already elected to a specific term of office, in order to maintain the one-third turnover rate indicated in subsection (1) above.

(6) Members of Council commence their terms of office on June 1 of the year in which they are elected.

4.4 Council Meetings

(1) Council shall meet at least three (3) times per year, on such dates and at such times and places as may be determined by the President, acting reasonably.

(2) The President may call any additional meetings of Council that the President considers necessary.

- (3) When deemed necessary for Council to consider a complaint regarding the President, the Vice-President may call an additional meeting of Council.
- (4) Except when Council otherwise directs, Council meetings are open to the general membership and the public.
- (5) Council meetings shall be chaired by the President.

4.5 Quorum

- (1) A quorum in order to make a Council decision is a majority of the members of Council.
- (2) For the purpose of calculating whether a majority of the members of Council is present for a Council decision, public representative positions on Council to which the Lieutenant Governor in Council has not appointed an individual shall not be counted.

4.6 Voting

- (1) Voting on matters by Council may be conducted:
 - (a) at an in-person meeting of Council, or
 - (b) with the authorization of the President, by mail, email, video or fax vote, or a vote conducted during a telephone conference.
- (2) Except as otherwise stated in these bylaws, and regardless of voting method, quorum for decision-making shall be as specified in bylaw 4.5, and a decision shall be made by a majority vote of the members.
- (3) Except as otherwise stated in these bylaws, the President shall not vote except in the event of a tie vote, in which case the President shall then cast a deciding vote.

4.7 Conflicts of Interest

Members of Council are subject to the College's *Conflict of Interest Policy*. All members of Council must:

- (a) refrain from attempting to exert influence in connection with issues for which they are in a conflict or potential conflict of interest, and
- (b) abstain from participating in any hearings, discussions, or voting on such issues pending resolution of the conflict or potential conflict of interest as prescribed by the *Conflict of Interest Policy*.

4.8 Confidentiality

- (1) Each member of Council shall keep information received by him or her as a member of Council confidential.
- (2) Information given to Council shall be disclosed only in accordance with the *Act*, the *Regulation*, these bylaws or as otherwise required by law.

- (3) Council may authorize the disclosure of information for statistical use when the information cannot be attributed to a particular individual or facility.

5. Executive Committee

5.1 Duties and Powers

- (1) The Executive Committee shall:
 - (a) administer affairs of the College between meetings of Council, as specified in these bylaws and in accordance with Council policy; and
 - (b) act on any other matters delegated to it by Council.
- (2) The Executive Committee shall not change any policy of the College nor authorize or incur any expenditure that is not explicitly authorized by Council policy.

5.2 Composition

- (1) The Executive Committee shall be composed of the President, Vice-President and Treasurer.
- (2) The Executive Director and Registrar shall be a non-voting member of the Executive Committee.

5.3 Appointment or Election by Council

- (1) The President, Vice-President and Treasurer shall be appointed or elected by Council from among the regulated members on Council, in accordance with Council policy.
- (2) A regulated member on Council is eligible to be appointed or elected as a member of the Executive Committee only after serving one full year as a member of Council.

5.4 Term of Office

- (1) Except where these bylaws provide otherwise, the term of office for each regulated member on the Executive Committee shall end at the same time as the regulated member's term on Council.
- (2) A regulated member who is elected as a member of Council for a second consecutive term may be appointed or elected to Executive Committee for a second consecutive term, in accordance with Council policy.

5.5 Executive Committee Meetings

Executive Committee meetings shall be held at the request of the President.

6. Vacant Positions on Council

6.1 Filling Vacancies on Council

- (1) If a member of Council, other than the President, is unable to complete their term of office, Council shall appoint the individual who was the runner-up in the last election for Council as a replacement, to serve the remainder of the term of office.
- (2) If the position cannot be filled according to sub-section (1) above:
 - (a) Council may appoint a regulated member who meets the nomination requirements in bylaw 10 to the position until the next Council election, and
 - (b) the term of the position may be adjusted to maintain the one-third turnover rate indicated in bylaw 4.5.
- (3) If a vacancy occurs as a result of a lack of candidates for election to Council, and a Council member is unable to fulfill their commitment under bylaw 4.3(2):
 - (a) Council may appoint a regulated member who meets the nomination requirements in bylaw 10 to the position until the next Council election, and
 - (b) the term of the position may be adjusted to maintain the one-third turnover rate indicated in bylaw 4.5.
- (4) A partial term served by a Council member appointed under subsections (1), (2), or (3), above, shall not be counted for the purposes of bylaw 4.3(3).

6.2 Temporary Absence or Inability to Act

- (1) In the absence or inability of the President to act, the Vice-President shall assume the functions, duties, powers and responsibilities of the President.
- (2) In the absence or inability of the President and Vice-President to act, Council will determine who shall perform the functions, duties, power and responsibilities of the President.

