

**STATEMENT OF INTENTION
WITH RESPECT TO
BY-LAWS
OF THE
MANITOBA PROFESSIONAL PLANNERS INSTITUTE**

WHEREAS the By-laws of the Institute came into effect on the incorporation of the Manitoba Institute, Canadian Institute of Planners in 1988;


AND WHEREAS the By-laws have been subject to numerous amendments since the incorporation;

AND WHEREAS it is in the best interests of the Institute to have By-laws which set out in an accurate and organized manner the general procedures governing its business and affairs;

NOW THEREFORE THE COUNCIL hereby submits to the members of the Institute these new By-laws, repealing all previous By-laws of the Institute, for approval by the members and enactment at the same time.

DONE AND PASSED by Members of the Manitoba Professional Planners Institute duly assembled this 8th day of November A.D., 2011.

Manitoba Professional Planners Institute



Valdene Buckley, President



Matthew Glavin, Secretary

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PART I – INTERPRETATION

1.1 Name

The name of the Institute shall be the “Manitoba Professional Planners Institute (MPPI)”.

1.2 Definitions

In these By-laws the following definitions shall apply:

- a) **Affiliate Agreement** means any current agreement between the Manitoba Professional Planners Institute and the Canadian Institute of Planners which establishes the terms and conditions of the relationship between the two;
- b) **Candidate Member** means an individual who is listed on the Register of Candidate Members and who is in the process of meeting the criteria to become a Registered Professional Planner;
- c) **Code** means the Code of Ethics & Code of Professional Conduct adopted by the Institute and amended from time to time;
- d) **Continuous Professional Learning (CPL)** means the specific activities that members actively engage in to further their knowledge, understanding, skills and abilities relevant to the theory, methods, and practice of planning;
- e) **Council** means the Council of the Manitoba Professional Planners Institute;
- f) **In Good Standing** means any Regulated Member in any category who has paid all dues, levies and other assessments owing within a period of time established by the Council and who is current with ongoing requirements of membership, if any, and who is not suspended;
- g) **Institute** means the Manitoba Professional Planners Institute.
- h) **Non-Regulated Member** means a Pre-Candidate Member or a Student Member.
- i) **Notice** means providing each Regulated Member ten (10) days notice before every Annual General or Special meeting including the time, place, and proposed business of the meeting and any special resolution or By-law to be considered.
- j) **Practice of planning** as defined in the Regulation, means the process of planning the scientific, aesthetic, and orderly allocation of land, community resources, facilities, and services with a view to maintaining and improving the physical environment and the economic and social conditions of urban and rural communities;
- k) **Pre-Candidate Member** means an individual not currently employed in planning, as defined by the Canadian Institute of Planners (CIP); or is currently employed in planning and does not hold an accredited university degree in planning, as defined by CIP, and; is not currently otherwise eligible to become a Candidate Member. A Pre-Candidate Member is not required to become a Candidate Member;
- l) **Registered Professional Planner (RPP)** means a person whose name is entered in the register of Registered Professional Planners and who has met the criteria to become a

Registered Professional Planner. This may also include a retired Registered Professional Planner who is not engaged in the relevant activity of planning for gain;

- m) **Registrar** means the Institute Registrar appointed under these By-laws;
- n) **Regulated Member** means a Registered Professional Planner or a Candidate Member;
- o) **Resolution** means a resolution passed by fifty (50) per cent plus one (1) of Regulated Members attending and entitled to vote at an Annual General or Special Meeting
- p) **Student Member** means an individual who is enrolled in a recognized City Planning program of study (and currently attending classes) leading to a secondary school graduation diploma or post-secondary undergraduate or post-graduate degree.

1.3 Policies

Council may make, amend, or repeal policies relating to the management and operation of the Institute as it deems expedient.

1.4 Headings

The division of these By-laws into sections and paragraphs and the insertion of headings and index are for convenience and reference only and shall not affect the interpretation of these By-laws.

PART II – GOVERNANCE

2.1 Powers of Council

Council shall manage and conduct the business and affairs of the Institute and exercise the rights, powers, and privileges in the name and on behalf of the Institute. The Council shall actively pursue the mission and goals of the Institute and may adopt policies for the conduct of its business, including:

- a) Regulating the admission of members, requirements of membership, and termination of membership;
- b) Governing and regulating the operations, management, and control of the Institute and all its activities;
- c) Establishing fees, dues, and other assessments in a fiscally responsible manner;
- d) Making contracts, exercising powers, and carrying out actions it is authorized by its objects to do;
- e) Drafting, enacting, and upholding the Code of Ethics & Code of Professional Conduct in policy;
- f) Appointing committees as required that will benefit the Institute; and
- g) Interpreting the intent of any By-laws, policies, resolutions, or reports in connection with the Institute and resolving any dispute in that regard;

Without limiting its general responsibility, Council may delegate its operational responsibilities and duties to an administrator.

