

Bylaws

May 11, 2022

Amendments

Date Effective	Sections	Approval
January 28, 2021	Section 19.5	Council - January 28, 2021
August 11, 2021	Section 7	Council - August 11, 2021
September 11, 2021	Sections 1(e), 4, 5, 6.3	Council - September 11, 2021
November 12, 2021	Section 15 and page numbers	Council - November 12, 2021
March 16, 2022	Amendments made throughout	Council - March 16, 2022
May 11, 2022	Amendments made throughout, reformatted document in compliance with new branding and to fix numbering issues, and thoroughly proofread	Council - May 11, 2022

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Part I General

1. Definitions

- 1.1 In these bylaws:
 - 1.1.1 “Act” means the Health Professions Act, RSA 2000;
 - 1.1.2 “College” means the College of Acupuncturists of Alberta;
 - 1.1.3 “Chair” means the President of Council as selected by Council pursuant to section 7 of the *Act*;
 - 1.1.4 “Council” means the Council of the College;
 - 1.1.5 “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:
 - 1.1.5.1 as an owner or shareholder;
 - 1.1.5.2 as a board member or officer;
 - 1.1.5.3 as an employee in a management position; or
 - 1.1.5.4 as an instructor.
 - 1.1.6 “Executive Director/Registrar” means the Executive Director and Registrar of the College;
 - 1.1.7 “Registration Year” means the period of time from April 1 to the following March 31;
 - 1.1.8 “Regulations” means regulations made under section 131 of the *Act*;
 - 1.1.9 “TCM” means Traditional Chinese Medicine.
- 1.2 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 the Bylaws

- 3.1 A bylaw, or an amendment to a bylaw, may be passed at any meeting of the Council.
- 3.2 Whenever an amendment is made to the bylaws, any consequential editorial changes to the bylaws, as required, are implied.

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

4.2.1 The Council shall consist of four (4) regulated members and four (4) public members, referred to in this subsection at (b) below, as follows:

4.2.1.1 four (4) regulated members appointed in accordance with Part III of the bylaws, Appointment of Regulated Members to Council; and

4.2.1.2 four (4) public members appointed by the Lieutenant Governor in Council in accordance with the *Act*.

4.3 Terms of Office

4.3.1 Except when these bylaws provide otherwise, the term of office for each regulated member on the Council is three (3) years, with one to two (1 to 2) regulated members appointed each year.

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

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

4.3.4 If a regulated member is appointed as a Council member under bylaw 5.1, the initial term of such appointment will not be counted for the purposes of subsection (3) above.

4.3.5 The Council is empowered to increase or decrease the length of terms of office of regulated Council members, including those already appointed to a specific term of office, in order to maintain the turnover rate indicated in subsection (1) above.

4.3.6 Members of the Council commence their terms of office on June 1 of the year in which they are appointed.

4.4 Officers

4.4.1 The Council shall select a Chair and a Vice-Chair from among the members of the Council, in accordance with Council policy.

4.4.2 The Chair shall hold office for one (1) year and may serve a maximum of two (2) consecutive terms as Chair.

4.4.3 The Vice-Chair shall hold office for one (1) year and may serve a maximum of two (2) consecutive terms as Vice-Chair.

4.4.4 The Chair shall chair meetings of Council and is the primary contact point between the Council and the Executive Director/Registrar.

- 4.4.5 If the Chair is temporarily absent or unable to act, the Vice-Chair shall perform the functions, duties, powers, and responsibilities of the Chair.
- 4.4.6 If both the Chair and the Vice-Chair are temporarily absent or unable to act, Council will determine who shall perform the functions, duties, powers, and responsibilities of the Chair.