6.3 Vacancy of Executive Committee Position

- (1) If the office of President becomes vacant before the President's term of office would normally end, the Vice-President shall succeed to the office of President for the remainder of the Vice-President's current term as a member of Council.
- (2) If the office of Vice-President becomes vacant before the Vice-President's term of office would normally end, a new Vice-President shall be appointed or elected by Council from among the regulated members on Council, in accordance with Council policy.
- (3) If the office of Treasurer becomes vacant before the Treasurer's term of office would normally end, a new Treasurer shall be appointed or elected by Council from among the regulated members on Council, in accordance with Council policy.

7. Termination of Membership on Council

7.1 Automatic Termination

An elected member of Council automatically ceases to be a member of Council if :

- (a) the member provides a letter of resignation to the President or the Registrar;
- (b) the member is suspended or ceases to be a Registered Acupuncturist;
- (c) the member is found guilty of unprofessional conduct under the *Act*; or
- (d) any of the circumstances described in bylaw 10.3(1)(c), (d), (e) or (f) become true.

7.2 Removal from Office of Council Member

- (1) A person may make a written complaint regarding the conduct of a Council member to the Executive Committee if the member of Council:
 - (a) has been found guilty of an offence under the *Criminal Code of Canada*; or
 - (b) is or has been engaged in any conduct or activity that undermines the College or its objectives.
- (2) On receipt of a written complaint under subsection (1), the Executive Committee shall arrange for an investigation to be conducted in accordance with the process approved by Council.
- (3) If, following the investigation conducted under subsection (2), Executive Committee determines there are reasonable grounds to believe the Council member who is the subject of the complaint acted contrary to the College's policies, or engaged in conduct or activity that undermines the College or its objectives, or otherwise acted inappropriately, then the Executive Committee shall ask the President to call a meeting of Council to review and discuss the results of the investigation.
- (4) Council shall consider the matter and vote on the following question:
 - (a) If the Council member is a regulated member, "Are you in favour of removing _____ as a member of Council?"
 - (b) If the Council member is a public representative, "Are you in favour of recommending to the Lieutenant Governor in Council that the appointment of _____ to Council be rescinded?"
- (5) The member of Council who is the subject of the complaint may attend any such meeting of Council and be heard; however, that member shall abstain from the vote on the issue and shall be absent during the vote on the issue.
- (6) In a vote under subsection (4), the President shall be entitled to vote unless the President is the subject of the complaint.
- (7) If two-thirds or more of the members of Council present and voting vote in favour of the question in subsection (4) above

- (a) if a regulated member is the subject of the complaint then they shall be removed from office effective immediately;
 - (b) if a public representative is the subject of the complaint, then Council shall recommend to the Lieutenant Governor in Council that their appointment be rescinded.
- (8) If two-thirds or more of the Council members present and voting do not vote in favour of the question in subsection (4) above, then the member who is the subject of the complaint shall not be removed from office and Council shall proceed to consider the seriousness of the issue and may take other action as deemed appropriate.

Part III – Elections

8. Good Standing

For the purposes of these bylaws, a regulated member of the College shall be in good standing only if:

- (a) no fees, costs, fines, assessments, levies or any other sums are owing and due by the member to the College;
- (b) the member has a valid and current practice permit that is not currently suspended; and
- (c) the member is in compliance with all orders and directions made pursuant to the *Act*.

9. Entitlement to Vote

A regulated member on the General Register who is in good standing may vote in an election.

10. Council Election

10.1 Eligibility for Council

A person nominated as a candidate for membership on Council:

- (a) shall be a regulated member on the General Register who is in good standing; and
- (b) shall be a resident of Alberta.

10.2 Nomination for Council

Nomination of a candidate for membership on Council requires:

- (a) the names and support of at least three (3) regulated members eligible to vote in the election; and

- (a) consent for the nomination from the candidate.

10.3 Ineligibility for Council

- (1) A regulated member is not eligible to be nominated for membership on Council, if he or she:
 - (a) is currently subject to an undertaking, a condition imposed under section 55 or 65, or a direction under section 118 of the *Act*;
 - (b) has been found guilty of unprofessional conduct within the five (5) years immediately preceding the nomination deadline for the election;
 - (c) is elected to federal or provincial public office;
 - (d) occupies a senior position (Assistant Deputy Minister or higher) with the Government of Alberta;
 - (e) is on the board of directors or in any other executive position with a professional organization that advocates on behalf the TCM or acupuncture profession; or
 - (f) is employed by the College, or has been employed by the College in the two years preceding the nomination deadline for the election.
- (2) A regulated member who has served two (2) consecutive terms as a Council member in accordance with the bylaw 4.3(3) is not eligible to be nominated for membership on Council for one (1) year following the member's second term on Council.