2.2 Responsibilities of Council

Without restricting the Powers of Council in (2.1) above, Council:

- a) Shall establish policies and make decisions that are in the best interests of the Institute;
- b) Shall actively encourage the growth of the Institute as a professional body;
- c) Shall foster the maintenance of those standards and qualities of membership that are consistent with the by-laws and constitution of the Institute as established or as amended from time to time;
- d) Shall establish such committees or other working groups as may be required to further the aims and objectives of the Institute and to assist Council in conducting the business of the Institute;
- e) Shall review reports and recommendations of the Registration Committee with respect to all applications for membership for any class and either endorse the recommendations of the Committee or make such other determination as may be deemed appropriate;
- f) May hold public policy positions on behalf of the Institute.

- g) May, at its own discretion, hire administrative and other staff, to support the specific duties of the executive, provided that the executive is ultimately responsible and accountable for the said duties.

2.3 Composition of Council

The Council of the Institute shall consist of no fewer than seven (7) and no more than thirteen (13) persons, including Officers. Council shall be elected in accordance with the Bylaws.

Council will appoint one (1) faculty member from the Department of City Planning at the University of Manitoba to serve as a representative on Council and will have all the rights and responsibilities as full Council members.

Council will appoint one (1) planning student, as recommended by The University of Manitoba Association of Planning Students (UMAPS) to be the student representative on Council. Other students may fill in for this role. Student representatives will have all the rights and responsibilities as full Council members, except they will be limited to one collective vote.

In order to serve on Council, a person must be:

- a) A Regulated Member in good standing, elected by the Membership; or

2.4 Nominations

Any three persons who are Registered Professional Planners, Candidate or Pre-Candidate Members of the Institute may nominate themselves or any qualified person for member of Council.

Nominations by the Nominating Committee or by the membership at large shall be made in writing and be signed by the nominators and the nominee and be sent to the Secretary not later than four weeks before the Annual General Meeting of the Institute.

The Secretary shall forthwith distribute the list of candidates to the membership. The Secretary shall also require a brief resume from each candidate. The resume is to be circulated to the membership with a list of candidates and return ballot.

a) *Committee*

Each year the Council shall appoint a Nominating Committee of at least three (3) Regulated Members in good standing who are not seeking election to Council. The Nominating Committee is responsible for presenting the Members with a full slate of nominees and when needed, a President for election to the Council.

b) *Nominations*

The Nominating Committee must make a call for nominations at least sixty (60) days before the Annual General Meeting. All nominations shall be filed with the Nominating Committee at least thirty (30) days before the Annual General Meeting.

2.5 Elections

All duly nominated nominees for the Council shall be included on the slate circulated in advance of the Annual General Meeting. In the event of an incomplete slate, the Nominating Committee

may recommend election of a partial slate and ask the Council to appoint the remaining Councillors within a reasonable period. In the event of a full slate, the Council is acclaimed.

If there are more nominees than positions, an election will be held. The Nominating Committee may appoint one (1) returning officer and two (2) scrutineers who are not nominees for election to Council. The scrutineers will count the votes and report to the membership in accordance with Council policy. If the election is held by mail-in or e-mail ballot, then the ballot must be returned to the Institute not later than one (1) hour prior to the Annual General Meeting.

At an election, vacancies for the Candidate Member(s) will be filled by the Candidate Member(s) with the highest number of votes.

2.6 Terms and Continuity of Councillors

Councillors are elected for two (2) year terms and take office immediately following the Annual General Meeting at which they were elected. The terms are on a staggered basis and normally no Councillor may serve more than three (3) consecutive terms.

Councillors who have served the maximum number of consecutive terms are normally not eligible for re-election for a period of one (1) year following the end of the final term and then may normally serve only one (1) additional term. Notwithstanding term maximums, Council may extend the time in order to implement its succession plan or to have Councillors elected for a one (1) year term to ensure appropriate transition at an Annual General Meeting.

2.7 Types of Officers

The Officers of the Institute shall be the President, Vice-President, Past President, Secretary, Treasurer, and any other Officers as the Council determines. The members shall elect a new President. Council shall then choose a Vice-President, Secretary and Treasurer, or Secretary/Treasurer from among its Councillors. The President, Vice-President and Past President shall be regulated members. A majority of the Officers shall be Registered Professional Planners.

2.8 Terms for Officers

Officers shall serve a two (2) year term or until their successors are appointed with the exception of the Vice-President who shall serve a one (1) or two (2) year term. Officers may be reappointed to the same office for additional terms with the consent of the Council.

2.9 Duties of Officers

Duties of Officers are generally as follows and as their titles would indicate:

- a) *President*
 - i. shall call and chair meetings of the Council and membership;
 - ii. shall implement policies governing Council;
 - iii. shall appoint to the committees established by Council or the Institute By-laws such members of the Institute as are required provided that such appointments shall be ratified by Council;
 - iv. shall act as the signing authority in respect to cheques and other documents on behalf of the Institute;

