

Westcoast Association of Visual Language Interpreters



SOCIETY ACT

CONSTITUTION

1. The name of the society is WESTCOAST ASSOCIATION OF VISUAL LANGUAGE INTERPRETERS.
2. The purposes of the Association are to provide a Provincial organization:
 - a) To be responsible for promoting the standardization of the quality of service provided by Visual Language Interpreters.
 - b) To encourage the development of programs designed to facilitate the education and training of qualified Visual Language Interpreters at the Provincial level.
 - c) To promote guidelines defining the standards and functions of Visual Language Interpreters.
 - d) To promote professional development of Visual Language Interpreters through providing opportunities for participation in workshops, professional meetings, interaction with colleagues and reading of current literature in the field.
 - e) To promote the discussion and solution of all issues related to Visual Language Interpreting.
 - f) To advocate for excellence in interpreting and ethical standards.
 - g) To foster mutual understanding and rapport between the Deaf community and professional interpreters.
 - h) To promote awareness and understanding of interpreters and the services they provide.
 - i) To recruit as members, working interpreters and interested professionals in related fields.
 - j) To receive and resolve complaints against Members and to act on those complaints in the public interest.

BY-LAWS

Here set forth, in numbered clauses, the Bylaws providing for the matters referred to in section 6(1) of the Society Act and any other Bylaws.

1 GENERAL ADMINISTRATION

1.1 Purpose of Gain

The Association is to carry on its operations without pecuniary gain to its Members and any profits or other accretions to the Association are to be used in promoting its Purposes.

1.2 Dissolution

It is specially provided that in the event of dissolution or winding up of the Association all its remaining assets after payment of its liabilities shall be distributed to one or more organizations having cognate or similar Purposes.

1.3 Affiliation

The Association shall maintain, upon acceptance, chapter membership in the Association of Visual Language Interpreters of Canada (AVLIC).

1.4 Borrowing Powers

Borrowing of monies must be authorized by a 75 percent (75%) majority of eligible votes at a General Meeting.

1.5 Minutes of Meetings

1.5.1 The minutes from Meetings of the Executive shall be available to the Members of the Association upon request at no cost and shall be automatically distributed to Executive Committee Members.

1.5.2 The minutes of the General and Special Meetings of the Association shall be distributed either in print or by electronic means to all Members of the Association.

1.5 Financial Year

Unless otherwise ordered by the Executive Committee, the fiscal year-end of the Association shall be March 31.

1.6 Books and Records

The Officers of the Association shall see that all necessary books and records of the Association required by the Bylaws of the Association or by any applicable statute or law are regularly and properly kept. Any copying or duplication of records must be with Executive permission.

1.7 Seal

The seal shall be the seal of the Westcoast Association of Visual Language Interpreters. The Secretary of the Association shall arrange for the custody of the seal of the Association which may be affixed to any document as directed and authorized by the Executive Committee.

1.9 Documents

1.9.1 All documents of the Association not specifically provided for in the Bylaws shall be kept at the office of the Secretary, if any, or otherwise as the Executive shall determine by resolution.

1.9.2 Contracts, documents or any instruments in writing requiring the signature of the Association, shall be signed by any two (2) appropriate officers as approved by the Executive Committee and all contracts, documents and instruments in writing so signed shall be binding upon the Association without any further authorization or formality.

1.10 Indemnity

Every Officer of the Association and his or her heirs, executors, administrators, successors and assigns, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of the Association from and against all cost, charges and expenses whatsoever that he or she sustains or incurs as a result of any action, suit or proceeding that is brought, commenced or prosecuted against him or her, or for or in any respect of any act, deed, matter or thing done, made or permitted by him or her in or about the execution of the duties of his or her Office; except such costs, charges and expenses as are occasioned by his or her own willful neglect, default, or act of bad faith, subject to the Society Act.

1.11 Complaints

Any concern, complaint or other matter affecting the policy, procedures, and administration of the Association shall be submitted in writing by the Member to the Secretary, who shall thereupon cause a copy of the complaint to be delivered to the person or persons affected and the Secretary shall subsequently place such written submission or submissions before the Executive for their consideration and actions.

