



**COLLEGE OF OPTICIANS  
OF ALBERTA**

**BYLAWS**

JANUARY 29, 2024

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- AMENDMENTS:**
- Mar 26/21:** Housekeeping changes Bill 36
  - Mar 26/22:** Publication of decisions of unprofessional conduct for a minimum of five years (s. 6.02.5)
  - Jun 6/22:** Non-practicing registration (s. 3.06.3);
  - Jun 6/22:** President/Vice President term of office reappointment (s. 4.03.4)
  - Jan 29/24:** Updated approval of Auditor on five year intervals (s. 4.04)

# BYLAWS OF THE COLLEGE OF OPTICIANS OF ALBERTA

## Part 1: Definitions and Applications

### 1.01 Bylaws in Force

1.01.1 The Bylaws are established by the Council of the College of Opticians in accordance with Section 132(1) of the *Health Professions Act of Alberta*.

1.01.2 The Bylaws replace the Bylaws previously in force as of 27 September 2020.

### 1.02 Enactment, Amendment, and Repeal of Bylaws

The Bylaws may be added to, amended, or repealed in whole or in part by a motion approved by a majority of Council.

### 1.03 Definitions

All terms contained in the Bylaws, which are defined in the Act, have the meanings given to the terms in the Act. In these Bylaws:

1.03.1 "Act" means the *Health Professions Act of Alberta*;

1.03.2 "Bylaws" means the Bylaws of the College;

1.03.3 "College" means the College of Opticians of Alberta continued pursuant to the Act;

1.03.4 "College Policies" means any policies established and approved by the Council;

1.03.5 "Committee Members" means members of statutory committees, tribunals, and other committees unless otherwise specified in the Bylaws;

1.03.6 "Committees" means statutory committees and tribunals specified in the Act;

1.03.7 "Committee Terms of Reference" means the terms defining the roles, eligibility, duties, and operation of committees approved by the Council;

1.03.8 "Complaints Director" means the complaints director of the College appointed under the Act;

1.03.9 "Continuing Competence Program" means a program for assessing the competence of Registrants in accordance with the Act and Standards of Practice;

- 1.03.10 "Council" means the council of the College established under the Act;
- 1.03.11 "Councillor" means the Registrants and Public Members of the Council;
- 1.03.12 "Hearings Director" means the hearing director of the College appointed under the Act;
- 1.03.13 "Good Faith" means honesty without deception while acting in a fair and equitable manner;
- 1.03.14 "In Camera" means a meeting, or portions of a meeting, closed to Registrants and the public in accordance with College Policies;
- 1.03.15 "Membership List" means a list of Registrants and Public Members established in accordance with the Act for appointment to complaint review committees and hearing tribunals;
- 1.03.16 "Other Committees" means any committees established for a specific purpose and for a term specified by the Council, and does not include statutory committees or tribunals;
- 1.03.17 "Other Communication" means any type of electronic, digital or telephone communication media;
- 1.03.18 "Patient Relations Program" means a program for preventing and addressing sexual abuse and misconduct as required in the Act;
- 1.03.19 "Practice Permit" is a permit issued by the College authorizing a Registrant to practice opticianry in the province of Alberta in accordance with the Act, Regulations, Bylaws, and College Policies;
- 1.03.20 "Profession" means the profession of opticianry in Alberta;
- 1.03.21 "Register" means a register established in accordance with the Act and the Regulations;
- 1.03.22 "Registrant" means an optician registered in a register specified in the Regulations pursuant to the Act;
- 1.03.23 "Registrar" means the registrar of the College appointed under the Act;
- 1.03.24 "Registration and Competence Committee" means the Registration Committee and Competence Committee specified in the Act and Regulations;

- 1.03.25 “Regular Meeting” means a meeting held in accordance with the Act, Regulations, Bylaws, and College Policies;
- 1.03.26 "Regulation" means the Opticians Regulation of Alberta made in accordance with the Act;
- 1.03.27 “Special Resolution” means a motion that must be passed by at least two-thirds of the Council.
- 1.03.28 “Standards of Practice” mean the standards of practice adopted by the College pursuant to the Act.