- v. shall institute policies, programs; public policy positions and decisions considered desirable and beneficial for the Institute.
- b) shall upon the completion of a two (2) year term as President, accede to the position of Past President for the subsequent two (2) year term;
- c) *Vice-President*
- i. shall fulfil the role of the President in the President's absence, incapacity, or refusal to act, and is normally a succession position to the President;
- d) *Past President*
- i. shall be a former President of the Institute;
 - ii. shall be responsible for those duties as set out from time-to-time by Council;
 - iii. shall represent Council on the Discipline Committee;
 - iv. shall serve as National Council Representative.
- e) *Secretary*
- i. shall ensure that minutes of proceedings at members' and Council meetings are entered in the books,
 - ii. shall ensure notice is served to all members and Councillors,
 - iii. shall maintain and ensure the accessibility of up to date copies of the Institute's By-laws.
 - iv. shall assume the duties of the Administrator in the Administrator's absence or in the situation where Council chooses not to have an Administrator.
- f) *Treasurer*
- i. shall ensure that proper accounting records are kept and that appropriate financial controls and processes are in place;
 - ii. shall ensure that the Institute's responsibilities are met pursuant to any Affiliate Agreement;
 - iii. shall ensure there are periodic reports to Council on the financial position of the Institute;
 - iv. shall prepare and present at the Annual General Meeting of the Institute, the annual statement of revenue, expenditure, amounts due or owing and year end balance sheet;
 - v. in addition to the President, the Treasurer and such other officers as may be appointed, to be a signing authority for cheques, or such other documents as may be directed by Council or general membership to sign or endorse.
- g) *Other Officers*
- i. The duties of any other Officers shall be as Council requires.

2.10 Duties of Administrator

Duties of the Administrator are generally as follows:

- a) In a situation where the Executive Council employs an Administrative Assistant, that Administrative Assistant may assume the role of signing authority on behalf of the Treasurer at the discretion of Council.
- b) Maintain a roster containing the name, addresses and callings of all persons who have been members of the Institute; and the names, addresses and callings of all persons who are or who have been members of Council;
- c) Give all notices required to be given by these By-laws or by Council;
- d) Transfer in good condition, all records, files and documents when required to do so either through a change of officers, through resignation or at the behest of Council;
- e) Distribute to all members at least ten (10) days before Annual General Meeting:
 - i. the minutes of the previous Annual General Meeting
 - ii. any proposed By-law changes;
 - iii. a copy of the financial statement for the year ending;
 - iv. a copy of all committee reports for the year ending.

2.11 MPPI Representatives on External Organizations

In keeping with an agreement with an external body, the Council may appoint a representative to an external body as Council deems appropriate.

2.12 Meetings of the Council

a) *Requirements*

The Council meets following the Annual General Meeting to name its Officers.

It shall meet at least three (3) times between Annual General Meetings at such times and places and using any communication methods, providing the methods are available to all Councillors and are acceptable to a majority of Councillors. If the President does not call at least three (3) meetings per term, the Secretary shall ensure the minimum is met.

b) *Notice*

Notice of Council meetings shall be given to all Councillors at least five (5) days in advance of the meeting. If Council sets specific days and times in any months for regular meetings, no notice is required.

c) *Quorum*

A minimum of fifty (50) percent of Councillors including at least one (1) Officer constitute a quorum for the transaction of business.

d) *Voting*

All matters shall be decided by a simple majority of the votes cast except as otherwise required by the By-laws. Proxies are not accepted at Council meetings. In the event of a tie, the motion is lost and may not be reintroduced until the next Council meeting.

2.13 Resignation or Removal of a Councillor

a) *Resignation*

A Councillor may resign in writing to the President and the resignation is effective when accepted by Council.

b) *Deemed Resignation*

If a Councillor is absent from three (3) or more Council meetings in a year without prior approval, the Councillor is deemed to have resigned. The Council, in its sole discretion, may accept the resignation and establish the effective date.

c) *Removal*

A Councillor may be removed from Council before the expiration of the term by resolution of Regulated Members present and voting at a Special Meeting duly convened for that purpose. A Councillor whose membership has been suspended or cancelled shall be removed from Council.

2.14 Vacancies on Council

So long as a quorum of Councillors remains, vacancies on the Council may be filled by the Councillors from among the Regulated Members if they see fit to do so. Otherwise, the vacancy will be filled at the next Annual General Meeting. The Council may also appoint Councillors to fill identified skill gaps until the next Annual General Meeting, provided the total number of Councillors is within the identified range.

PART III – COMMITTEES

3.1 General

Council may appoint members to Standing Committees and Ad Hoc Committees to manage activities of the Institute and report to the Council.

3.2 Standing Committees

Standing Committees shall be appointed for Registration, Practice Review and Discipline.

a) *Registration Committee*

The Registration Committee shall consist of the Registrar who is non-voting, one (1) member of Council, and at least two (2) other Regulated Members appointed by the Council, one of whom shall be appointed by Council as Chair. Quorum for the Registration Committee is at least three (3) voting members of the Committee and it shall meet at the call of the Chair;

b) *Practice Review Committee*

The Practice Review Committee shall consist of one (1) member of Council and at least three (3) other Regulated Members appointed by the Council, one of whom shall be appointed by Council as Chair. Quorum for the Practice Review Committee is at least three (3) voting members of the Committee and it shall meet at the call of the Chair; and

c) *Discipline Committee*

The Discipline Committee shall consist of at least five (5) Regulated Members appointed by the Council, none (0) of whom may be a member of Council. The Discipline Committee shall appoint a Chair. Quorum for the Discipline Committee is at least three (3) voting members of the Committee and it shall meet at the call of the Chair.