1.12 Amendments

The Bylaws of the Corporation may be amended by an affirmative vote of at least 75 percent (75%) of eligible votes at a General Meeting duly called for the purpose of considering the said Bylaw amendment.

1.13 Rules of Order

Robert's Rules of Order shall govern all Meetings of the Association, its Executive Committee and other committees.

2 MEETINGS, EXECUTIVE COMMITTEE & OFFICERS

2.1 Meetings

2.1.1 The General Meeting of the Association shall be held a minimum of once every year. The General or any Special Meeting of the Members shall be held at the head office of the Society or at any place as the Executive may determine and on such day as the said Executive may appoint. For a General Meeting, one-third (1/3) of the Active Membership, but not less than six (6), shall constitute a quorum.

2.1.2 At every General Meeting, in addition to any other business that may be transacted, the report of the Executive and the financial statement shall be presented. The Active Members may consider and transact any business either special or general at any Meetings called for these purposes. The Executive or the President and Vice President shall have power to call, at any time, a General or Special Meeting of the Members of the Association.

2.2 Voting Rights

- 2.2.1** Each Active Member present at a General or Special Meeting shall have the right to exercise one vote except in the case of the Chairperson, who only votes in the event of a tie of votes.
- 2.2.2** At all Meetings of Members of the Association every question shall be determined by a majority of eligible votes. Eligible votes shall include votes by Active Members in good standing fourteen (14) days prior to any General or Special Meeting, either present or represented by written proxy.
- 2.2.3** Only Active Members may carry a proxy vote on behalf of another Active Member. At a General or Special Meeting, each Active Member may carry a maximum of three (3) proxies on behalf of other Active Members. Written proxies must be on the approved form and in the approved format of the Association.

2.3 Notice of Meetings

Twenty-one (21) days prior notice, either in print or by electronic means, shall be given to each Member of any Special or General Meeting of Members. Non-receipt of a Meeting notice by any Member for any Special or General Meeting or the adjourned Meeting, whether Special or General, of the Members of the Association, shall not invalidate such Meeting nor make void any proceedings taken thereat. Any Active Member may at any time waive notice of any such Meeting. They may ratify, approve and confirm any or all proceedings taken or had thereat. For purposes of sending notice to any Member for any Meeting or otherwise, the mailing address, electronic mail address and other contact information used shall be that information most recently recorded by the Membership Committee.

2.4 Quorum

One-third (1/3) of the Active Membership, but not less than six (6) shall constitute a quorum for a General Meeting.

2.5 Executive Committee

- 2.5.1** The property and business of the Association shall be managed by an elected Board of Directors. The Executive Committee and the Board of Directors shall be one and the same. One half (1/2) of the Executive Committee shall constitute a quorum at an Executive Meeting.
- 2.5.2** Only Active Members shall be eligible for election to the Executive Committee, i.e. Board of Directors.
- 2.5.3** The applicants for incorporation shall become the first Executive of the Association whose term of office on the Executive Committee shall be as follows: the first President, Treasurer and Member-at-Large shall have terms of 1 year; the first Vice-President and Secretary shall have terms of 2 years. After that, each position shall be a 2-year term.
- a) Any position on the Executive Committee shall be automatically vacated:
 - b) If an officer shall resign his/her office by delivering a written resignation to the Secretary of the Association;

- c) If s/he is found to be a lunatic or becomes of unsound mind;
- d) If s/he becomes bankrupt or suspends payment or compounds with his/her creditors;
- e) If s/he fails to attend three (3) consecutive Meetings without prior approval from a majority of the Executive;
- f) If at a Special General Meeting of Members a resolution is passed by three-quarters (3/4) of the Active Members present at the Meeting that s/he be removed from office;
- g) If s/he is found to be in violation of the Association's Code of Ethics and Guidelines for Professional Conduct and has been prescribed disciplinary/resolution actions by the Professional Standards Committee;
- h) Upon death.

2.5.4 If a vacancy is thereby created, the remaining Executive Committee shall fill the unexpired portion of the term by appointment.

2.5.5 Meetings of the Executive Committee may be held at any time and place to be determined by the Executive. There shall be at least one (1) Meeting per year of the Executive Committee. Non-receipt of a Meeting notice by any Officer shall not invalidate the proceedings of any Meeting of the Executive Committee. No business shall be transacted at any Meeting of the Executive Committee unless at least one half (1/2) of the Officers are present at the commencement of such business.