10.4 Limits on Educational Affiliates

- (1) To ensure that no more than one Educational Affiliate may be a member of Council at any one time, an Educational Affiliate shall only be eligible to be nominated for membership on Council in an election year in which:
 - (a) no regulated member of Council, including any member of Council whose position is up for election, is an Educational Affiliate; or
 - (b) a regulated member of Council whose position is up for election is an Educational Affiliate.
- (2) In the election year in which more than one Educational Affiliate is nominated for membership on Council, all Educational Affiliates shall be deemed to be running for the same Council position.

11. Election Process

11.1 Campaign and Election Rules

Council may establish rules for:

- (a) campaigning and financing of campaigns;
- (b) reporting of campaign fund revenue and expenditures;

- (c) the conduct of elections; and
- (d) the resolution of disputes arising from elections.

11.2 Receipt of Nominations

- (1) Completed nomination forms must be received by the College office on or before March 1 or, if March 1 falls on a Saturday, Sunday or statutory holiday, on the first business day following March 1.
- (2) The College will officially announce the names of candidates once the nomination deadline has passed.

11.3 Acclamation as Council Member

- (1) If the number of candidates is equal to or fewer than the number of vacancies on Council in a given election year, then a candidate or candidates may be acclaimed as Council members without the necessity of conducting a vote, in accordance with Council policy.
- (2) If there is no candidate for a vacancy on Council in a given election year, the vacancy shall be addressed in accordance with bylaw 6.1(3).

Part IV – Membership

12. Regulated Members

12.1 Registers of Regulated Members

The College shall maintain registers with the following categories of regulated members:

- (a) General Register;
- (b) Provisional Register; and
- (c) Courtesy Register.

12.2 General Register Members

- (1) Every individual on the General Register is a regulated member of the College.
- (2) In addition to the rights, duties, and responsibilities a regulated member on the General Register has under the *Act* and *Regulation*, a regulated member on the General Register:
 - (a) is entitled to nominate and be nominated for office in accordance with these bylaws;
 - (b) is entitled to vote in elections for membership on Council and for the President, in accordance with these bylaws;

- (c) is eligible to serve on committees of the College in accordance with these bylaws;
- (d) is entitled to attend annual general meetings of the College, make motions, debate and vote on matters coming before the annual general meeting in accordance with these bylaws;
- (e) is entitled to receive College publications; and
- (f) may receive such other benefits as Council from time to time determines.

12.3 Provisional Register Members

- (1) Every individual on the Provisional Register is a regulated member of the College.
- (2) In addition to the rights, duties, and responsibilities a regulated member on the Provisional Register has under the *Act* and *Regulation*, a regulated member on the Provisional Register:
 - (a) is entitled to attend annual general meetings of the College, make motions and debate, but shall not have the right to vote on matters coming before the annual general meeting or to vote in elections for membership on Council;
 - (b) is entitled to receive College publications; and
 - (c) may receive such other benefits as Council from time to time determines.

12.4 Courtesy Register Members

- (1) Every individual on the Courtesy Register is a regulated member of the College for the duration of their registration with the College, but must maintain active registration in the jurisdiction where they hold primary registration.
- (2) A regulated member on the Courtesy Register is entitled to attend annual general meetings of the College, but shall not have the right to make motions or debate or vote on matters coming before the annual general meeting or vote in elections for membership on Council.

13. Non-Regulated Members

13.1 Registers of Non-Regulated Members

- (1) The College shall maintain registers with the following categories of non-regulated members:
 - (a) Non-Practising Members; and
 - (b) Student Members.
- (2) An individual registered on the register for any of the above categories is deemed to be a non-regulated member of the College.
- (3) The Non-Practising Members register shall contain, with respect to each person:

- (a) name, date of birth, address, telephone number, and email address;
 - (b) initial date of registration as a regulated member on the General Register and date the individual ceased to be a regulated member on the General Register;
 - (c) employment status;
 - (d) education, including the acupuncture education program attended;
 - (e) historical information relevant to the person; and
 - (f) such other information as Council may prescribe.
- (4) The Student Members register shall contain, with respect to each person:
- (a) name, date of birth, address, telephone number, and email address;
 - (b) date of enrollment as a student in an acupuncture education program approved by Council;
 - (c) historical information relevant to the person; and
 - (d) such other information as Council may prescribe.