3.3 Duties and Responsibilities of Committees

Each committee is charged with the duty of performing such duties and responsibilities as are assigned to it from time to time by Council or by the membership at an Annual General Meeting or other special meeting.

The Chairperson for each committee is responsible for:

- a) conducting the committee meeting in an orderly manner;
- b) maintaining the properly recorded minutes or notes;
- c) submission of required minutes, reports or recommendations in person or in writing to Council or, if required, to the general membership.

3.4 National Council Representative

Council shall appoint a representative to the National Council of the Canadian Institute of Planners. The National Council Representative shall be the Past President of the Institute. The National Council Representative shall be appointed, or the incumbent's re-appointment confirmed, by Council no later than one month following the Annual General Meeting of the Canadian Institute of Planners.

- a) Shall represent the views and desires of Council;

- b) Shall report regularly to Council on all matters considered by the National Council of the Canadian Institute Planners and
- c) Shall be appointed every two years for a maximum of one two-year term, unless extended by a decision of Council.

3.6 Committee Quorum

Subject to any policies imposed by Council, Ad Hoc Committees have power to fix their quorum at no fewer than a majority of their members and may fix their own rules of procedure.

3.7 Committee Meetings

Standing Committees and Ad Hoc Committees may be held at any place and in any manner that suits the agenda, subject to approval by a majority of Committee members. Standing Committees and Ad Hoc Committees shall keep a record of their meetings and shall report the results of their work to Council in the form and time lines as prescribed by Council.

PART IV – MEETINGS OF MEMBERS

4.1 Types of Meetings

There shall be Annual General and Special Meetings of Members with appropriate notice.

The Annual General Meeting shall be held each year not more than six (6) months following the fiscal year end.

At the Annual General Meeting the Council and President shall place before the Members financial statements of the Institute for the last completed financial year, the results of the Council elections, and any other business as may properly be brought before the Meeting.

A Special Meeting of Members may be convened by the Council or by a petition in writing signed by twenty (20) Regulated Members of the Institute in good standing. A Special Meeting shall be held only for the transaction of business as specified by resolution of the Council or in the convening requisition.

4.2 Voting

All decisions at an Annual General or Special Meeting of Members may be passed by resolution.

Quorum shall be established on the basis there shall be twenty (20) Regulated Members of which at least twelve (12) must be a Registered Professional Planner of the Institute, or twenty-five (25) per cent of Regulated Members of which two-thirds must be Registered Professional Planner of the Institute, whichever is the lesser, in order to transact business at an Annual General or Special meeting;

At a Meeting of Members, every question shall be decided by a show of hands, unless a poll is demanded by a majority of Members in attendance.

If a Regulated Member is unable to attend the Annual General or Special Meeting of Members, he/she may mail in voting ballots

Mailed in ballots shall be returned to the Secretary at least 24 hours before the Annual General Meeting and shall show the name of the returnee on the outside of the envelope.

The Secretary shall check the names of the returnees against the roster of membership and shall keep a list of the names of returnees for a period of thirty days after the Annual General Meeting.

Resolutions which would normally be considered at a Special Meeting may be voted upon by Regulated Members by mail or electronic transmission or any other means, and provided appropriate notice has been given and that all Regulated Members may participate in the vote, the date by which votes are to be received is deemed to be the date of the Special Meeting as if one had been held.

No Member is entitled to vote by proxy on any matter.

The members present at the Annual General Meeting shall appoint two invigilators who shall scrutinize the counting of the ballots at the Annual General Meeting.

The invigilators shall report the results of the count to the presiding officer of the Annual General Meeting, who shall announce to the Meeting the names of the Officers and Directors elected

- a) The candidate who receives the most votes in respect to the position(s) for which he/she is nominated shall be declared to be the person elected for that position.

4.3 Tie Vote

In the event of a tie vote at an Annual General or Special Meeting the presiding Officer shall cast an additional vote to decide the question.

PART V – ADMINISTRATION

5.1 Head Office

The Head Office of the Institute is in any location deemed acceptable by the Council.

5.2 Seal

The Council shall determine the use of the Corporate Seal of the Institute.

5.3 Books and Records

The Council shall ensure that all books and records of the Institute are regularly and properly maintained.

The following Institute records may be inspected by a Regulated Member who has given reasonable notice and has arranged a satisfactory time with the person having charge of them: Objects, By-laws, minutes of Member meetings, registers of members at place of business, register of Council and Officers, policies adopted by the Institute, and year-end financial statements.

5.4 Sending Notice

To send notice to any Member, Councillor, or Officer for any meeting, the address is the last known physical or electronic address in the Institute's register. Notice may be delivered personally, by electronic transmission, by prepaid mail, or by any other method. A notice sent by prepaid mail is sent when deposited in the public letterbox. A notice sent by electronic transmission is sent at the time of sending.

