

British Columbia Institute of Agrologists

Discipline Committee – Terms of Reference, June 20, 2024

1. Committee Establishment

The Discipline Committee (the “Committee”) of the British Columbia Institute of Agrologists (the “BCIA”) is established by the BCIA Board in accordance with Section 75 of the *Professional Governance Act* (SBC 2018) (the “PGA”) and the BCIA Bylaws (the “Bylaws”) as amended from time to time.

2. Mandate

- a. To carry out statutory functions prescribed in the PGA in accordance with the requirements of the PGA, the Bylaws, and principles of administrative law.
- b. To advance the BCIA’s statutory mandate and, in particular, to ensure that the BCIA’s discipline process is transparent, objective, impartial and fair.

3. Functions and Responsibilities

- a. To fairly and lawfully carry out the statutory functions assigned to the Committee under the PGA, including as applicable:
 - i. Conduct hearings of citations issued by the BCIA Investigation Committee, pursuant to section 75 of the PGA;
 - ii. Consider taking extraordinary action in appropriate cases, pursuant to section 67 of the PGA;
 - iii. Request and/or make consent orders in appropriate cases, pursuant to section 73 of the PGA;
 - iv. Consider taking action respecting conduct by a registrant in another jurisdiction in appropriate cases, pursuant to section 76 of the PGA; and
 - v. Perform such ancillary functions as required and authorized by law.
- b. To hold administrative meetings to conduct training and discuss general issues of interest to the Committee.

4. Terms of Reference Amendments

- a. The Chair of the Committee (the “Chair”) in consultation with the CEO may submit recommendations for amendments to the Board for consideration.
- b. The Board may make amendments to these Terms of Reference.

5. Membership

- a. The Committee consists of:
 - i. At least three members who are BCIA registrants in the Professional Agrologist (PAG) registration category in good standing (a “Registrant Member”); and
 - ii. At least one member who is not a BCIA registrant or former BCIA registrant (a “Lay Member”).
- b. The Committee should at all times include an adequate number of members to carry out its functions, and an adequate number of Lay Members to ensure sufficient public involvement.
- c. The Board, in consultation with the Nomination Committee and the Discipline Committee Chair (as applicable), shall appoint the Discipline Committee Chair and the other members of the Discipline Committee. In making appointments to the Discipline Committee, the Board may give consideration to any of the following:
 - i. The needs of the Discipline Committee as identified by the Discipline Committee Chair;
 - ii. Any recommendations of the Nomination Committee; and
 - iii. Any competency/qualification matrix approved by the Board.
- d. In accordance with section 32(7)(c) of the PGA, all candidates for the Discipline Committee Chair must be vetted by the Nomination Committee, with specific attention to the merit-based selection principles referenced in section 25(1) of the PGA.
- e. No sitting member of the Board may be appointed as a member of the Committee.
- f. No sitting member of the Investigation Committee may be appointed as a member of the Committee.
- g. The CEO or a staff person designated by the CEO will provide administrative/logistical support to the Committee.

6. Reporting and Communications

- a. When conducting a discipline hearing or other contested statutory proceeding, the Committee’s proceedings shall be recorded.
- b. When performing any other statutory function, the Committee’s proceedings may be recorded and the Committee shall at minimum keep a written record of all decisions.
- c. When meeting for administrative or training purposes, the Committee shall take minutes of such meetings.
- d. Decisions of the Committee shall be published or reported as required by the PGA, the Bylaws, and any publication policy approved by the Board.
- e. An annual report summarizing the Committee’s activities will be provided at the BCIA AGM.
- f. The CEO or delegate is responsible for the storing of records and information related to and from the Committee.

7. Terms of Office

- a. The term of office for each Committee member is two years from the date of appointment by the Board.
- b. Whenever possible, appointments of Committee members should be staggered to promote overlap of newly appointed and returning members.
- c. Committee members may serve a maximum of four consecutive terms for a total of eight years, however a Committee member's term may in any case be extended by the Board to allow a Committee member to complete duties in progress.
- d. The Board may remove a Committee member from the Committee prior to the end of their term. A Committee member may resign from the Committee by providing written notice to the CEO.

8. Decision Process and Panel Structure

- a. With respect to a discipline hearing or other statutory function, the Chair shall appoint a three-person Panel from the Committee members, including one Lay Member, and designate one of the three persons to act as Panel Chair. The Chair may appoint themselves to a Panel and may designate themselves as a Panel Chair.
- b. In appointing the members of a Panel, the Chair, with the assistance of BCIA staff, may canvas all Committee members to determine availability, experience relevant to the type of proceeding, and disclosure of any potential conflicts of interest.
- c. At the conclusion of a discipline hearing or other contested proceeding, a Panel shall issue the Panel's decision and reasons in writing. The majority opinion of the Panel is the decision of the Panel; however, a Panel member with a dissenting opinion is entitled to have that opinion included in the final written decision.
- d. A Panel is entitled to have the assistance of independent legal counsel, as set out in the Bylaws. Independent legal counsel may assist the Panel with all aspects of its duties, including drafting any written decision of the Panel, but independent legal counsel does not act as a decision-maker.
- e. The final decision of a Panel shall be provided in writing to the Registrar for distribution and publication in accordance with the PGA and the Bylaws, subject to any redactions or exclusions directed by the Panel or required under the PGA.

9. Quorum

- a. When a Panel is acting, all members of the Panel constitutes a quorum.
- b. For an administrative meeting involving the whole Committee, a simple majority of all Committee members, which must include at least one Lay Member, constitutes a quorum of the Committee.

10. Meetings / Committee proceedings

- a. A Panel must meet as required to carry out its statutory functions with respect to any matter referred to it. A Panel must carry out its statutory functions in accordance with the PGA, the Bylaws, and principles of procedural fairness, but may otherwise determine its own procedures.
- b. Committee members who are on a Panel conducting a discipline hearing may be eligible for an honorarium in accordance with any honorarium policy approved by the Board.
- c. The Committee will hold periodic administrative meetings as determined by the Chair. Administrative meetings will be held by electronic means, unless the Chair directs an in-person meeting.
- d. The CEO, in consultation with the Chair, shall arrange for training sessions for Committee members at least once annually. Committee members are expected to attend all training sessions.

11. Annual Work Plan and Budget

- a. The Committee's annual work includes only scheduled administrative meetings, training sessions, and matters referred to the Committee for the exercise of a statutory function.
- b. Any required legal services are to be arranged through the CEO. Approved legal services related to the Committee's statutory functions are provided to the Committee at the BCIA's expense.
- c. Except as set out above and as allocated in BCIA's annual budget, the Committee has no budget authority beyond reasonable expenses for travel, tele/videoconferences, and ancillary expenses approved by the CEO.

12. Staff Contact and Roles

- a. At the request of the Chair or a Panel Chair to the CEO, the CEO may arrange for BCIA staff to provide administrative and logistical support to the Committee or the Panel as required.

13. Succession Planning

- a. The Nomination Committee will establish a pool of qualified candidates for potential appointment to the Committee.

Table of Amendments and Approvals

Revision Date	Revision	Approved by
June 20, 2024	Document update with input from BCIA staff, Board, and legal	BCIA Board, June 20, 2024