4.5 Council Meetings

- 4.5.1 The Council shall meet at least three (3) times per year in person, virtually, or by any other means of communication technology that allows all persons to hear and be heard, on such dates as may be determined by the Chair, acting reasonably.
- 4.5.2 In addition to the minimum number of regularly scheduled meetings, the Chair may call any additional meetings of the Council that the Chair considers necessary or shall call an additional meeting upon the request of a member of Council with the agreement of two-thirds (2/3) of the members of Council.
 - 4.5.2.1 All members of the Council shall receive at least forty-eight (48) hours' notice of a meeting.
 - 4.5.2.2 The Council may meet in person, by teleconference, or by any other communications technology that permits all persons participating in the meeting to communicate with each other.
- 4.5.3 When deemed necessary for the Council to consider a complaint regarding a Council member, in accordance with Council policy, the Chair or the Vice-Chair may call an additional meeting of Council.
- 4.5.4 Except when the Council otherwise directs, Council meetings are open to the public.
- 4.5.5 The Chair shall chair council meetings.
- 4.5.6 The agenda and order of business at a meeting of the Council will be determined by the Council and may be amended at the Council's discretion.
- 4.5.7 Subject to Division 5 of the *Act*, sections 87 to 89 inclusive, the Council may determine to conduct any portion of a meeting in-camera in accordance with the following principles, where there will be discussion of:
 - 4.5.7.1 advice from legal counsel or other privileged information;
 - 4.5.7.2 financial, personnel, or other matters that are of such a nature that avoiding public disclosure of information outweighs adhering to the principle that Council meetings be open to the public;
 - 4.5.7.3 information that the College is otherwise required by law to keep confidential; and
 - 4.5.7.4 any matter that would reveal private information about an individual.
- 4.5.8 An in-camera session involves Council members and, at the discretion of the Chair, the Executive Director/Registrar and other resource persons as the Chair may determine.

4.5.9 Not all matters that individual Council members wish to raise are appropriate to discuss in an in-camera session. In-camera sessions are designed to address specific sensitive matters that are better initially discussed without notes being taken or observers present. They are not designed as a forum to raise personal agendas or special interests, nor to alter a decision that has been presented by management and approved.

4.6 Quorum

4.6.1 A quorum in order to make a Council decision, and regardless of the voting method, is a majority of the members of the Council participating in the vote.

4.6.2 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.

4.7 Voting

4.7.1 Voting on matters by the Council may be conducted face-to-face, virtually, by email, or by any other communications technology.

4.7.2 Except as otherwise stated in these bylaws, and regardless of voting method, quorum for decision-making shall be as specified in bylaw 4.6, and a decision shall be made by a majority vote of the members participating in the vote.

4.7.3 Except as otherwise stated in these bylaws, the Chair shall not vote except in the event of a tie vote, in which case the Chair shall then cast a deciding vote.

4.8 Conflicts of Interest

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

4.8.1 refrain from attempting to exert influence in connection with issues for which they are in a conflict or potential conflict of interest, and

4.8.2 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*.

4.9 Confidentiality

4.9.1 Each member of the Council shall keep information received by them, as a member of the Council, confidential.

4.9.2 Information given to the Council shall be disclosed only in accordance with the *Act*, the *Regulation*, these bylaws, or as otherwise required by law.

4.9.3 The Council may authorize the disclosure of information for statistical use when the information cannot be attributed to a particular individual or facility.

5. Vacant Positions on Council

5.1 Filling Vacancies on Council

- 5.1.1 If a regulated member of the Council, other than the Chair, is unable to complete their term of office:
 - 5.1.1.1 The Council may appoint a regulated member, who meets the appointment requirements in bylaw 8, to the position until the next Council term, and
 - 5.1.1.2 The term of the position may be adjusted to maintain the turnover rate indicated in bylaw 4.3.
- 5.1.2 A partial term served by a Council member appointed under subsection (1) above shall not be counted for the purposes of bylaw 4.3.3.

5.2 Vacancy of the Chair or Vice-Chair Office

- 5.2.1 If the office of the Chair becomes vacant before the Chair's term of office would normally end, the Vice-Chair shall succeed to the office of the Chair for the remainder of the Vice-Chair's current term as a member of the Council.
- 5.2.2 If the office of the Vice-Chair becomes vacant before the Vice-Chair's term of office would normally end, a new Vice-Chair shall be appointed or elected by the Council from among the members on the Council, in accordance with Council policy.

6. Termination of Membership on Council

6.1 Automatic Suspension of Membership on Council

- 6.1.1 A regulated member of the Council is automatically suspended as a member of the Council if;
 - 6.1.1.1 the member is charged with an offence pursuant to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, or any other statute or legislation under which a finding a guilt may bring the College into disrepute;
 - 6.1.1.2 the member is subject to a complaint pursuant to Part 4 of the *Act* with the College;
 - 6.1.1.3 the member is subject to a complaint pursuant to Part 4 of the *Act* with another regulated college for which they are a regulated member; or
 - 6.1.1.4 the member is subject to disciplinary proceedings by a regulatory college in another province;
- 6.1.2 An appointed member of the Council shall advise the Council within two (2) working days or prior to any meeting of Council, whichever is first, of any provision of bylaw 6.1.1.1 to 6.1.1.4 occurring.
- 6.1.3 The determination of whether a finding a guilt pursuant to a statute or legislation may bring the College into disrepute shall be made by a majority vote of the Council. The member who is subject to the possible suspension shall not vote.