13.2 Non-Practising Members

- (1) A person who was formerly a regulated member on the General Register may apply to the Registrar for membership in the College as a Non-Practising Member, by submitting the forms and paying the fees prescribed by Council.
- (2) A Non-Practising Member is entitled to:
- (a) attend annual general meetings of the College, make motions and debate, but shall not have the right to vote on matters coming before the annual general meeting or to vote in elections for membership on Council;
 - (b) receive College publications; and
 - (c) serve on committees of the College as a non-voting member.
- (3) A Non-Practising Member is not authorized to engage in the practice of acupuncture in the Province of Alberta.

13.3 Student Members

- (1) A person who is enrolled in an acupuncture education program approved by Council may apply to the Registrar for membership in the College as a Student Member, by submitting the forms and paying the fees prescribed by Council.
- (2) A Student Member is entitled to:
- (a) attend annual general meetings of the College, but shall not have the right to make motions or debate or vote on matters coming before the annual general meeting or to vote in elections for membership on Council; and
 - (b) receive College publications.

14. Registers and Records

14.1 Changes to Information

- (1) A regulated member or a non-regulated member shall notify the Registrar in writing within thirty (30) days of any change in the information contained in any register which relates to that member.
- (2) The Registrar may add to or remove information from any register of the College.
- (3) Upon the direction of Council, the Hearing Tribunal, the Registration Committee, the Complaint Review Committee or the Competence Committee, the Registrar may correct or remove any entry made in error in a register of the College.
- (4) No registration or practice permit shall be cancelled except in accordance with the *Act*.

14.2 Written and Computer Records

The registers established by the *Act*, the *Regulation*, and these bylaws may be maintained in a written record or by means of a computer record, or both.

14.3 Application Date for Renewal of Annual Practice Permit

- (1) An annual practice permit expires on March 31 each year, unless otherwise provided in the *Act*.
- (2) Each regulated member must submit a complete application for renewal of an annual practice permit including all information required under section 40(1) of the *Act* and section 21 of the *Regulation* by March 31 of each year, in the form required by the Registrar.
- (3) A late fee determined by Council will be charged on any application for renewal of an annual practice permit received after March 31.

15. Membership Meetings

15.1 Annual General Meeting

- (1) The Annual General Meeting of the College shall be held at such date, time and place as is determined by Council.
- (2) The purposes of the Annual General Meeting are:
 - (a) to provide through the submission of resolutions:
 - (i) a forum through which regulated members are able to raise issues of importance; and
 - (ii) proposals for policy direction for College activities;

- (b) to report and provide information to the members on the actions taken by Council and the activities in which the College is involved;
 - (c) to provide an opportunity for members to comment on College direction and priorities;
 - (d) to address any other matters properly brought before the Annual General Meeting.
- (3) Council may prescribe rules for the presentation of resolutions and the manner in which they are dealt with at the Annual General Meeting.
 - (4) Council shall consider all resolutions submitted at the Annual General Meeting which receive a majority vote of members, but such resolutions are not binding on Council and it is in Council's sole discretion whether to implement any such resolutions.
 - (5) Council shall ensure that the membership receives a report annually on the disposition of resolutions.
 - (6) Council shall promote member attendance, interaction and participation at annual meetings.

15.2 Special Membership Meetings

- (1) Special meetings of members may be called by Council.
- (2) The President shall appoint a presiding officer, who may be themselves, for special meetings of the members.
- (3) The purpose of a special meeting of the members is to:
 - (a) provide an opportunity for discussion of extraordinary issues before the College and to seek direction and input from the general membership;
 - (b) provide the members with an opportunity to bring extraordinary issues to the attention of Council.

16. Fees

16.1 Setting of Fees

- (1) Council shall establish fees for the following:
 - (a) initial registration and registration renewals for each membership category;
 - (b) initial practice permits and practice permit renewals for regulated members;
 - (c) registration reviews under sections 31 or 41 of the *Act*.
- (2) Council may determine such other fees, dues, or levies as are required under the *Act*, the *Regulation*, or these bylaws, or for anything it considers necessary for services provided to a member or any other person.

- (3) Council may establish policies that give direction to the Executive Director and Registrar in the setting of fees for recuperation of the costs and expenses with acupuncture education program approval.

16.2 Fee Changes

If Council proposes to change any of the fees set out in bylaw 16.1 above, it shall give at least sixty (60) days' notice of its intention to do so by notice in the College publication or on the College website.

16.3 Special Levy

If special circumstances arise requiring additional funding for the College, Council may impose a special levy against the members or a category of membership.

16.4 Notice of Fees, Dues and Levies

When fees, dues or levies are payable, notice of the fees, dues or levies payable shall be sent to those members or persons required to pay them.