2.6 Remuneration

It is expressly declared that the Executive Committee i.e. Officers of the Association shall serve in these capacities without remuneration.

2.7 Retiring Officers

Retiring Officers may be re-elected subject to the provision that an Officer who has served three (3) complete and continuous terms may be eligible for re-election only after an absence of two (2) years from duties on the Executive Committee.

2.8 Employment

Upon approval and ratification of two-thirds (2/3) of the eligible votes at an Executive Meeting, the Executive Committee may appoint such agents and engage such employees as it shall deem necessary from time to time and such persons shall have such authority and shall perform such duties as shall be prescribed by the Executive Committee at the time of such appointment. The remuneration of all agents and employees shall be fixed by the Executive Committee by resolution.

2.9 Officers

2.9.1 The Executive Committee, i.e. Board of Directors shall comprise the Officers of the Association, as follows: President, Vice-President, Past President, Treasurer, Secretary, Member-at-Large and the elected Chairperson of each standing committee.

2.9.2 Only Officers of the Association shall have a vote at an Executive Meeting. Each Officer shall have one vote.

2.9.3 All Officers shall hold office for two (2) years from the date of appointment or election or until successors are elected or appointed in their stead.

2.9.4 All Officers shall be Directors of the Association and shall cease to be Officers if they are removed by a majority of the Membership.

2.10 Duties of Officers

2.10.1 The President shall:

- a) Preside at all General and Special Meetings of the Association and the Executive Committee.
- b) Have general management of the affairs of the Association.
- c) Work with the Professional Standards Committee to protect the public interest and uphold the professional and ethical standards outlined in Section 4 of these Bylaws.
- d) Appoint such Standing or Special Committees as are not elected and are authorized, by actions of the Executive, for specifically defined purposes.
- e) Be responsible for long range planning and goals of the organization.
- f) Be responsible for public relations.

2.10.2 The Vice-President shall:

- a) In the absence or disability of the President, perform the duties and exercise the powers of the President.
- b) Assume duties as required from time to time by the Executive.

2.10.3 The Past President shall:

- a) Carry out such duties as the terms of office call for or as the Executive Committee requires.

2.10.3 The Secretary shall:

- a) Attend Meetings of the Executive Committee and General Membership Meetings and act as a clerk thereof and record all votes and minutes of all proceedings.
- b) Have custody of the minutes of all proceedings in the books to be kept for that purpose.
- c) Give or cause to be given notice of all Meetings of the Members and Executive.
- d) Circulate/distribute minutes of all Meetings of the Members and the Executive to each Executive Officer, Active Member, Supporting Member and Associate Member as outlined in the Bylaws.

- e) Be custodian of the seal.
- f) Receive all incoming mail and forward it to the relevant Members and be responsible for such correspondence as is authorized by the Executive Committee.
- g) Keep a current list of all Members of the Association.

2.10.5 The Treasurer shall:

- a) Have custody of the funds and securities of the Association and shall keep full and accurate accounts of all assets, liabilities, receipts and disbursements of the Association in the books belonging to the Association and shall deposit all monies, securities and other valuable effects in the name and to the credit of the Association in an accredited financial institution.
- b) Prepare such budget or cash flow statements as are from time to time required by the Association.
- c) Be responsible for the collection and receipt of membership fees.

2.10.6 The Member-at-Large shall:

- a) Carry out such duties as his/her terms of office call for or as the Executive Committee requires.

2.10.7 The Standing Committee Chairpersons shall:

- a) Carry out such duties as the terms of office call for or as the Executive Committee requires;
- b) Solicit Members to form a working Committee;
- c) Coordinate the Meetings and activities of the Committee.

3 *MEMBERSHIP*

3.1 **Conditions of Active Membership**

- 3.1.1** Active Membership will be limited to those people whose application has been accepted by the Board of Directors. Only those people who are presently involved in the provision of visual language interpreting, or in the provision of visual language interpreter training programs will be considered.
- 3.1.2** Dual Active Membership in both the Association of Visual Language Interpreters of Canada (AVLIC) and the Westcoast Association of Visual Language Interpreters (WAVLI) is mandatory for Active Members.
- 3.1.3** Eligible Active Members shall each have one vote at General or Special Meetings of the Association.