- 6.1.4 The suspension of the appointed member's membership on the Council ends if;
 - 6.1.4.1 the member becomes subject to an automatic termination pursuant to bylaw 6.2, or
 - 6.1.4.2 the grounds for the suspension of the member pursuant to bylaw 6.1 no longer exist.

6.2 Automatic Termination of Membership on Council

- 6.2.1 An appointed member of the Council automatically ceases to be a member of the Council if:
 - 6.2.1.1 the member provides a letter of resignation to the Chair,
 - 6.2.1.2 the member becomes incapacitated or dies,
 - 6.2.1.3 the member is suspended or ceases to be a Registered Acupuncturist,
 - 6.2.1.4 the member is found to have engaged in unprofessional conduct following a complaint pursuant to Part 4 of the *Act* with the College,
 - 6.2.1.5 the member is found to have engaged in unprofessional conduct following a complaint pursuant to Part 4 of the *Act* with another regulated college in which they are a registered member,
 - 6.2.1.6 the member has been found guilty following disciplinary proceedings by a regulatory college in another province,
 - 6.2.1.7 the member is found guilty of an offence pursuant to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, or any other statute or legislation under which a conviction could bring the College into disrepute, as has been determined by the Council in bylaw 6.1.3,
 - 6.2.1.8 the member is absent from three consecutive meetings of the Council without prior written notice and without proper justification, or
 - 6.2.1.9 if any of these circumstances occur:
 - 6.2.1.9.1 the member is elected to federal or provincial public office;
 - 6.2.1.9.2 the member occupies a senior position (Assistant Deputy Minister or higher) with the Government of Alberta;
 - 6.2.1.9.3 the member 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
 - 6.2.1.9.4 the member is employed by the College.
 - 6.2.2 An appointed member of the Council shall advise the Council within two (2) working days or prior to any meeting of the Council, whichever is first, of any of the grounds in bylaw 6.2.1.1 to 6.2.1.9 occurring.
- 6.3 The Complaint Director shall advise the Council upon receipt of a complaint against a member of the Council within two (2) working days of receipt.

- 6.4 Bylaws 6.1, 6.2, or 6.3 shall not apply when:
- 6.4.1 the complaint is initiated by another Council member,
 - 6.4.2 the complaint pertains to conduct prior to the member's appointment to the Council, or
 - 6.4.3 in the opinion of the Complaints Director, the complaint is frivolous, vexatious, or without merit.
- 6.5 All members of the Council have an obligation to disclose information that they have relating to the criteria in bylaws 6.1 and 6.2 as it relates to another member of the Council.
- 6.5.1 The disclosure of the information:
 - 6.5.1.1 shall be made to the Complaints Director, and
 - 6.5.1.2 shall not be considered a complaint as referred to in bylaw 6.4.
 - 6.5.2 The identity of the Council member making the disclosure shall be kept confidential.
- 6.6 At any time, a regulated member of the Council may have their membership on the Council terminated by a motion, passed by a two-thirds (2/3) majority of the Council members. The regulated member who is the subject of the removal motion shall not be included in calculating this two-thirds (2/3) majority nor shall they vote on the motion.
- 6.7 The regulated member who is the subject of a removal motion shall be entitled to make submissions to the Council in response to the motion.
- 6.8 Request to Rescind Appointment of a Public Member
- 6.8.1 At any time, the Council may pass a motion, supported by a vote of two-thirds (2/3) majority of the Council, that the Council recommend to the Lieutenant Governor in Council that the appointment of a public member who is the subject of the removal motion be rescinded. The public member who is the subject of the removal motion shall not be included in calculating this two-thirds (2/3) majority, nor shall they vote on the motion.
 - 6.8.2 The public member who is the subject of a removal motion shall be entitled to make submissions to the Council in response to the motion.

Part III Appointment of Regulated Members to the Council

7. Good Standing

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

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

8. Eligibility for Appointment to the Council

8.1 Eligibility Criteria

A person nominated as a candidate for appointment to the Council:

8.1.1 shall be a regulated member on the General Register who is in good standing; and

8.1.2 shall be a resident of Alberta.