Part V – Registration

17. Registrar

17.1 Duties and Powers

- (1) The Registrar appointed under section 8 of the *Act* may:
 - (a) consider applications for registration and applications for a practice permit;
 - (b) undertake any other power or duty given to the Registrar under the *Act*, the *Regulation*, or these bylaws;
 - (c) subject to sections 19 and 20 of the *Act*, execute any powers and duties delegated by Council.
- (2) If the practice permit or registration, or both, of a regulated member has been cancelled, the registration and practice permit are not to be reinstated except by order of the Registrar, who may refer the matter to the Registration Committee.
- (3) The Registrar may in their sole discretion decide to refer any application for registration or a practice permit to the Registration Committee or the Competence Committee for their determination.
- (4) The Registrar may delegate in writing all or any of their duties and responsibilities to another staff member, with or without conditions.

18. Registration Committee

18.1 Duties and Powers

The Registration Committee may:

- (a) review applications for registration referred to the Registration Committee by the Registrar; and
- (b) undertake any other power or duty given to it under the *Act*, the *Regulation*, or these bylaws.

18.2 Composition

- (1) Council shall establish a Registration Committee under section 9 of the *Act*.
- (2) The Registration Committee shall be composed of no fewer than three regulated members.
- (3) Council shall designate a member of the Registration Committee as Chair.

18.3 Prohibition on Membership

No member of a Registration Committee shall be a member of Council, the Competence Committee, the Complaint Review Committee, or a Hearing Tribunal.

18.4 Term of Office

- (1) The term of office of a regulated member on the Registration Committee is three (3) years.
- (2) The term of office of a regulated member on the Registration Committee may be extended for up to three (3) additional years.
- (3) A member of the Registration Committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

18.5 Quorum

- (1) A quorum for the Registration Committee is three members of the Registration Committee.
- (2) A decision of the Registration Committee shall be by a majority vote. If the Registration Committee is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.

19. Competence Committee

19.1 Duties and Powers

The Competence Committee may undertake any power or duty given to it under the *Act*, the *Regulation*, or these bylaws.

19.2 Composition

- (1) Council shall establish a Competence Committee under section 9 of the *Act*.
- (2) The Competence Committee shall be composed of no fewer than three regulated members.
- (3) Council shall designate a member of the Competence Committee as Chair.

19.3 Prohibition on Membership

No member of a Competence Committee shall be a member of Council, the Registration Committee, the Complaint Review Committee, or a Hearing Tribunal.

19.4 Term of Office

- (1) The term of office of a regulated member on the Competence Committee is three (3) years.
- (2) The term of office of a regulated member on the Competence Committee may be extended for up to three (3) additional years.
- (3) A member of the Competence Committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

19.5 Quorum

- (1) A quorum for the Competence Committee is three members of the Competence Committee.
- (2) A decision of the Competence Committee shall be by a majority vote. If the Competence Committee is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.

Part VI – Professional Conduct

20. Complaints Director

20.1 Appointment

- (1) Council shall appoint a Complaints Director in accordance with section 14 of the *Act*.
- (2) The appointment shall be conducted in accordance with the policies of the College approved by Council.

20.2 Duties and Powers

- (1) The Complaints Director may undertake any power or duty given to the Complaints Director under the *Act*, the *Regulation*, or these bylaws.

- (2) The Complaints Director may delegate some or all of their duties to an individual, with the exception of the Hearings Director.
- (3) The Complaints Director may disclose any information regarding a complaint or disciplinary proceeding if:
 - (a) the information is required to be disclosed for the purposes of the *Act*, the *Regulation*, or these bylaws;
 - (b) the information is required to be disclosed by law; or
 - (c) the information is disclosed to a law enforcement agency for the purpose of reporting potential criminal conduct or for the purpose of providing information for a law enforcement investigation.

21. Hearings Director

21.1 Appointment

- (1) Council shall appoint a Hearings Director in accordance with section 14 of the *Act*.
- (2) The appointment shall be conducted in accordance with the policies of the College approved by Council.

21.2 Duties and Powers

- (1) The Hearings Director may undertake any power or duty given to the Hearings Director under the *Act*, the *Regulation*, or these bylaws.
- (2) The Hearings Director may delegate some or all of their duties to an individual, with the exception of the Complaints Director.
- (3) The Hearings Director may disclose any information regarding a complaint or disciplinary proceeding if:
 - (a) the information is required to be disclosed for the purposes of the *Act*, the *Regulation*, or these bylaws;
 - (b) the information is required to be disclosed by law; or
 - (c) the information is disclosed to a law enforcement agency for the purpose of reporting potential criminal conduct or for the purpose of providing information for a law enforcement investigation.

22. Appeals Committee

22.1 Establishment of Appeals Committee

There is hereby established an Appeals Committee from which panels of Council will be selected.