3.2 Conditions of Active D.I. Membership

- 3.2.1** Active D.I. Membership will be limited to those people whose application has been accepted by the Board of Directors. Only those people who are presently performing Deaf Interpreting, also known as relay or intermediary interpreting, will be considered.
- 3.2.2** Dual Active Membership in both the Association of Visual Language Interpreters of Canada (AVLIC) and the Westcoast Association of Visual Language Interpreters (WAVLI) is optional for Active D.I. Members.
- 3.2.3** Active D.I. Members shall each have one vote at General or Special Meetings of the Association.

3.3 Conditions of Supporting Membership

- 3.3.1** Supporting Membership will be open to those people whose application has been accepted by the Board of Directors and who support the aims and objectives of the Association.
- 3.3.2** Dual Supporting Membership in both the Association of Visual Language Interpreters of Canada (AVLIC) and the Westcoast Association of Visual Language Interpreters (WAVLI) is optional for Supporting Members.
- 3.3.3** Supporting Members shall have no vote.

3.4 Conditions of Associate Membership

- 3.4.1** Associate Membership will be open to individuals or organizations whose application has been accepted by the Board of Directors and who support the aims and objectives of the Association.
- 3.4.2** Associate Members shall have no vote.

3.5 Rights and Duties of Members

- 3.5.1** All Members shall uphold the Association's Code of Ethics and Guidelines for Professional Conduct.
- 3.5.2** ACTIVE MEMBERS SHALL:
 - a)** Be responsible for keeping their membership dues up to date
 - b)** Be responsible for notifying the Membership Committee of any change in name and/or contact information as required on the annual membership form
 - c)** Be responsible for staying abreast of the business of the Association
 - d)** Support the Constitution and Bylaws of the Association
 - e)** Pursue professional development
 - f)** Have full voting privileges at General or Special Meetings

- g) Be allowed to attend workshops at member prices
- h) Be entitled to receive the newsletter of the Association

3.5.3 ACTIVE D.I. MEMBERS SHALL:

- a) Be responsible for keeping their membership dues up to date
- b) Be responsible for notifying the Membership Committee of any change in name and/or contact information as required on the annual membership form
- c) Be responsible for staying abreast of the business of the Association
- d) Support the Constitution and Bylaws of the Association
- e) Pursue professional development
- f) Have full voting privileges at General or Special Meetings
- g) Be allowed to attend workshops at member prices
- h) Be entitled to receive the newsletter of the Association

3.5.4 SUPPORTING MEMBERS SHALL:

- a) Be responsible for keeping their membership dues up to date
- b) Be responsible for notifying the Membership Committee of any change in name and/or contact information as required on the annual membership form
- c) Support the Constitution and Bylaws of the Association
- d) Be allowed to attend and participate in business Meetings without a voting privilege
- e) Be allowed to attend workshops deemed appropriate for Supporting Members at member prices
- f) Be entitled to receive the newsletter of the Association

3.5.5 ASSOCIATE MEMBERS SHALL:

- a) Be responsible for keeping their membership dues up to date
- b) Be responsible for notifying the Membership Committee of any change in name and/or contact information as required on the annual membership form
- c) Be allowed to attend and participate in business Meetings without a voting privilege
- d) Be entitled to receive the newsletter of the Association

3.5.6 Membership fees or dues shall be set by the Executive as declared at the Annual General Meeting of the Association.

3.6 Termination of Membership

Any Member may withdraw from the Association by delivering to the Association a written resignation and lodging a copy of the same with the Secretary of the Association or by non-payment of annual dues. A Member's good standing shall be contingent upon payment of annual dues.

3.7 Discipline of Members

3.7.1 Any Member who violates either the Purposes or the Bylaws of the Association may be deprived of his/her membership upon written notification of the Executive, subject to ratification of three-quarters (3/4) of the entire Active Membership. This ratification shall take place at a General or Special Meeting. Proxy votes are permitted.

3.7.2 The Standards, Complaints and Disciplinary Procedures outlined in Section 5 of these Bylaws apply to resolving complaints against Members who have been accused of violating the Code of Ethics and Guidelines for Professional Conduct (as set out in Section 4), and any Member who is found to have violated the code or guidelines may be suspended in accordance with those procedures.