8.2 Nomination for the Council

Nomination of a candidate for appointment to Council requires:

8.2.1 the name and support of at least two (2) regulated members on the General Register;

8.2.2 the name and support of one (1) individual, preferably with board or other governance experience; and

8.2.3 consent for the nomination from the candidate.

8.3 Ineligibility for Appointment to the Council

8.3.1 A regulated member is not eligible to be nominated for membership on the Council if they:

8.3.1.1 is currently subject to an undertaking, a condition imposed under section 55 or 65, or a direction under section 118 of the *Act*;

8.3.1.2 has been found guilty of unprofessional conduct within the five (5) years immediately preceding the nomination deadline for the appointment;

8.3.1.3 is elected to federal or provincial public office;

8.3.1.4 occupies a senior position (Assistant Deputy Minister or higher) with the Government of Alberta;

8.3.1.5 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;

8.3.1.6 is employed by the College or has been employed by the College in the two years preceding the nomination deadline for the appointment; or

8.3.1.7 would be an additional Educational Affiliate to an existing Council member who is an Educational Affiliate.

8.3.2 A regulated member who has served two (2) consecutive terms as a Council member, in accordance with bylaw 4.3(3), is not eligible to be nominated for membership on the Council for one (1) year following the member's second term on Council.

8.4 Appointment Process

8.4.1 Establishment of the Appointment Review Committee

There is hereby established an Appointment Review Committee to review applications for regulated member Council appointments and to recommend regulated members for appointment to the Council.

8.4.2 Composition

The Appointment Review Committee shall be composed of at least three (3) individuals selected by the Executive Director/Registrar from among persons with significant expertise relating to professional regulation and governance, other than current or former employees of the College, current members of the Council, and current or former members of the College.

8.4.3 Quorum

A quorum of the Appointment Review Committee shall be three (3).

8.4.4 Chair of Appointment Review Committee

One member of the Appointment Review Committee shall be chosen by the members of the Appointment Review Committee to chair each meeting of the Appointment Review Committee, provided there is a quorum.

8.4.5 Eligibility for Selection

Subject to bylaws 8.1 and 8.3, a regulated member is eligible to be selected as an appointed member of the Council provided that they satisfy all of the following conditions on the date of their nomination:

- 8.4.5.1 the member has successfully completed the College's current training program relating to the duties, obligations, and expectations of Council and committee members; and
- 8.4.5.2 the regulated member has satisfied the Application Review Committee that the member has all the competencies to be an effective member of the Council as set out in a list of competencies approved by Council.

8.4.6 Appointment of Council Members

- 8.4.6.1 The Appointment Review Committee will consider the competencies of the applicants and the Council's needs and will recommend eligible applicants to the Council for appointment.
- 8.4.6.2 The Council will consider the Appointment Review Committee's recommendations and appoint eligible applicants to fill vacant the Council positions.

Part IV Membership

9. Regulated Members

9.1 Registers of Regulated Members

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

- 9.1.1 General Register;
- 9.1.2 Provisional Register; and
- 9.1.3 Courtesy Register.

9.2 General Register Members

9.2.1 Every individual on the General Register is a regulated member of the College.

9.2.2 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:

- 9.2.2.1 is entitled to serve on the Council in accordance with these bylaws;
- 9.2.2.2 is eligible to serve on committees of the College in accordance with these bylaws;
- 9.2.2.3 is entitled to receive College publications; and
- 9.2.2.4 may receive such other benefits as the Council determines from time to time.

9.3 Provisional Register Members

9.3.1 Every individual on the Provisional Register is a regulated member of the College.

9.3.2 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:

- 9.3.2.1 is entitled to receive College publications; and
- 9.3.2.2 may receive such other benefits as Council determines from time to time.

9.4 Courtesy Register Members

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.

10. Non-Regulated Members

10.1 Registers of Non-Regulated Members

- 10.1.1 The College shall maintain registers with the following categories of non-regulated members:
 - 10.1.1.1 Non-Practising Members; and
 - 10.1.1.2 Student Members.
- 10.1.2 An individual registered on the register for any of the above categories is deemed to be a non-regulated member of the College.
- 10.1.3 The Non-Practising Members register shall contain, with respect to each person:
 - 10.1.3.1 name, date of birth, address, telephone number, and email address;
 - 10.1.3.2 initial date of registration as a regulated member on the General Register and the date the individual ceased to be a regulated member on the General Register;
 - 10.1.3.3 employment status;
 - 10.1.3.4 education, including the acupuncture education program attended;
 - 10.1.3.5 historical information relevant to the person; and
 - 10.1.3.6 such other information as the Council may prescribe.
- 10.1.4 The Student Members register shall contain, with respect to each person:
 - 10.1.4.1 name, date of birth, address, telephone number, and email address;
 - 10.1.4.2 date of enrollment as a student in an acupuncture education program approved by the Council;
 - 10.1.4.3 historical information relevant to the person; and
 - 10.1.4.4 such other information as the Council may prescribe.