No error or omission in giving notice of an Annual General, Special, Council, or any other meeting invalidates the meeting or voids its proceedings. Any Member, Councillor, or Officer may waive or abridge notice of a meeting and may ratify proceedings from that meeting.

5.5 Procedure at Meetings

At all Annual General or Special Meetings of Members, Council meetings, or Committee meetings, procedural matters not specifically addressed here shall be governed by Robert's Rules of Order.

PART VI – ADMINISTRATION

6.1 Financial and Membership Year

The fiscal and membership year of the Institute concludes on December 31 of each year.

6.2 Financial Review or Audit

An auditors report may be presented if Council by resolution directs that auditors be appointed at a fixed remuneration for any given year.

6.3 Signing Authority

All banking transactions conducted in the name of the Institute shall be authorized and signed by signatories approved by Council.

6.4 Borrowing

Banking transactions shall not include borrowing in that, under these By-laws, the Institute has no power in this respect.

6.5 Deposit of Securities for Safekeeping

The securities of the Institute shall be deposited for safekeeping with one (1) or more Canadian Chartered Banks, Trust Companies, or other financial institutions as determined by Council.

6.6 Execution of Documents

Significant contracts, agreements, and instruments in writing, beyond those covered by Council policy for reasonable operations of the Institute, shall be approved by the Council and signed by two (2) Councillors or signatories designated by Council.

The Council may give a Power of Attorney to a registered dealer in securities for the purpose of transferring and dealing with stocks, bonds, or other securities of the Institute.

6.7 Remuneration

Councillors may not receive remuneration for acting as Councillors of the Institute. Councillors and other volunteers may be reimbursed for out of pocket expenses incurred in the discharge of their duties in accordance with Council policy. Councillors and volunteers are not prevented from serving the Institute in other capacities and receiving compensation.

PART VII – REGISTRATION

7.1 Classes and Conditions of Membership

The Institute has the following classes of Regulated membership:

a) *Registered Professional Planner*

A “Registered Professional Planner” means any person who has satisfied the requirements for admission as a Registered Professional Planner, in addition to maintaining any post certification requirements.

A Registered Professional Planner is entitled to vote on all matters at Members' meetings and to serve on the Council. A Registered Professional Planner in good standing shall continue to use the designation Member of the Canadian Institute of Planners, M.C.I.P. or MCIP until such time as notified by the Institute that they can use the designation Registered Professional Planner, R.P.P. or RPP

b) *Candidate Member*

A “Candidate Member” means any planner who meets the Institute’s eligibility criteria for embarking on the RPP certification process. A Candidate Member is entitled to vote on matters not related to Registration and Discipline at Members’ meetings and may serve on the Council. The Council may establish policy as to any other rights and obligations for Candidate Members. A Candidate Member must become a Registered Professional Planner within seven (7) years. Notwithstanding this, the Registration Committee may extend this period in extenuating circumstances.

The Institute has the following classes of Non-Regulated membership:

c) *Pre-Candidate Member*

A “Pre-Candidate Member” means an individual not currently employed in planning, as defined by the Canadian Institute of Planners (CIP); or is currently employed in planning and does not hold an accredited university degree in planning, as defined by CIP, and; is not currently otherwise eligible to become a Candidate Member;

d) *Student Member*

A Student Member means any person who is enrolled in a recognized City Planning program of study (and currently attending classes) leading to a secondary school graduation diploma or post-secondary undergraduate or post-graduate degree. A Student Member is entitled to attend meetings of the Institute, but shall have no vote, except in the election of their representative to Council. Student Members shall be eligible to serve on committees.

Through Council policy, the Institute may introduce other classes and conditions of unregulated membership, including but not limited to retired members and types of honorary membership, and may establish rights and obligations for such members.

7.2 Registration Committee

a) *Registrar*

The Council shall appoint a Registrar to perform all functions assigned by Council, including the maintenance of the registers of Members of the Institute. The Registrar shall be a non-voting member of the Registration Committee.

b) *Registration Committee*

The Registration Committee shall be appointed by the Council to review all membership applications, make further inquiries if appropriate, and determine whether applicants should be admitted as Regulated Members.

7.3 Application for Membership

Application for membership shall be made to the Registration Committee on the forms prescribed by Council, and shall be accompanied by fees established by the Council.

The Registration Committee will review the application and inform the applicant in writing of its decision. Applicants for Regulated Membership who are refused admission may appeal to the Registration Committee. If the admission is still refused, the applicant may appeal to the Council and the decision of the Council is final.

7.4 Registration as a Registered Professional Planner

Registration as a Registered Professional Planner will be granted by the Registration Committee to those Regulated Members in good standing who:

- a) provide proof of good character and reputation;
- b) have met the combination of experience, education, training, examinations, qualifications, or other requirements as outlined by Council, including adherence to the Code of Ethics & Code of Professional Conduct;
- c) are acceptable to the Registration Committee; and
- d) have paid the Institute's registration fee.

An applicant who is in good standing in another jurisdiction and who is recognized by the Registration Committee as having substantively equivalent competence and practice requirements to those of a Registered Professional Planner is entitled to be registered as a Registered Professional Planner.