22.2 Duties and Powers

A panel of Council from Appeals Committee shall:

- (a) carry out the duties and powers of Council under sections 87 to 89 of the *Act*;
- (b) carry out the duties and powers of Council under section 93 of the *Act*;
- (c) carry out the duties and powers of Council under sections 118(6) to 118(8) of the *Act*; and
- (d) exercise any other authority specifically delegated to it in the *Regulation* or these bylaws.

22.3 Composition

- (1) The Appeals Committee shall consist of six members of Council, appointed by Council, three of whom shall be public representatives and three of whom shall be regulated members.
- (2) Each Panel of Council drawn from the Appeals Committee shall consist of a minimum of four members of the Appeals Committee, with at least 50 percent of the Panel being public representatives.
- (3) Each Panel of Council drawn from the Appeals Committee shall appoint a Chair.
- (4) Panel decisions shall be by a majority vote. If a Panel is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.

22.4 Term of Office

- (1) The term of office of Appeals Committee members shall be one (1) year, unless, at the time of appointment, Council specifies a different term.
- (2) Members of Council appointed to the Appeals Committee shall continue to hold office after the expiry of the member's term for the sole purpose of concluding appeal hearings that have commenced, but not been completed.
- (3) Vacancies on the Appeals Committee shall be filled on or before the expiry of their term. However, a newly appointed member of the Appeals Committee shall not participate in a hearing that was commenced prior to their appointment.

22.5 Quorum

- (1) A quorum of the Appeals Committee is four members, two of whom must be public representatives.
- (2) In the event the Lieutenant Governor in Council has not appointed at least two public members to Council, a quorum of the Appeals Committee shall be four members, one of whom must be a public representative.

23. Membership List under Section 15 of the Act

23.1 Term of Office

- (1) The term of office of a regulated member on the membership list established under section 15 of the *Act* is three (3) years.
- (2) The term of office of a regulated member on the membership list established under section 15 of the *Act* may be extended for up to three (3) additional years.
- (3) In accordance with section 16(2) of the *Act*, a member of a Hearing Tribunal or Complaint Review Committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

24. Hearing Tribunal

24.1 Duties and Powers

A Hearing Tribunal established under section 16 of the *Act* may:

- (a) conduct hearings under Part 4 of the *Act*; and
- (b) undertake any other power or duty given to it under the *Act*, the *Regulation*, or these bylaws.

24.2 Composition

- (1) The Hearings Director shall establish a Hearing Tribunal from the members appointed by Council to the membership list established under section 15 of the *Act*.
- (2) A Hearing Tribunal shall be composed of no fewer than four individuals with at least 50 percent being public representatives appointed by the Lieutenant Governor in Council under section 13(1)(b) of the *Act* and the balance being regulated members appointed by Council to the membership list established under section 15 of the *Act*.
- (3) The Hearings Director shall designate a member of the Hearing Tribunal as Chair.

24.3 Prohibition on Membership

No member of a Hearing Tribunal shall be a member of Council, the Complaint Review Committee, the Registration Committee, or the Competence Committee.

24.4 Quorum

- (1) A quorum for a Hearing Tribunal is four members of the Hearing Tribunal with at least fifty (50) percent being public representatives.
- (2) A decision of a Hearing Tribunal shall be by a majority vote. If a Hearing Tribunal is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.

25. Complaint Review Committee

25.1 Duties and Powers

The Complaint Review Committee established under Section 16 of the Act may:

- (a) review and ratify settlements under section 60 of the Act;
- (b) conduct reviews under section 68 of the Act; and
- (c) undertake any other power or duty given to it under the *Act*, the *Regulation*, or these bylaws.

25.2 Composition

- (1) The Hearings Director shall establish a Complaint Review Committee from the members appointed by Council to the membership list established under section 15 of the *Act*.
- (2) A Complaint Review Committee shall be composed of no fewer than four individuals with at least 50 percent being public representatives appointed by the Lieutenant Governor in Council under section 13(1)(b) of the *Act* and the balance being regulated members appointed by Council to the membership list established under section 15 of the *Act*.
- (3) The Hearings Director shall designate a member of the Complaint Review Committee as Chair.

25.3 Prohibition on Membership

No member of the Complaint Review Committee shall be a member of Council, a Hearing Tribunal, Registration Committee, or Competence Committee.

25.4 Quorum

- (1) A quorum for a Complaint Review Committee is four members of the Complaint Review Committee with at least fifty (50) percent being public representatives.
- (2) A decision of a Complaint Review Committee shall be by a majority vote. If a Complaint Review Committee is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.

26. Delegation

- (1) Council designates the President as the individual to carry out the duties under section 65 of the *Act*. In the event of a conflict of interest, the President shall have authority to delegate his or her duties under section 65 of the *Act* to the Vice President.
- (2) Council designates the President as the individual to carry out the duties under section 86 of the *Act*. In the event of a conflict of interest, the President shall have

authority to delegate his or her duties under section 86 of the *Act* to the Vice President.