10.2 Non-Practising Members

- 10.2.1 A person who was formerly a regulated member on the General Register may apply to the Executive Director/Registrar for membership in the College as a Non-Practising Member by submitting the forms and paying the fees prescribed by the Council.
- 10.2.2 A Non-Practising Member is entitled to:
 - 10.2.2.1 receive College publications; and
 - 10.2.2.2 serve on committees of the College as a non-voting member.
- 10.2.3 A Non-Practising Member is not authorized to engage in the practice of acupuncture in the Province of Alberta.

10.3 Student Members

- 10.3.1 A person who is enrolled in an acupuncture education program approved by the Council may apply to the Executive Director/Registrar for membership in the College as a Student Member by submitting the forms and paying the fees prescribed by Council.
- 10.3.2 A Student Member is entitled to receive College publications.

11. Registers and Records

11.1 Changes to Information

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

11.2 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.

11.3 Application Date for Renewal of Annual Practice Permit

- 11.3.1 An annual practice permit expires on March 31 each year, unless otherwise provided in the *Act*.
- 11.3.2 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 Executive Director/Registrar.
- 11.3.3 A late fee determined by the Council will be charged on any application for renewal of an annual practice permit received after March 31.

12. Fees

12.1 Setting of Fees

- 12.1.1 The Council shall establish fees for the following:
 - 12.1.1.1 initial registration and registration renewals for each membership category;
 - 12.1.1.2 initial practice permits and practice permit renewals for regulated members;and

12.1.1.3 registration reviews under sections 31 or 41 of the *Act*.

12.1.2 The Council may determine such other fees, costs, dues, assessments, or levies as are required under the *Act*, the Regulation, or these bylaws, or for anything it considers necessary for services or goods provided to a regulated or non-regulated member or any other person.

12.1.3 The Council may establish policies that give direction to the Executive Director/Registrar in the setting of fees for recuperation of the costs and expenses with acupuncture education program approval and for registration exams.

12.2 Fee Changes

If the Council proposes to change any of the fees set out in bylaw 12.1 above, it shall give at least sixty (60) days' notice of its intention to do so by notice on the College's website.

12.3 Special Levy

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

12.4 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 regulated or non-regulated members or persons required to pay them.

12.5 Professional Liability Insurance

An applicant for registration as a regulated member must provide evidence satisfactory to the Executive Director/Registrar that the applicant has a minimum of \$2,000,000.00 in professional liability insurance coverage, and the policy must indicate "Acupuncture Services".

Part V Registration

13. Registrar

13.1 Duties and Powers

13.1.1 The Registrar appointed under section 8 of the *Act* may:

13.1.1.1 consider applications for registration and applications for a practice permit;

13.1.1.2 undertake any other power or duty given to the Registrar under the *Act*, the Regulation, or these bylaws;

13.1.1.3 subject to sections 19 and 20 of the *Act*, execute any powers and duties delegated by the Council.

13.1.2 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 Executive Director/Registrar, who may refer the matter to the Registration Committee.

13.1.3 The Executive Director/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.

13.1.4 The Executive Director/Registrar may delegate in writing all or any of their duties and responsibilities to another staff member, with or without conditions.

14. Registration Committee

14.1 Duties and Powers

The Registration Committee may:

14.1.1 review applications for registration referred to the Registration Committee by the Executive Director/Registrar; and

14.1.2 undertake any other power or duty given to it under the *Act*, the Regulation, or these bylaws.

14.2 Composition

14.2.1 The Council shall establish a Registration Committee under section 9 of the *Act*.

14.2.2 The Council shall appoint no fewer than three (3) members to the Registration Committee, a majority of whom must be regulated members.

14.2.3 The Council shall designate a member of the Registration Committee as Chair.

14.3 Prohibition on Membership

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

14.4 Term of Office

14.4.1 The term of office of a member on the Registration Committee is three (3) years.

14.4.2 The term of office of a member on the Registration Committee may be extended for up to three (3) additional years.

14.4.3 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.

14.5 Quorum

14.5.1 A quorum for the Registration Committee is three (3) members of the Registration Committee.

14.5.2 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.