7.5 Registration as a Candidate Member

Registration as a Candidate Member will be granted by the Registration Committee to those Regulated Members in good standing who:

- a) provide proof of good character and reputation;
- b) are actively working toward the requirements to become a Registered Professional Planner;

- c) have met the combination of experience, education, training, examinations, qualifications, or other requirements as outlined by Council, including adherence to the Code of Ethics & Code of Professional Conduct;
- d) are acceptable to the Registration Committee; and
- e) have paid the Institute's registration fee.

An applicant who is in good standing in another jurisdiction and who is recognized by the Registration Committee as having substantively equivalent competence and practice requirements to those of a Candidate Member is entitled to be registered as a Candidate Member.

7.6 Proof of Registration

Once the Registrar has entered the name of the Regulated Member into the appropriate member register and the member has paid all fees owing and met all criteria, the Registrar will issue proof of registration to that Regulated Member. The Institute will provide annual proof of registration to Regulated Members who continue to meet all requirements of membership.

7.7 Fees

- a) Current annual fees shall be due and payable on the first day of January of each year.
- b) Individuals in any class of membership who are in arrears of fees for six (6) months shall be liable for a penalty determined by the Council and shall be so notified in writing.
- c) Individuals in any class of membership who are in arrears of fees for twelve (12) months shall cease to have membership in any class.
- d) Notwithstanding removal from membership for late payment of fees, the Registration Committee may, at its sole discretion, determine whether and under what conditions a cancelled member may return to good standing through a late renewal process. The cancelled member shall provide a written statement in the form prescribed by the Registrar, attesting that conduct since the membership was cancelled was not in violation of the Code of Ethics & Code of Professional Conduct, By-laws, or policies of the Institute.

A late renewal fee determined by the Institute shall be paid and other conditions including, but not limited to, experiential and educational requirements, including requalification, must be fulfilled before membership is re-established.

The Registrar shall deliver written notice of the decision with respect to renewal or readmission. Applicants who are renewed will be issued proof of registration. Applicants who are refused late renewal may appeal to the Council and the decision of the Council is final.

7.8 Membership Rights and Obligations

Members in good standing in any class are entitled to receive notice of Member meetings and exercise other rights and privileges given in these By-laws and in Council policy.

Members in all classes shall comply with the Code of Ethics & Code of Professional Conduct, Regulation, By-laws, and policies of the Institute.

Members in all classes shall pay the dues assessed for that class of membership and any other fees levied by the Institute.

All Registered Professional Planners who practice in Manitoba and intend to use the Registered Professional Planner title are required to join the Institute, although they may also retain memberships in other jurisdictions.

Except as otherwise specified in these by-laws, members of all classes may enjoy all rights and privileges of membership:

Except That

- a) Pre-Candidate or Student Members may not serve as the Institute's representative to the National Council.
- b) Only Full Members of the Institute shall be appointed to be members of the Registration Committee.
- c) For the election of Council, Student Members may only participate in the election of the student representative.

7.9 Continuous Professional Learning (CPL)

Council shall establish the Continuous Professional Learning (CPL) requirements for the Institute in keeping with the standards established by the Canadian Institute of Planners (CIP).

Council shall establish a monitoring procedure in order to determine membership compliance.

Council shall provide membership with notice of a reasonable number of professional learning activities in order to assist members in fulfilling the structured learning requirement of the CPL program.

Council shall notify and consult with the affiliate membership regarding significant changes to the CPL program prior to the start of the following reporting period to which the changes would apply.

Council shall have the authority to endorse discipline matters as adopted by Council.

With the exception of retired Registered Professional Planners, all Regulated Members shall undertake annual mandatory Continuous Professional Learning (CPL) and shall report on that professional learning to the Institute on an annual basis.

7.10 Transferability, Resignation, and Continuing Obligations

a) Transferability

Membership is not transferable to another person and automatically terminates on death, resignation, revocation, or otherwise in accordance with these By-laws.

b) Resignation

Members may resign from the Institute by providing written notice to the Registrar. The resignation is effective when approved by the Registrar. Notwithstanding policy related to privacy, and unless the Registrar decides otherwise, the Registrar will not knowingly accept the resignation of a Member who is subject to investigation, charges, or other

review by the Discipline Committee, or from a Member who has not fully complied with an order of the Discipline Committee.

A resigned Registered Professional Planner must surrender proof of registration and may no longer use the RPP designation. The Registrar may authorize the investigation, charging, or review of a resigned Regulated Member if the complaint is received within one year of the resignation and may operate as though the Regulated Member had not resigned.

c) *Continuing Obligations*

The discontinuance of membership in the Institute no matter how caused does not extinguish any debts or obligations of that Member arising before the discontinuance.

7.11 Cessation of Membership

Any member of any class who ceases to be a member of the Canadian Institute of Planners ceases to be a member of this Institute. Any Regulated member continuing to reside or practice in the area served by the Institute and resigning membership in the Manitoba Institute and who does not also hold membership in another recognized Institute, also loses membership rights in the Canadian Institute of Planners.