#### **1.04 Interpretation**

The following rules of interpretation must be applied in interpreting these Bylaws:

- 1.04.1 **Severable:** the provisions of the Bylaws are independent and severable and the invalidity of any part of the Bylaws does not affect the validity of the remainder of the Bylaws, which continue in force.
- 1.04.2 **Singular and Plural:** words indicating the singular number also include the plural, and vice-versa.
- 1.04.3 **Gender:** plural pronouns are used to reflect multiple genders and gender identities.
- 1.04.4 **Corporation:** words indicating persons also include corporations.
- 1.04.5 **Headings** are for convenience only. They do not affect the interpretation of these Bylaws.
- 1.04.6 **Liberal Interpretation:** these Bylaws must be interpreted broadly and generally.

### **Part 2: College Duties and Powers**

#### **2.01 Head Office**

The head office of the College is located in Edmonton, Alberta. Relocation of the office may occur by resolution of the Council acting reasonably.

#### **2.02 Seal of the College**

The College or its designate will determine the use and responsibility for the seal of the College, and the procedures to be followed in its use as set out in College Policies.

#### **2.03 Fiscal Year**

The fiscal year of the College is from January 1 to December 31.

## **2.04 Financial Authority**

The College:

- 2.04.1 collects, deposits, and invests revenues of the College in accordance with College Policies, and is entitled to make use of all revenues received from fees and other sources to carry out the affairs and activities of the College;
- 2.04.2 may enter into agreements with any person, corporation, or institution; and
- 2.04.3 may raise or secure the payment or repayment of money on behalf of and in the name of the College, in the manner it decides, in order to carry out the purposes of the College.

## **2.05 Communication**

In accordance with the Act, Regulations, Bylaws, College Policies, and applicable privacy and anti-spam legislation, the College may publish and distribute communications to Registrants and any other persons.

## **2.06 Indemnification of Registrants, Employees, and Others**

- 2.06.1 The College will indemnify any person carrying out any power or duty on behalf of the College under the Act, Regulations, Bylaws, and College Policies. The indemnification will protect against all losses, costs, and expenses reasonably incurred in connection with any action, suit, or proceeding which the person may be made a party to due to being or having been engaged, employed, elected, or appointed by the College.
- 2.06.2 Notwithstanding section 2.06.1 of the Bylaws, the College will not provide indemnification to the extent that such losses, costs, and expenses are attributable to the criminal misconduct of the party in question, or where the person did not act in good faith.
- 2.06.3 All liability, losses, costs, and expenses incurred or suffered by the College by reasons arising out of or in connection with the foregoing indemnification provisions are to be treated by the College as an expense of the College.

## **2.07 Rules of Order**

- 2.07.1 Meetings of the Council, Committees, and Other Committees will be conducted according to the Bylaws and procedures set out in the most recent edition of Robert's Rules of Order.

2.07.2 If a dispute arises about procedure during a meeting, the dispute will be settled by the chair of the meeting and the decision of the chair is final.

2.07.3 The Council may appoint a person to serve as parliamentarian or facilitator during a meeting and the parliamentarian or facilitator may advise the chair about procedure.

## **2.08 Good Faith**

Any person carrying out powers and duties on behalf of the College under the Act, Regulations, and Bylaws must do so in good faith and in accordance with College Policies, including codes of conduct, conflict of interest, and confidentiality.

## **Part 3: Registrants of the College**

### **3.01 College Register**

Registrants will be maintained on a College Register in accordance with the Act, Regulations, and Bylaws.

### **3.02 Reinstatement**

3.02.1 Any Registrant whose registration has been cancelled may apply for reinstatement to the appropriate Register.

3.02.2 Reinstatement applications will be processed in accordance with the Act, Regulations, and College Policies.

### **3.03 Registration Year**

3.03.1 The registration year is January 1 to December 31.

3.03.2 A Practice Permit shall be effective on January 1 and shall expire on December 31 of each year, unless otherwise indicated on the College register.