15. Competence Committee

15.1 Duties and Powers

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

15.2 Composition

15.2.1 The Council shall establish a Competence Committee under section 9 of the *Act*.

15.2.2 The Council shall appoint no fewer than three (3) members to the Competence Committee, a majority of whom must be regulated members.

15.2.3 The Council shall designate a member of the Competence Committee as Chair.

15.3 Prohibition on Membership

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

15.4 Term of Office

15.4.1 The term of office of a member on the Competence Committee is three (3) years.

15.4.2 The term of office of a member on the Competence Committee may be extended for up to three (3) additional years.

15.4.3 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.

15.5 Quorum

15.5.1 A quorum for the Competence Committee is three (3) members of the Competence Committee.

15.5.2 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

16. Complaints Director

16.1 Appointment

16.1.1 The Council shall appoint a Complaints Director in accordance with section 14 of the *Act*.

16.1.2 The appointment shall be conducted in accordance with the policies of the College approved by Council.

16.2 Duties and Powers

- 16.2.1 The Complaints Director may undertake any power or duty given to the Complaints Director under the *Act*, the Regulation, or these bylaws.
- 16.2.2 The Complaints Director may delegate some or all of their duties to an individual, with the exception of the Hearings Director.
- 16.2.3 The Complaints Director may disclose any information regarding a complaint or disciplinary proceeding if:
 - 16.2.3.1 the information is required to be disclosed for the purposes of the *Act*, the Regulation, or these bylaws;
 - 16.2.3.2 the information is required to be disclosed by law; or
 - 16.2.3.3 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.

17. Hearings Director

17.1 Appointment

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

17.2 Duties and Powers

- 17.2.1 The Hearings Director may undertake any power or duty given to the Hearings Director under the *Act*, the Regulation, or these bylaws.
- 17.2.2 The Hearings Director may delegate some or all of their duties to an individual, with the exception of the Complaints Director.
- 17.2.3 The Hearings Director may disclose any information regarding a complaint or disciplinary proceeding if:
 - 17.2.3.1 the information is required to be disclosed for the purposes of the *Act*, the Regulation, or these bylaws;
 - 17.2.3.2 the information is required to be disclosed by law; or
 - 17.2.3.3 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 or potential investigation.

18. Appeals Committee

18.1 Establishment of Appeals Committee

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

18.2 Duties and Powers

A panel of Council members from the Appeals Committee shall:

- 18.2.1 carry out the duties and powers of Council under section 31 of the Act;
- 18.2.2 carry out the duties and powers of Council under section 41 of the Act;
- 18.2.3 carry out the duties and powers of Council under sections 87 to 89 of the Act;
- 18.2.4 carry out the duties and powers of Council under section 93 of the Act;
- 18.2.5 carry out the duties and powers of Council under sections 118(6) to 118(8) of the Act; and
- 18.2.6 exercise any other authority specifically delegated to it in the Regulation or these bylaws.

18.3 Composition

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

18.4 Term of Office

- 18.4.1 The term of office of Appeals Committee members shall be one (1) year, unless, at the time of appointment, the Council specifies a different term. Council members may serve multiple consecutive terms on the Appeals Committee.
- 18.4.2 Members of the 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 have not been completed.
- 18.4.3 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.

18.5 Quorum

- 18.5.1 A quorum of the Appeals Committee is four (4) members, two (2) of whom must be public representatives.
- 18.5.2 In the event the Lieutenant Governor in Council has not appointed at least two (2) public members to Council, a quorum of the Appeals Committee shall be four (4) members, one (1) of whom must be a public representative.

19. Membership List under Section 15 of the Act

- 19.1 The Council shall appoint no fewer than six (6) regulated members to the membership list referenced in section 15 of the *Act*. This list shall be used for appointing regulated members to both Hearing Tribunals and Complaints Review Committees.
- 19.2 The term of office of a regulated member on the membership list established under section 15 of the *Act* is three (3) years.
- 19.3 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.
- 19.4 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.

20. Hearing Tribunal

20.1 Duties and Powers

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

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

20.2 Composition

- 20.2.1 The Hearings Director shall establish a Hearing Tribunal from the members appointed by the Council to the membership list established under section 15 of the *Act*.
- 20.2.2 A Hearing Tribunal shall be composed of at least four individuals with at least fifty percent (50%) 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*.
- 20.2.3 The Hearings Director shall designate a member of the Hearing Tribunal as Chair.