PART VIII – PROFESSIONAL PRACTICE

8.1 Practice Review Committee

The Practice Review Committee appointed by Council shall use the review of practice process, shall recommend policy to the Council and act on behalf of the Institute with respect to matters relating to competence in the practice of planning under the Regulation, including the review of the practice of a Regulated Member.

8.2 Discipline Committee

- a) The Code of Ethics & Code of Professional Practice of the Canadian Institute of Planners, as amended from time to time, are hereby adopted;
- b) Any person who is of the opinion that a member of the Manitoba Professional Planners Institute has acted in a manner unbecoming a member may submit a complaint to Council, which shall refer the complaint to the Discipline Committee.
- c) Any matter, conduct or thing that, in the judgement of the Discipline Committee, constitutes a breach of the Code of Ethics & Code of Professional Practice, shall be deemed to be conduct unbecoming a member.
- d) Notwithstanding 8.2(a) above, the Discipline Committee may explore alternate dispute resolution methods if the complaint is not in writing and may task the Registrar with some of its functions in accordance with the Regulation and Council policy.
- e) Every complaint submitted, as provided for in clause (b) shall:
 - i. be in writing and contain a concise statement of the facts relevant to the complaint;
 - ii. identify the name and address of the complainant, or the complainant's solicitor to who communications shall be sent; and
 - iii. if the complainant is a member of the Institute, specify the applicable clauses of sections of the Code of Ethics & Code of Professional Practice relied upon by the complainant
- g) Upon receipt of a complaint against a member, the member shall be notified by the Discipline Committee of the complaint and the pertinent facts in the complaint.

8.3 Duties of Discipline Committee

- a) A member of Council or an employee of the Institute is not eligible to be a member of the Discipline Committee, with the exception of the immediate Past President.
- b) Appointments to the Discipline Committee shall be for a term as required to fulfill the duties arising out of a complaint against a member. Should any additional complaints arise during the term of the appointed Discipline Committee, that Committee shall also deal with such complaints.
- c) Members of the Discipline Committee shall hold office until their successors are appointed and are eligible for reappointment. Where a member ceases to be a member before the expiry of his/her term, Council shall appoint another eligible person for the unexpired portion of the term.

- d) Council shall appoint one of the members of the Discipline Committee to be Chairperson and another, the Vice-Chairperson, who shall act as chairperson in the absence of the Chairperson.
- e) Three members of the Discipline Committee constitute a quorum.
- f) The Discipline Committee shall appoint a Secretary of the Committee who shall keep on file minutes and records of all complaints and proceedings thereon.
- g) All disciplinary determinations require a vote of the majority of members of the Discipline Committee present at a hearing, but in the event of a tie vote, the motion or recommendation shall be considered lost.
- h) Where a proceeding is commenced before the Discipline Committee and the term of office of a member thereof expires prior to the termination of proceeding, but after evidence has been heard, the member shall be deemed to continue as a member of the Discipline Committee for the purpose of completing the disposition of the proceeding.

8.4 Discipline Committee Ruling

- a) Discipline Committee shall review all complaints received against members of the Institute and shall either:
 - i. take no further action if it is of the opinion that the complaint is frivolous or without basis or, if proven, would not constitute conduct unbecoming a member, or
 - ii. request additional information from the parties involved in the complaint, or
 - iii. determine that, in its opinion, the evidence obtained by it on the preliminary investigation warrants a further investigation and that a formal hearing be conducted.
- b) Upon a decision made pursuant to subsection (5), the Discipline Committee shall either:
 - i. dismiss the complaint and so notify the complainant, if any, and the person whose conduct has been subjected to preliminary investigation, or
 - ii. hold a formal hearing in respect of the matters under investigation.

8.5 Discipline Committee Hearing

- a) When a formal hearing is to be held by the Discipline Committee pursuant to subsection 8.4 (b), the Discipline Committee shall give to the member whose conduct is being investigated and to the other parties to the complaint at least 30 days written notice respecting the time and place at which such hearing will be held, specifying the basis of the complaint and the matters to be investigated, and advising the member generally of the by-law provisions for disciplinary action. This notice shall be served either personally or by mail, addressed and mailed to the member and to the complainant at the latest post office address provided to the Institute.
- b) The Discipline Committee and all parties to the discipline hearing have the right to be represented by counsel or agent at their own expense.
- c) In the event of the non-attendance at a hearing of a person whose conduct is the subject of inquiry, or other parties to the complaint, the Discipline Committee, upon proof of the

proper service of the Notice of Hearing may proceed with the hearing and take any action authorized without further notice to that person or persons.