### **3.04 Registration Fees**

3.04.1 In accordance with the Act, the Council shall within a reasonable time before the beginning of the College fiscal year, and after any consultation that Council deems appropriate, establish fees, costs, levies or assessments for registration, Practice Permits, annual permits, late payment, review, appeal, or program provided by the College.

3.04.2 Council may establish any other fees, costs, levies, and assessments it considers necessary for programs provided by the College.



3.04.3 The omission, failure, or inability of the Council, before the expiration of any fiscal year, to determine the fees, costs, levies, and assessments for the subsequent year is not a waiver or modification in any respect of the provisions of the Bylaws. In such cases the fees fixed are to continue until Council determines the new fees, costs, levies, and assessments.

### **3.05 Rights and Privileges of Registrants**

Registrants in good standing shall be entitled to all rights and privileges of the College, including the right to hold office and use protected titles in accordance with the Act, Regulations, and Standards of Practice.

### **3.06 Registrants in Good Standing**

3.06.1 Any Registrant of the College shall be in good standing only if:

3.06.1.1 all outstanding registration, Practice Permit, or other fees payable by the Registrant have been paid in full;

3.06.1.2 they have met all requirements of the Continuing Competence Program including mandatory requirements;

3.06.1.3 no fines, fees, costs, or levies are owing by the Registrant to the College;

3.06.1.4 no conditions are placed on the Registrant's Practice Permit; and

3.06.1.5 the Registrant has or would be eligible to have a valid Practice Permit for which the registration has not been suspended or cancelled in accordance with the Act.

3.06.2 Registrants may still qualify for registration despite not being in good standing with the College. Registrants may be asked to provide additional information and documentation as requested by the Registrar or Registration and Competence Committee. Non-practicing registrants are subject to all requirements set out 3.06.1.

3.06.3 A Registrant in good standing may apply for registration as a Non-Practicing Registrant by providing the Registrar with a written undertaking that the registrant will not engage in the practice of opticianry in Alberta while registered as non-practicing. Non practicing registrants are subject to all requirements set out 3.06.1.

### **3.07 Suspension for Non-Payment of Fees and Late Fees**

- 3.07.1 When a Registrant's fees remain unpaid by December 1 of any year, a late fee may be applied to the Registrant's fees up to December 31.
- 3.07.2 On January 1 of the current renewal year, when a Registrant's fees remain unpaid, the College register shall be amended to show the Registrant status as "Suspended", and their registration shall stand suspended.
- 3.07.3 Registrants suspended for non-payment of fees must apply for reinstatement in accordance with section 3.02 of the Bylaws.

### **3.08 Responsibility of Registrants**

Each Registrant of the College shall, in accordance with the Act, Regulations, Bylaws, and College Policies:

- 3.08.1 abide by the Act, Regulations, Bylaws, College Policies, College Standards of Practice, and College Code of Ethics;
- 3.08.2 pay, by the date specified by the College, all costs, fees, levies, or assessments together with any penalties or interest for late payment established by the College;
- 3.08.3 display their registration documents;
- 3.08.4 provide evidence satisfactory to the Registrar that the Registrant holds the type and amount of Professional Liability Insurance required by Council;
- 3.08.5 provide evidence satisfactory to the Registrar that the applicant is a Canadian citizen or is lawfully admitted to and entitled to work in Canada;
- 3.08.6 provide evidence satisfactory to the Registrar that the applicant is sufficiently proficient in English to engage safely and competently in the practice of the Profession;
- 3.08.7 provide a declaration satisfactory to the Registrar that the applicant has good character and reputation; and
- 3.08.8 provide a declaration of fitness to practice satisfactory to the Registrar.

### **3.09 Waiver of Registration Rights**

Every Registrant, upon cancellation or suspension of registration, shall forfeit all rights and privileges of a Registrant.