27. Notices

Unless otherwise required under an enactment of Alberta or Canada, any notice or document that may be given or is required to be given under the *Act*, the *Regulation*, or these bylaws may be given by:

- (a) mail;
- (b) electronic mail;
- (c) fax;
- (d) posting on the website of the College; or
- (e) any other means that may be available for transmission provided such means is as reliable as any of the other means set out in this bylaw.

28. Publication of Conduct Information

- (1) Subject to section 135.93 of the *Act* and subject to the Registrar's discretion under subsection 28(5) below to redact personal information, decisions of Hearing Tribunals and panels of Council in which there is a finding of unprofessional conduct shall be published and shall include the investigated person's name.
- (2) Publication of the decisions of Hearing Tribunals and panels of Council may include a summary of the decision or the full decision or both.
- (3) If a decision of a Hearing Tribunal or panel of Council is under appeal, the Registrar has the discretion to either withhold publishing until all appeals are completed or, alternatively, to publish the decision but add a notation that the decision is under appeal.
- (4) If a decision of a panel of Council is appealed to the Court of Appeal, then a note on the outcome of the appeal shall be included with the publication of the decision by the Hearing Tribunal and by the panel of Council.
- (5) The Registrar may direct that personal information be redacted from the decisions of Hearing Tribunal and panels of Council. In determining what personal information shall be redacted from the decisions, the Registrar shall consider:
 - (a) the privacy interests of the individuals whose personal or health information may be disclosed;
 - (b) the public interest in ensuring that the College's conduct process is open and transparent;
 - (c) the need to educate the public and regulated members about the issues addressed in the decisions; and
 - (d) any other factors that the Registrar considers relevant to this matter.

- (6) Subject to section 135.92(3) of the *Act*, the Registrar may determine the length of time the decisions of Hearing Tribunals, panels of Council and the Court of Appeal shall be published.
- (7) Subject to section 135.92 of the *Act*, the method of publication shall be determined by the Registrar and may include publication on the College's website.
- (8) When the Alternative Complaint Resolution process results in a ratified settlement between the parties, the College may publish information respecting the complaint and the ratified settlement, and may reveal the identity of the complainant or the investigated person, or both, if authorized to do so pursuant to the ratified settlement.

29. Disclosure of an Investigation Report

- (1) An investigation report may be released to the investigated person for the purpose of a hearing before a Hearing Tribunal.
- (2) An investigation report may be released to the investigated person for the purpose of a review by the Complaint Review Committee and a copy of the investigation report or a summary of the report may be released to the complainant for the purpose of a review by the Complaint Review Committee, at the Complaints Director's discretion.
- (3) An investigation report may be released to the investigated person for the purpose of negotiating a settlement in an Alternative Complaint Resolution process.
- (4) An investigation report may be redacted in a manner considered appropriate by the Complaints Director.

Part VII – Administration

30. Executive Director

- (1) The Council may hire as an employee of the College an Executive Director and Registrar who reports to the Council and shall have such powers as are designated by the Council.
- (2) The Executive Director and Registrar:
 - (a) assists Council in the management and conduct of the College's affairs;
 - (b) reports to and takes direction from Council;
 - (c) oversees the activities, administration, affairs, conduct, and management of the College office and the implementation of policies, procedures and directives of the College as delegated by Council;

- (d) assists or oversees in the planning, development and implementation of programs and processes to support College regulatory functions as delegated by Council;
- (e) is responsible for the overall management of the financial resources of the College and monitors the annual audit process; and
- (f) carries out other duties as delegated by Council.

31. Forms and Documents

The Executive Director and Registrar is authorized to prescribe such forms, certificates, permits or other documents that may be required for the purposes of the *Act*, the *Regulation*, or these bylaws.

32. Head Office

The head office of the College is located in Edmonton, Alberta, or at such other location as may be determined by the Council.

33. Seal

- (1) The College shall have a seal, which shall have inscribed thereon, "College of Acupuncturists of Alberta".
- (2) The Registrar shall have custody of the seal of the College, and shall have authority to affix the seal to any documents requiring the seal to be affixed.
- (3) Council may amend the design of the seal.

34. Use of Funds

- (1) The College is entitled to make use of all revenues received from membership fees and other sources of income to carry out the objectives of the College.
- (2) Financial policy pertaining to the College shall be determined by Council and the College shall publish annually a copy of its audited financial statement.

35. Fiscal and Registration Year

The fiscal and registration year of the College shall be from April 1 to the following March 31.

36. Committees

36.1 Committees

- (1) In addition to committees established in the *Act* or in these bylaws, Council may establish such committees as it considers necessary in carrying out its duties and responsibilities.