3.7.3 A Member while under suspension shall not do any of the following:

- a) Represent herself/himself as a Member;
- b) Display or claim active status of a Certificate of Interpretation;
- c) Use the designated title of protection (as applicable).

4 *CODE OF ETHICS AND GUIDELINES FOR PROFESSIONAL CONDUCT*

4.1 PROFESSIONAL ACCOUNTABILITY: Interpreters accept responsibility for all professional decisions made and actions taken.

4.1.1 Confidentiality

- a) Members will respect the privacy of consumers and hold in confidence all information obtained in the course of professional service. Members may be released from this obligation only with their consumers' authorization or when ordered by law.
- b) Where necessary, a Member may exchange pertinent information with a colleague in order to provide consistent quality of service. This will be done in a manner that protects the information and the consumers.
- c) Members need to be aware that other professional codes of conduct may impact upon their work. In such circumstances, Members will make appropriate professional decisions and conduct themselves in a manner befitting the setting and the profession.

4.1.2 Professional Conduct

- a) Members will hold the needs of consumers primary when making professional decisions.
- b) Members shall recognize that all work undertaken by them on an individual basis, whether pro bono or paid, will ultimately reflect the integrity of themselves and of the profession.
- c) Members shall conduct themselves in a professional manner at all times. They shall not badger or coerce individuals or agencies to use their professional services.
- d) Members shall take into account the limitations of their abilities, knowledge and the resources available to them prior to accepting work. They will remove themselves from a given setting when they realize an inability to provide professional service.
- e) Members must be aware of personal circumstances or conflict of interest that might interfere with their effectiveness. They will refrain from conduct that can lead to substandard performance and/or harm to anyone including themselves and consumers.
- f) Members are accountable to the Association for their professional and ethical conduct. Further, Members are responsible to discuss and resolve, in a professional manner, issues arising from breaches of ethical or professional conduct on the part of individual colleagues after they are observed. In the case where these breaches are potentially harmful to others or chronic, and attempts to resolve the issue have not been successful, such conduct should be reported to the Association in a manner directed by the appropriate complaint procedure.

4.1.3 Scope of Practice

- a) Members will refrain from using their professional role to perform other functions that lie beyond the scope of an interpreting assignment and the parameters of their professional duties. They will not counsel, advise, or interject personal opinions.
- b) When functioning as part of a professional team (e.g., education, legal, medical and mental health settings) it is understood that Members will limit their expertise to interpretation. In such settings, it may be appropriate for Members to comment on the overall effectiveness of communication, the interpreting process and to suggest appropriate resources and referrals. This should be done only within the context of the professional team.
- c) Members will refrain from manipulating work situations for personal benefit or gain. When working as independent contractors, Members may promote their professional services within the scope of their practice. When working under the auspices of an agency or other employer, it is not ethical for the Members to promote their professional services independent of the agency or employer.

4.1.4 Integrity of Service

Members will demonstrate sound professional judgment and accept responsibility for their decisions. Members will make every attempt to avoid situations that constitute a real or perceived conflict of interest. Members will ensure there is full disclosure to all parties should their ancillary interest be seen as a real or perceived conflict of interest.

4.2 **PROFESSIONAL COMPETENCE: Interpreters provide the highest possible quality of service through all aspects of their professional practice.**

4.2.1 Qualifications to Practice

Members will possess the knowledge and skills to support accurate and appropriate interpretation. It is recognized that Members work in a range of settings and with a variety of consumers. This demands that Members be adept at meeting the linguistic needs of consumers, the cultural dynamics of each situation, and the spirit and content of the discourse.

4.2.2 Faithfulness of Interpretation

Every interpretation shall be faithful to and render exactly the message of the source text. A faithful interpretation should not be confused with a literal interpretation. The fidelity of an interpretation includes an adaptation to make the form, the tone, and the deeper meaning of the source text felt in the target language and culture.

4.2.3 Accountability for Professional Competence

- a) Members will accept full responsibility for the quality of their own work and will refrain from making inaccurate statements regarding their competence, education, experience or certification.
- b) Members are responsible for properly preparing themselves for the work contracted.
- c) Members will accept contracts for work only after determining they have the appropriate qualifications and can remain neutral throughout the assignment.