### **3.10 Registrant Information**

- 3.10.1 Each Registrant of the College is required to provide demographic, academic, training and experience and practice information in accordance with the Act, Regulations, Bylaws, and College Policies.
- 3.10.2 The Registrar may enter additional information in a Register beyond what is required in section 3.10.1 in accordance with the Bylaws and College Policies.
- 3.10.3 Each Registrant of the College and applicant for registration with the College must provide all changes to the information required in section 3.10.1 whenever that information changes.
- 3.10.4 On the request of the public, the College may disclose the following information with respect to a Registrant in accordance with the Act and Regulations:
  - 3.10.4.1 place of employment;
  - 3.10.4.2 area of practice;
  - 3.10.4.3 languages in which professional services are provided.
- 3.10.5 Collection, use, and disclosure of Registrant information will be in accordance with the Act, Regulations, Bylaws, College Policies, and any applicable privacy legislation, including the following:
  - 3.10.5.1 for the express purpose authorized by or communicated to the Registrant(s) whose information is being collected, used, or disclosed; and
  - 3.10.5.2 with the consent of the Registrant(s) whose information is being collected, used, or disclosed, or in a summarized or statistical form so that it is not possible to relate the information to any identifiable person.

### **3.11 Prescribe Forms and Notices**

The Registrar is to prescribe forms and notices for registration, Practice Permits, and any other form, notice, or document that may be required for the purposes of the Act, Regulations, and Bylaws.

### **3.12 Equivalent Jurisdictions**

An applicant for registration as a Registrant on the General Register who is currently registered in good standing in another jurisdiction recognized by the Council under the Act as having substantially equivalent registration, competence, and practice requirements to those set out in Regulations may be registered on the General Register.

3.12.1 The following list of organizations and jurisdictions are recognized as having substantially equivalent registration, competence, and practice requirements and are signatories to the Mutual Recognition Agreement with the National Alliance of Canadian Optician Regulators:

- 3.12.1.1 College of Opticians of British Columbia;
- 3.12.1.2 Saskatchewan Ophthalmic Dispensers Association;
- 3.12.1.3 Opticians of Manitoba;
- 3.12.1.4 College of Opticians of Ontario;
- 3.12.1.5 New Brunswick Guild of Dispensing Opticians;
- 3.12.1.6 Nova Scotia Board of Dispensing Opticians;
- 3.12.1.7 Prince Edward Island Board of Dispensing Opticians;
- 3.12.1.8 Dispensing Opticians Board of Newfoundland and Labrador;

3.12.2 The Ordre des opticiens d'ordonnances du Quebec is recognized as having substantially equivalent registration, competence, and practice requirements.

#### **Part 4: Governance**

##### **4.01 Council Composition**

The Council shall consist of:

4.01.1 four (4) to six (6) practicing Registrants, which may include the President and Vice President, and an equal number of Public Members in accordance with the Act;

4.01.2 the officers of the College, who shall constitute the Executive Committee, including:

- 4.01.2.1 the President;
- 4.01.2.2 the Vice President;
- 4.01.2.3 a Public Member; and
- 4.01.2.4 any other ex officio (non-voting) officers appointed by Council, including the Registrar and Immediate Past President;

4.01.3 the Registrar, who shall:

- 4.01.3.1 perform any duties delegated by the Council and in accordance with the Act and Regulations;
- 4.01.3.2 decide, in their sole discretion and in accordance with the Act and Regulations to refer any application for registration to the Registration and Competence Committee for their determination;

- 4.01.3.3 decide, in their sole discretion and in accordance with the Act and Regulations, to refer the Continuing Competence Program of a Registrant to the Registration and Competence Committee for their determination;
- 4.01.3.4 adhere to the Act, Regulations, Bylaws, and College Policies in relation to the Registrar's powers, duties, and limitations;
- 4.01.3.5 serve as an ex officio (non-voting) officer of Council and all Committees and Other Committees, except a complaint review committee and a hearing tribunal on which the Registrar may not sit.