- d) The Discipline Committee is not bound by the rules of evidence pertaining to actions and proceedings in the courts of justice, but shall proceed to ascertain the facts in such a manner as it considers proper.
- e) Hearings of the Discipline Committee shall be held in camera, but if the person whose conduct is the subject of the hearing requests otherwise by notice in writing delivered to the Secretary before the day fixed for the hearing, the Discipline Committee may, on a motion approved by a majority of members of the said Committee, conduct the hearing in public or otherwise, as it considers proper.
- f) All parties to the complaint have the right to obtain copies of the documentation to be provided in the formal hearing.
- g) When, upon completion of the formal hearing, the Discipline Committee forms the opinion that the conduct under investigation is not conduct unbecoming a member the Discipline Committee shall (notify the individuals involved in the formal hearing accordingly).
- h) When, upon completion of the formal hearing, the Discipline Committee forms the opinion that the conduct under investigation is conduct unbecoming a member, but considered the offence is not of such gravity or importance as to warrant suspension or striking of the name of the member from Institute membership the Discipline Committee shall reprimand the member in accordance with subsection 8.5 (j) of this By-Law.
- i) When, upon completion of the formal hearing, the Discipline Committee forms the opinion that the conduct under investigation is conduct unbecoming a member, and considers the offence to be grave, the Discipline Committee shall direct that the member be suspended from the rights of membership for a specified period, or that his/her name be struck from membership.
- j) The determination of the Discipline Committee taken after a hearing and made in accordance with this subsection shall be in writing and signed by the majority of all members of the Discipline Committee participating at the hearing and shall be accompanied by reasons in which are set out findings of fact and a copy of the reason and determination shall be dated and forthwith provided to Council.
- k) Upon furnishing the Discipline Committee with an affidavit to the effect that there is new evidence which was not available at the time of the hearing that could materially have affected the decision of the Discipline Committee, and upon setting out the evidence, any member who has been suspended or any person whose name has been struck from the register may apply to the Discipline Committee for rehearing.
- l) Upon receipt of an affidavit pursuant to clause (k), the Discipline Committee may rehear the matter in accordance with procedures specified in subsections 8.4 (a – j) inclusive.

- m) The operation of the determination of the Discipline Committee shall be stayed for a period of 30 days, in the event that a petition is filed as hereinafter provided, or until such time as the matter has been finally determined.
 - i. Clause (m) of this subsection will be recited in the report submitted to the National Council.

8.6 Discipline Committee Resolution

Council, or a national appeal body, if such is established for that purpose, without being required to hold a hearing, on petition of a party or person interested, served by registered mail upon the parties and the Secretary of the Institute within 30 days of the date of the determination of the Discipline Committee, may by resolution:

- a) Confirm, vary or rescind the whole or any part of such determination, or
- b) Refer the matter back to the Discipline Committee for a new hearing on the whole or any part of a complaint submitted pursuant to subsection 8.2 (d).
- c) The Secretary shall advise the National Council of any petition received and any action taken pursuant to the provisions of this subsection.

Furthermore:

- d) A resolution of Council pursuant to subsection 8.6 (a-c) shall be made within 60 days of the receipt by Council of the petition, in default of which, the determination of the Discipline Committee shall be deemed to be affirmed, and the resolution or affirmation shall be served forthwith, personally or by registered mail upon the parties or person interested, by the Secretary of the Institute.
- e) The resolution or affirmation of the majority of Council pursuant to subsection 8.6 (a-c) shall be in writing and shall be final, binding and conclusive of all matters dealt with therein and where Council elects to refer the matter back to the Discipline Committee for a new hearing, there shall be no further rights to petition under subsection 8.6 (a-c).
- f) The determination of the Discipline Committee taken after a hearing conducted pursuant to subsection 8.6 (b) and made in accordance with the provisions of subsection 8.5(g-j), shall be in writing and signed by the majority of all members of the Discipline Committee participating at the hearing and shall be accompanied by reasons in which are set out findings of fact and a copy of the reasons and determination shall be dated and forthwith provided to Council, to all parties to the hearing and to the National Council by the Secretary of the Committee.
- g) No action lies against any member of Council or of the Discipline Committee or any person acting on the instructions of the Discipline Committee or Council for anything done, or omitted to be done by him/her in good faith and in purporting to act under these by-laws.
- h) Council, on the advice of the Discipline Committee, may annually set fees on applications for the hearing of a complaint before the Discipline Committee and upon a recommendation therefrom, may waive or refund any such fees owing or actually paid at

any time. The failure to pay such fees may result in the complaint being dismissed by the Discipline Committee, by resolution without any notice.

8.7 Code of Ethics & Code of Professional Conduct

The Institute's Code of Ethics & Code of Professional Conduct as appended to these By-Laws are intended to assist Members to understand the requirements of the Code and to inform the Institute's investigative process in interpreting the Code.

8.8 Unprofessional Conduct

Any conduct of a Member that in the opinion of the Discipline Committee when authorized under these By-laws to form an opinion:

- a) is detrimental to the best interests of the public;
- b) harms or intends to harm the standing of the practice of planning generally; or
- c) displays a lack of knowledge or a lack of skill or judgment in practice of planning, whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of planning or professional misconduct, whichever the Discipline Committee finds according to Council policy.

PART IX – BY-LAWS

9.1 Amendment of By-laws

The By-laws of the Institute may be repealed or amended by resolution enacted by a majority of Councillors at a Council meeting and sanctioned by a resolution of the Regulated Members in good standing voting at a meeting duly convened for that purpose.

9.2 Repeal of Previous By-laws

These By-laws repeal and supersede any previous bylaws of the Institute and come into effect immediately.