20.3 Prohibition on Membership

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

20.4 Quorum

- 20.4.1 A quorum for a Hearing Tribunal is four (4) members of the Hearing Tribunal with at least fifty percent (50%) being public representatives.
- 20.4.2 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, the Chair shall cast a second and deciding vote.

21. Complaint Review Committee

21.1 Duties and Powers

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

- 21.1.1 review and ratify settlements under section 60 of the *Act*;
- 21.1.2 conduct reviews under section 68 of the *Act*; and
- 21.1.3 undertake any other power or duty given to it under the *Act*, the Regulation, or these bylaws.

21.2 Composition

- 21.2.1 The Hearings Director shall establish a Complaint Review Committee from the members appointed by the Council to the membership list established under section 15 of the *Act*.
- 21.2.2 A Complaint Review Committee shall be composed of at least four (4) individuals with at least fifty percent (50%) 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 the Council to the membership list established under section 15 of the *Act*.
- 21.2.3 The Hearings Director shall designate a member of the Complaint Review Committee as Chair.

21.3 Prohibition on Membership

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

21.4 Quorum

- 21.4.1 A quorum for a Complaint Review Committee is four (4) members of the Complaint Review Committee with at least fifty percent (50%) being public representatives.
- 21.4.2 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, the Chair shall cast a second and deciding vote.

22. Delegation

- 22.1 The Council designates the Executive Director/Registrar as the individual to carry out the duties under section 65 of the *Act*.
- 22.2 The Council designates the Executive Director/Registrar as the individual to carry out the duties under section 86 of the *Act*.

23. 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:

- 23.1 mail;
- 23.2 electronic mail;
- 23.3 fax;
- 23.4 posting on the College's website; or
- 23.5 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.

24. Publication of Conduct Information

- 24.1 The Registrar, or delegate, may publish information concerning scheduled hearings of hearing tribunals and scheduled appeals to be heard by the Council in accordance with the following:
 - 24.1.1 The information to be published may include the date, location, and time of the hearing or appeal; the name of the investigated person; and the allegations or a summary of the allegations.
 - 24.1.2 The method of publication shall be determined by the Registrar, or delegate, and may include publication on the College website.
 - 24.1.3 The Registrar, or delegate, may direct that personal or health information be redacted from the summary of upcoming hearings and appeals, taking into consideration the factors set out in section 26 (6) above.
- 24.2 Subject to section 135.93 of the *Act* and subject to the Executive Director/Registrar's discretion under subsection 26(5) below to redact personal information, decisions of Hearing Tribunals and panels of the Council, in which there is a finding of unprofessional conduct, shall be published and shall include the investigated person's name.
- 24.3 Publication of the decisions of Hearing Tribunals and panels of the Council may include a summary of the decision or the full decision or both.
- 24.4 If a decision of a Hearing Tribunal or panel of the Council is under appeal, the Executive Director/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.
- 24.5 If a decision of a panel of the 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 the Council.

- 24.6 The Executive Director/Registrar may direct that personal information be redacted from the decisions of Hearing Tribunal and panels of the Council. In determining what personal information shall be redacted from the decisions, the Executive Director/Registrar shall consider:
- 24.6.1 the privacy interests of the individuals whose personal or health information may be disclosed;
 - 24.6.2 the public interest in ensuring that the College's conduct process is open and transparent;
 - 24.6.3 the need to educate the public and regulated members about the issues addressed in the decisions; and
 - 24.6.4 any other factors that the Executive Director/Registrar considers relevant to this matter.
- 24.7 Subject to section 135.92(3) of the *Act*, the Executive Director/Registrar may determine the length of time the decisions of Hearing Tribunals, panels of the Council, and the Court of Appeal shall be published.
- 24.8 Subject to section 135.92 of the *Act*, the Executive Director/Registrar shall determine the method of publication and may include publication on the College's website.
- 24.9 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.

25. Disclosure of an Investigation Report

- 25.1 An investigation report may be released to the investigated person for the purpose of a hearing before a Hearing Tribunal.
- 25.2 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.
- 25.3 An investigation report may be released to the investigated person for the purpose of negotiating a settlement in an Alternative Complaint Resolution process.
- 25.4 An investigation report may be redacted in a manner considered appropriate by the Complaints Director.

Part VII Administration

26. Executive Director

- 26.1 The Council may hire, as an employee of the College, an Executive Director/Registrar who reports to the Council and shall have such powers as are designated by the Council.