#### **4.02 Council Roles and Responsibilities**

Roles and responsibilities of Councillors shall be defined by College Policies and Committee Terms of Reference.

#### **4.03 Council Term of Office**

- 4.03.1 Registrants are to be appointed to the Council in accordance with the Bylaws for a term of three (3) years.
- 4.03.2 A Councillor whose three-year term has expired may hold office until the newly appointed Councillor takes office.
- 4.03.3 A Councillor may be appointed for a maximum of two (2) consecutive terms.
- 4.03.4 The President and Vice President hold office for one (1) year with the option of re-appointment.
- 4.03.5 The President and Vice President may be chosen from among the appointed Councillors by a majority vote of the Council.

#### **4.04 Authority of Council**

- 4.04.1 The Council shall have the authority to incur obligations, disburse monies, and perform all such acts of administration as may be necessary or expedient to the proper functioning of the College including:
  - 4.04.1.1 Setting policies and directives for the guidance of Registrants, officers, and officials of the College in accordance with the Bylaws.
  - 4.04.1.2 Appointing officials in accordance with the Bylaws.

- 4.04.1.3 Creating Committees and Other Committees as may be necessary to assist the Council in carrying out its duties.
- 4.04.1.4 Entering into agreements with any person, corporation, or institution.
- 4.04.1.5 Overseeing all financial transactions and ensuring a written financial statement is submitted at each Regular Meeting of the Council.
- 4.04.1.6 Borrowing money upon the credit of the College and raising or securing the repayment of any such money in such manner as the Council may deem reasonable.
- 4.04.1.7 Limiting or increasing the amount to be borrowed.
- 4.04.1.8 Issuing debentures mortgages or other securities of the College, but such debentures mortgages or securities shall not be issued without the sanction of a Special Resolution of the Council.
- 4.04.1.9 Pledging or selling such debentures or other securities for such sums and at such prices as may be deemed expedient.
- 4.04.1.10 Mortgaging, charging, or pledging all or any of the real and personal property, undertaking, and rights of the College to secure any such debentures or other securities or any money borrowed or any other liability of the College.
- 4.04.1.11 Investing the funds of the College in such investments and securities as the Council may see fit in accordance with the Bylaws.
- 4.04.1.12 Directing and overseeing the auditing of all financial accounts.
  - 4.04.1.12.1 The Council will ensure the provision of auditing services by a Request for Proposal every five years.
- 4.04.1.13 Requiring and overseeing proper books of accounts in respect of all sums of money received and expended by the College.
- 4.04.1.14 Appointing a Chartered Professional Accountant with audit privileges and to require the books and accounts of the College to be audited annually.
  - 4.04.1.14.1 The cost of such audit is an obligation of the College.

4.04.1.14.2 Copies of the report of the auditor must be distributed to Registrants and members of the public upon written request.

4.04.1.15 Carrying insurance, bonds and other instruments in the type and amount determined by the Council as sufficient to protect the assets of the College, and, in accordance with the Bylaws, to indemnify Registrants, officers, officials, employees, and others carrying out duties for the College.

4.04.1.16 Employing on behalf of the College any executive staff it determines necessary for the control, management, and administration of the College.

4.04.1.16.1 The Council may authorize those persons to exercise the powers of and carry out the duties of the College, including financial signing authority, subject to the delegation authorities in the Act.

4.04.1.17 Determining remuneration, expenses, and other terms of employment for executive staff of the College and for Registrants who serve on the Council, Committees, Other Committees, and the Membership List of the College.

#### **4.05 Council Nomination and Appointment Process**

4.05.1 Appointment of Registrant members of Council will be conducted in accordance with the Bylaws and College Policies.

4.05.2 Upon receipt of the call for nominations Registrants must submit nominations in a form prescribed by the Council and with the nominee's written consent to act if appointed.

4.05.3 The Council will review the slate of nominees and conduct a vote to appoint nominees to fill the number of available positions on the Council.