- (2) Council shall approve terms of reference for all committees.
- (3) Council shall establish criteria for membership on all committees.
- (4) Council shall set out a process in policy for the appointment and removal of members of committees.
- (5) Each committee established by Council shall, each year, prepare and submit to Council, via the Executive Director, a report of their activities for the preceding twelve (12) months.

36.2 Acupuncture Education Program Review Committee

- (1) Council shall appoint an Acupuncture Education Program Review Committee.
- (2) The Acupuncture Education Program Review Committee shall have authority to:
 - (a) make recommendations to Council regarding approval of programs of study and education courses for the purposes of registration requirements for the purposes of section 3(1)(f) of the *Act*;
 - (b) make recommendations to Council regarding removal or change of approval status of acupuncture education programs approved by Council;
 - (c) make recommendations to Council regarding minimum standards for acupuncture education programs approved by Council, and criteria in order for an acupuncture education program to obtain or maintain approval by Council;
 - (d) conduct site visits of acupuncture education programs for the purpose of evaluating and reporting to Council with respect to such programs; and
 - (e) engage with acupuncture programs and other stakeholders having an interest in the development, delivery and evaluation of acupuncture education programs in Alberta.
- (3) The Acupuncture Education Program Review Committee shall be an advisory committee only. The authority to approve programs of study and education courses for the purposes of registration requirements under section 3(1)(f) of the *Act* shall rest with Council.

36.3 Conflicts of Interest

Members of College committees are subject to the College's *Conflict of Interest Policy*. All members of committees must:

- (a) refrain from attempting to exert influence in connection with issues for which they are in a conflict or potential conflict of interest, and
- (b) abstain from participating in any hearings, discussions, or voting on such issues pending resolution of the conflict or potential conflict of interest as prescribed by the *Conflict of Interest Policy*.

36.4 Confidentiality

- (4) Each member of a College committee shall keep information received by him or her as a member of the committee confidential.
- (5) Information given to a College committee shall be disclosed only in accordance with the *Act*, the *Regulation*, these bylaws or as otherwise required by law.
- (6) A College committee may authorize the disclosure of information for statistical use when the information cannot be attributed to a particular individual or facility.

36.5 Costs and Expenses

The College shall reimburse travel expenses and such other costs and expenses for all members of Council, members of committees and College staff in accordance with policies made by Council.

37. Process for Developing or Proposing the Adoption of a Code of Ethics and Standards of Practice

- (1) Council may adopt a *Code of Ethics* and *Standards of Practice* or amend these documents in accordance with the consultation process set out at section 133 of the *Act*.
- (2) At least thirty days before adopting a proposed *Code of Ethics* or *Standards of Practice* or amendment, Council shall provide a copy to regulated members for review and comment, and shall indicate a deadline for Council to receive written comments.
- (3) Council shall consider any written submissions received in accordance with bylaw 37(2) before making a decision.

38. Use of the “Specialist” Title

A regulated member on the general or courtesy register may use the title of Specialist as well as the appropriate abbreviations and initials in compliance with the Standard of Practice approved by Council.

39. Parliamentary Authority

Any rules adopted by the College shall govern the College in all cases to which they are applicable and in which they are not inconsistent with these bylaws. On those matters not covered by College rules of order, *Robert’s Rules of Order* shall apply.

40. Website

The type of information that may be published on the College’s website in addition to the information in section 153.92(2) of the *Act* is as follows:

- (a) general information about the College and its activities;

- (b) general information about the acupuncture profession, general information on acupuncture practice, general information about the regulatory processes under the *Act* including applying for registration, applying for practice permits, the professional conduct process including complaints and concerns, continuing competence and other matters addressed in the *Act*;
- (c) find an acupuncturist function which includes the following information about regulated and former members' registration and practice permits: history, status, numbers, conditions and any authorizations, certifications, restrictions, or limitations;
- (d) employer verification of the status of an acupuncturist;
- (e) publications and reports;
- (f) resources and services offered by the College;
- (g) learning opportunities;
- (h) careers with the College;
- (i) information requests, member requests;
- (j) a website portal for members of the College;
- (k) information on how to contact the College;
- (l) Hearing Tribunal decisions including the name of the investigated person;
- (m) decisions of the Appeals Committee arising from appeals from a Hearing Tribunal;
and
- (n) information referenced in section 119(1) of the *Act*.

AMENDMENTS OF BYLAWS

1. On January 28, 2021, Council passed a motion to correct a clerical error in Clause 19.5(1).

Originally, it reads: A quorum for the Competence Committee is three members of the Registration Committee.

With the amendment, it now reads: A quorum of the Competence Committee is three members of the Competence Committee.