4.3 ONGOING PROFESSIONAL DEVELOPMENT: Interpreters strive to continually expand their knowledge and skills.

4.3.1 Members will incorporate current theoretical and applied knowledge, enhance that knowledge through continuing education throughout their professional careers and will strive for national certification.

4.3.2 Members will aim to be self-directed learners, pursuing educational opportunities which are relevant to their professional practice. This could include but is not limited to peer review, collegial consultation, mentoring and regular feedback regarding specific areas of skill development.

4.4 NON-DISCRIMINATION: Interpreters approach professional services with respect and cultural sensitivity towards all participants.

4.4.1 Non-discrimination

Members will respect the individuality, the right to self-determination, and the autonomy of the people with whom they work. They will not discriminate based on ethnicity, gender, age, disability, sexual orientation, religion, personal beliefs and practices, social status or any other factor.

4.4.2 Communication Preferences

Members will respect and use the form of communication preferred by those deaf and hard of hearing consumers for whom they provide service.

4.4.3 Deaf Interpreters

The services of a Deaf interpreter may be required when working with individuals who use regional sign dialects, non-standard signs, foreign sign languages, and those with emerging language use. They may also be used with individuals who have disabling conditions that impact on communication. Members will recognize the need for a Deaf interpreter and will ensure their inclusion as a part of the professional interpreting team.

4.5 INTEGRITY IN PROFESSIONAL RELATIONSHIPS: Interpreters deal honestly and fairly with consumers and colleagues while establishing and maintaining professional boundaries.

4.5.1 Professional Relationships

Members shall understand the difference between professional and social interactions. They will establish and maintain appropriate boundaries between themselves and consumers. Members will assume responsibility to ensure relationships with all parties involved are reasonable, fair and professional.

4.5.2 Impartiality

- a) Members shall remain neutral, impartial, and objective. They will refrain from altering a message for political, religious, moral, or philosophical reasons, or any other biased or subjective consideration.
- b) Should a Member not be able to put aside personal biases or reactions which threaten impartiality, the Member will examine options available to them. This may include not accepting the work or withdrawing their services from the assignment or contract.

4.5.3 Respect for Colleagues

- a) Members will act toward colleagues in a spirit of mutual cooperation, treating and portraying them to others with respect, courtesy, fairness and good faith, etc.
- b) Members have a professional obligation to assist and encourage new interpreting practitioners in the profession.
- c) Members shall not abuse the good faith of other Members or be guilty of a breach of trust or unfair tactics or the use of unfair tactics.

4.5.4 Support for Professional Associations

Members shall support the Association, its affiliates, and other organizations representing the profession and the Deaf community.

4.6 INTEGRITY IN BUSINESS RELATIONSHIPS: Interpreters establish and maintain professional boundaries with consumers and colleagues in a manner that is honest and fair.

4.6.1 Business Practices

- a) Members will refrain from any unfair competition with their colleagues, including but not limited to: (a) engaging in comparative advertising (b) willfully undercutting; or (c) artificially inflating fees during times when market demand exceeds supply.

- b) Members will conduct themselves in all phases of the interpreting situation in a manner befitting the profession, including negotiating work and contracts, obtaining suitable preparation material, and choice of attire and professional demeanor.
- c) Members will honour professional commitments made when accepting work, and will follow through on their obligations. Members may not unilaterally terminate work or a contract unless they have fair and reasonable grounds to do so.
- d) Members shall take reasonable care of material and/or property given to them by a consumer and may not lend such or use it for purposes other than those for which it was entrusted to them.

4.6.2 Accurate Representation of Credentials

- a) Members shall not by any means engage in, nor allow the use of, statements that are false, misleading, incomplete, or likely to mislead consumers or members of the public.
- b) Members will refrain from making inaccurate statements regarding their competence, education, experience or certification. Only Members certified by the Association of Visual Language Interpreters of Canada (COI) or the Registry of Interpreters for the Deaf (CI/CT or CSC) may use the term "certified" in printed, electronic, signed or oral transmission. This may include, but is not limited to, interpreter directories, business cards and forms, promotional materials, resumes or publications they have authored.