26.2 The Executive Director/Registrar:

26.2.1 assists the Council in the management and conduct of the College's affairs;

26.2.2 reports to and takes direction from the Council;

26.2.3 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 the Council;

26.2.4 assists or oversees in the planning, development, and implementation of programs and processes to support College regulatory functions as delegated by the Council;

26.2.5 is responsible for the overall management of the financial resources of the College and monitors the annual audit process; and

26.2.6 carries out other duties as delegated by the Council.

27. Forms and Documents

The Executive Director/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.

28. Head Office

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

29. Seal

29.1 The College shall have a seal, which shall have inscribed thereon, "College of Acupuncturists of Alberta."

29.2 The Executive Director/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.

29.3 The Council may amend the design of the seal.

30. Use of Funds

30.1 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.

30.2 Financial policy pertaining to the College shall be determined by the Council, and the College shall publish a copy of its audited financial statements annually.

31. Fiscal and Registration Year

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

32. Committees

32.1 Committees

- 32.1.1 In addition to committees established in the *Act* or in these bylaws, the Council may establish such committees as it considers necessary in carrying out its duties and responsibilities.
- 32.1.2 The Council shall approve terms of reference for all committees.
- 32.1.3 The Council shall establish criteria for membership on all committees.
- 32.1.4 The Council shall set out a process in policy for the appointment and removal committee members.
- 32.1.5 Each committee established by the Council shall, prepare and submit to the Council each year, via the Executive Director/Registrar, a report of their activities for the preceding twelve (12) months.

32.2 Acupuncture Education Program Review Committee

- 32.2.1 The Council shall appoint an Acupuncture Education Program Review Committee.
- 32.2.2 The Acupuncture Education Program Review Committee shall have authority to:
 - 32.2.2.1 make recommendations to the 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*;
 - 32.2.2.2 make recommendations to the Council regarding removal or change of approval status of acupuncture education programs approved by the Council;
 - 32.2.2.3 make recommendations to the Council regarding minimum standards for acupuncture education programs approved by the Council, and criteria in order for an acupuncture education program to obtain or maintain approval by the Council;
 - 32.2.2.4 conduct site visits of acupuncture education programs for the purpose of evaluating and reporting to the Council with respect to such programs; and
 - 32.2.2.5 engage with acupuncture programs and other stakeholders having an interest in the development, delivery, and evaluation of acupuncture education programs in Alberta.
- 32.2.3 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 the Council.

32.3 Conflicts of Interest

32.3.1 Members of College committees are subject to the College's *Conflict of Interest Policy*.

32.3.2 All members of committees must:

32.3.2.1 refrain from attempting to exert influence in connection with issues for which they are in a conflict or potential conflict of interest, and

32.3.2.2 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*.

32.4 Confidentiality

32.4.1 Each member of a College committee shall keep information received by them as a member of the committee confidential.

32.4.2 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.

32.4.3 A College committee may authorize the disclosure of information for statistical use when the information cannot be attributed to a particular individual or facility.

32.5 Costs and Expenses

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

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

33.1 The 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*.

33.2 At least thirty (30) days before adopting a proposed *Code of Ethics or Standards of Practice* or amendment, the Council shall provide a copy to regulated members for review and comment and shall indicate a deadline for the Council to receive written comments.

33.3 The Council shall consider any written submissions received in accordance with bylaw 33.2. before making a decision.

34. Use of the "Specialist" Title

A regulated member on the General Register or Courtesy Register may use the title of Specialist, as well as the appropriate abbreviations and initials, in compliance with the *Standards of Practice* approved by the Council.

35. 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 consistent with these bylaws. On those matters not covered by the College, rules of order, *Robert's Rules of Order*, shall apply.

36. Website

- 36.1 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:
 - 36.1.1 general information about the College and its activities;
 - 36.1.2 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*;
 - 36.1.3 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;
 - 36.1.4 employer verification of the status of an acupuncturist;
 - 36.1.5 publications and reports;
 - 36.1.6 resources and services offered by the College;
 - 36.1.7 learning opportunities;
 - 36.1.8 careers with the College;
 - 36.1.9 information requests and member requests;
 - 36.1.10 a website portal for members of the College;
 - 36.1.11 information on how to contact the College;
 - 36.1.12 Hearing Tribunal decisions, including the name of the investigated person;
 - 36.1.13 decisions of the Appeals Committee arising from appeals from a Hearing Tribunal; and
 - 36.1.14 information referenced in section 119(1) of the *Act*.