4.05.4 The appointment results will be announced following the completion of the Council's vote.

#### **4.06 Eligibility to Serve on Council, Committees, and the Membership List**

4.06.1 A practicing Registrant in good standing on the General Register who has held a Practice Permit for one year is eligible to serve on Council, Committees, Other Committees, and the Membership List.

4.06.2 To be eligible to serve on Council, Committees, Other Committees, and the Membership List a practicing Registrant must reside or practice in Alberta and be approved by Council.

#### **4.07 Establishment of Committees**

4.07.1 The Council may establish Committees as required by the Act and Regulations, and Other Committees to assist the Council with the governance of the organization.

4.07.2 The role, terms of office, eligibility, duties, and operation of Committees and Other Committees will be in accordance with Committee Terms of Reference.

4.07.3 Council must approve Committee Terms of Reference.

#### **4.08 Appointment to Membership List**

4.08.1 Subject to the Act and Bylaws, the Council must appoint an equal number of Registrants in good standing and Public Members to the Membership List to be used for a hearing tribunal or complaint review committee.

4.08.1.1 In accordance with the Act, the Council must appoint at least two (2) Registrants in good standing and two (2) Public Members to hearing tribunals and complaint review committees.

#### **4.09 Vacancy During a Term**

4.09.1 If the office of President becomes vacant on the Council, the Vice President will serve as President for the remainder of the term.

4.09.2 If the office of the Vice President becomes vacant on the Council, the Council may appoint a Councillor to serve as Vice President for the remainder of the term.

4.09.3 If a Registrant member of Council is unable to fulfill their term of office, Council may appoint a Registrant in good standing to serve the remainder of the term.

4.09.4 A Council or committee position may be left vacant during a term at the discretion of the Council if the minimum number of appointments required by the Act or Bylaws is met.

4.09.5 The powers and duties of the Council and Committees are not affected by a vacancy in the office of a Public Member.



#### **4.10 Removal or Automatic Termination from Council, Committees, and the Membership List**

- 4.10.1 A Registrant member of Council automatically ceases to be a member of Council, Committees, or the Membership List:
  - 4.10.1.1 if a majority of the Council vote in favour of a motion to remove the Registrant for violation of codes and policies of conduct, conflict of interest, and confidentiality approved by the Council; or
  - 4.10.1.2 if a Councillor is an officer or senior employee of a professional association or a labour union that represents members of a regulated health profession, or subsequently becomes an officer or senior employee, makes them ineligible to be appointed to or continue to serve on Council or any of its committees.
  - 4.10.1.3 In the case of a Public Member, Council may vote to recommend to the Minister of Health that a Public Member's appointment be rescinded for the reasons outlined in subsections 4.10.1.1 and 4.10.1.2.
- 4.10.2 A Registrant may be removed, or a Public Member recommended for removal from Council, Committees, or the Membership List if any of the following occur:
  - 4.10.2.1 the Registrant or Public Member is in contravention of the Act, Regulations, or Bylaws;
  - 4.10.2.2 the Registrant or Public Member becomes incapacitated or dies;
  - 4.10.2.3 the Registrant's Practice Permit is suspended or cancelled in accordance with the Act or Regulations, or the Registrant ceases to hold a Practice Permit;
  - 4.10.2.4 the Registrant or Public Member is convicted of an indictable offence;
  - 4.10.2.5 the Registrant or Public Member resigns in writing;
  - 4.10.2.6 the Registrant or Public Member ceases to meet, or is in violation of College Policies; or
  - 4.10.2.7 the Registrant is no longer in good standing.
- 4.10.3 The Council may appoint a Registrant to fill a vacancy created by the removal of a Registrant in accordance with the Bylaws.

- 4.10.3.1 In the case of Public Members, Council may consult with the Minister of Health as required in relation to filling a vacancy that would be created by the removal of a Public Member.

#### **4.11 Complaints and Council**

- 4.11.1 A person may make a written complaint regarding the conduct of a Councillor to the President if the Councillor:
  - 4.11.1.1 has been found guilty of an offense under the Criminal Code of Canada; or
  - 4.11.1.2 is or has been engaged in any conduct or activity that violates the Act, Regulations, Bylaws, or College Policies.
- 4.11.2 On receipt of a written complaint under subsection 4.12.1, the President shall arrange for an investigation to be conducted in accordance with College Policies.
  - 4.11.2.1 If the President is unavailable to conduct an investigation, the Vice President may conduct an investigation on behalf of the President.
  - 4.11.2.2 If the President or Vice President determines there are reasonable grounds to believe the Councillor who is the subject of the complaint has been found guilty of an offence under the Criminal Code of Canada, or is or has been engaged in conduct or activity that that violates the Act, Regulations, Bylaws, or College Policies, a meeting of Council shall be called to review and discuss results of the investigation.
- 4.11.3 Council shall consider the matter and vote if they are in favour of removing the Registrant as member of Council, or in the case of a Public Member, if Council recommends to the Minister of Health that the appointment of the Public Member be rescinded.
- 4.11.4 The Councillor 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 be absent during the vote on the issue.
- 4.11.5 In a vote under subsection 4.12.3, the President or Vice President shall be entitled to vote unless the President or Vice President is the subject of the complaint.

4.11.6 If a majority of Councillors present and voting do not vote in favour of the question in subsection 4.12.3, the Councillor 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 in accordance with College Policies.

#### **4.12 Appoint the Registrar, Complaints Director, and Hearings Director**

4.12.1 The Council will appoint a Registrar to perform the powers and duties of the Registrar subject to the Act, Regulations, and Bylaws. This must not be an appointed Councillor.

4.12.2 The Council will appoint a Complaints Director to perform the powers and duties of the Complaints Director subject to the Act, Regulations, and Bylaws. This must not be an appointed Councillor.

4.12.3 The Council will appoint a Hearings Director to perform the powers and duties of the Hearings Director subject to the Act, Regulations, and Bylaws. This must not be an appointed Councillor

### **Part 5: General Procedures for Council and Committees**

#### **5.01 Convening Meetings**

Meetings of the Council, Committees, and Other Committees shall be held in accordance with College Policies and Committee Terms of Reference.

#### **5.02 Quorum**

5.02.1 The quorum for meetings of the Council, Committees, and Other Committees, other than a hearing tribunal or a complaint review committee, shall be a simple majority.

5.02.1.1 The quorum for a hearing tribunal or complaint review committee is to consist of not less than four (4) members, including two (2) Registrants and two (2) Public Members.

5.02.2 No official business is to be transacted at any meeting unless a quorum is met at the time when the meeting proceeds to business.

5.02.3 A Councillor or Committee Member participating in a meeting in person or through Other Communications will be counted as part of the quorum for the meeting.

- 5.02.4 Provided a quorum is maintained and the chair continues to chair the meeting, the failure of Other Communications does not invalidate any proceedings at any meeting.
- 5.02.5 For the purposes of calculating whether a majority of the members of Council is present for a Council decision, vacant Public Member positions on Council to which the Lieutenant Governor in Council has not appointed an individual shall not be counted.

### **5.03 Motions and Voting**

- 5.03.1 A motion at a meeting requires a simple majority of the votes cast in favour of the motion for it to be carried.
- 5.03.2 Councillors or Committee Members are eligible to vote on motions when participating in a meeting in person or through Other Communications.
- 5.03.3 Councillors or Committee Members attending part of a meeting are entitled to vote only during that part of the meeting in which they participate.
- 5.03.4 A motion in writing signed by a majority of Councillors or Committee Members without their meeting together is as valid as if it had been passed at a Regular Meeting.
- 5.03.5 In the case of a tie vote on a motion the President or a committee chair will cast the deciding vote, but otherwise the President or committee chair does not vote.

### **5.04 Council Meetings Open**

A Registrant or a member of the public may attend a meeting of the Council, except for any part of a meeting that is held In Camera and must notify the Registrar of the intent to participate at least thirty (30) days prior to a meeting of Council.

### **5.05 Notification of Council Meetings**

The Council must publish in regular communications of the College, the time, date, and place of Council meetings. Failure to publish this information does not invalidate any proceedings or business transacted at a Council meeting.

### **5.06 Submissions to Council**

- 5.06.1 A Registrant or member of the public may send to the Registrar, thirty (30) days prior to a meeting of Council, a written submission to be considered at a meeting of Council.

5.06.2 The Chair must notify the Registrant or member of the public in writing of the Council's decision or response with respect to a submission within thirty (30) days of the meeting of Council at which the submission was considered.

### **5.07 Keep Minutes**

The Council shall require minutes be kept of its proceedings and meetings. A copy of the minutes of a Council meeting except any part that was held In Camera shall be available to Registrants and members of the public upon written request.

## **Part 6: Publication of Information on Website**

### **6.01 College Website**

In accordance with the Act, the College shall establish and maintain a website to be made available to Registrants and the public at no charge.

### **6.02 Required Information**

The College shall publish information to the College website in accordance with the Act and College Policies. Published information must include:

6.02.1 The College's annual report;

6.02.2 The College's Regulations, Bylaws, Standards of Practice, and Code of Ethics;

6.02.3 Information in the College's public directory in accordance with the Act;

6.02.4 Information respecting each Registrant in accordance with the Act;

6.02.5 A copy of any decision of unprofessional conduct for a minimum of five years;

6.02.5.1 The College may redact any third-party identifiers.

6.02.5.2 The College may redact a Registrant's name if required to protect any third parties.

6.02.6 Whether a Registrant's Practice Permit has been suspended or cancelled due to a decision of unprofessional conduct.

6.02.7 Any conditions placed on an investigated person's Practice Permit due to a decision of unprofessional conduct.

### **6.03 Additional Information**

The College may publish or distribute additional information to the College website in accordance with the Act and College Policies. Published information may include:

- 6.03.1 The Health Professions Act of Alberta;
- 6.03.2 Information and applicable forms for registration as a Registrant of the College;
- 6.03.3 Information about the College and the Profession;
- 6.03.4 Information about registration requirements and privileges;
- 6.03.5 Information about complaints and conduct;
- 6.03.6 Information about the Continuing Competence Program;
- 6.03.7 Information about the College's Patient Relations Program;
- 6.03.8 News and events concerning the College;
- 6.03.9 Information about labour mobility in Canada;
- 6.03.10 Publications, reports, and other resources for Registrants of the Profession and members of the public; and
- 6.03.11 Access to a secure portal for Registrants.

## **Part 7: Delegation**

### **7.01 Delegation of Powers and Duties**

Council may, by motion, delegate any of its powers and duties in accordance with the requirements set out in the Act with respect to delegation.

- 7.01.1 Council may not delegate the power to make regulation or bylaws, or to adopt a code of ethics or standards of practice.
- 7.01.2 The powers and duties of both the Complaints Director and Hearings Director may not be delegated to the same person.
- 7.01.3 A complaint review committee may not delegate its powers or duties.
- 7.01.4 A hearing tribunal may not delegate its powers or duties.
- 7.01.5 Council or a panel of Council may not delegate its powers or duties with respect to a review or appeal.

## **Part 8: Standards of Practice and Code of Ethics**

## **8.01 Procedure for Adopting or Amending Standards of Practice and Code of Ethics**

8.01.1 In accordance with the Act, the Council shall adopt, periodically review, and update the Standards of Practice and Code of Ethics for Opticians.

8.01.2 No fewer than (30) days before adopting a proposed Standards of Practice and Code of Ethics or amendment, Council shall provide a copy to Registrants or post a copy on the College's website for review and comment and shall indicate a deadline for Council to receive written comments.

## **Part 9: Bylaws**

### **9.01 Enactment, Amendment, and Repeal of Bylaws.**

9.01.1 A bylaw or amendment to a bylaw may be passed at any meeting of Council.