4.6.3 Reimbursement for Services

- a) Members will bill only for services provided. Members will negotiate fees, including cancellation policies, preferably in writing or contract form before service is provided. Members will be sensitive to professional and community norms when establishing fees for services.
- b) Members may also provide bartered or pro bono service in situations where the profession of interpreting and the livelihood of other practitioners will not be threatened.

5 *STANDARDS, COMPLAINTS AND DISCIPLINARY PROCEDURES*

5.1 Constitution of the Professional Standards Committee

- 5.1.1** The Professional Standards Committee shall oversee standards, complaints and disciplinary action with regard to the professional and ethical conduct of Members of the Association according to Bylaw 3.7.
- 5.1.2** The Professional Standards Committee shall consist of at least three persons appointed by the Board.
 - a) The chair of the Professional Standards Committee shall be elected in accordance with Bylaw and shall oversee the disciplinary procedures outlined herein.
 - b) One member of this Committee shall serve as a resource to Members regarding ethical standards, professional guidelines and expectations, as well as procedures dealing with complaints and discipline outlined herein.

- c) One member of this Committee shall be responsible for educating the public and responding to public inquiries regarding ethical and professional guidelines in place to protect the public interest.

5.2 Duties of the Professional Standards Committee

The Professional Standards Committee:

- 5.2.1** Shall serve as a resource to Members and educate the public about ethical standards, professional guidelines and expectations, and about procedures dealing with complaints and discipline outlined herein.
- 5.2.2** Shall investigate and attempt to resolve complaints against Members regarding a Member's unethical and/or unprofessional conduct as outlined herein, and may impose disciplinary/resolution actions as outlined in Bylaw 5.7.
- 5.2.3** May appoint investigators internal or external to the Committee to collect information regarding complaints received.
- 5.2.4** Shall maintain a roster of Members who can be called upon to sit as members of mediation, review and disciplinary panels.
 - a) May refer the complaint to MEDIATION as outlined in Bylaw;
 - b) May appoint a Disciplinary Panel to conduct a disciplinary hearing and to recommend appropriate disciplinary/resolution actions as outlined in Bylaw.
- 5.2.5** In the absence of a formal complaint, the Professional Standards Committee may on its own motion investigate a Member regarding any of the following matters:
 - a) Contravention or failure to comply with the Constitution and Bylaws of the Association;
 - b) Contravention or failure to comply with the Code of Ethics and Guidelines for Professional Conduct of the Association;
 - c) Any type of professional misconduct;
 - d) Questions of the Member's competence to work as a visual language interpreter;
 - e) A physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the Member's ability to work as a visual language interpreter.
- 5.2.6** May submit for approval by the Board policies and procedures that are necessary for it to administer the applicable provisions of the procedures outlined herein.
- 5.2.7** Shall periodically review the Code of Ethics and Guidelines for Professional Conduct, propose changes as appropriate and submit such changes to the Board and Membership for approval.

5.3 Filing a complaint

- 5.3.1** A person who wishes to make a complaint against a Member shall deliver the complaint in writing (or video taped ASL) to the Chair of the Professional Standards Committee.

5.3.2 Complaints shall be filed within three years of the alleged incident or behaviour of concern to the complainant.

5.3.3 Upon receipt of a complaint, the Professional Standards Committee shall investigate the matter raised by that complaint as outlined herein as quickly as possible.

5.4 Complaint Procedure: Unethical or unprofessional conduct

5.4.1 Where a complaint is delivered to the chair of the Professional Standards Committee, the Committee shall investigate the matter raised by the complaint and seek to resolve the complaint as soon as possible after receipt of the complaint.

- a) The Professional Standards Committee may request the complainant and the Member who is the subject of an investigation under Bylaw 5.3 to provide any information regarding the matter under consideration.
- b) The Committee may appoint investigators to collect additional information pertinent to the complaint as per Bylaw 5.2.

5.4.2 After considering the complaint and any related information, the Professional Standards Committee may take one of the following disciplinary/resolution actions:

- a) Dismiss the complaint and take no further action if the Professional Standards Committee determines that the matter is trivial, frivolous, vexatious or made in bad faith or that the conduct or competence to which the matter relates is satisfactory;
- b) Refer the parties involved to mediation in an attempt to resolve the dispute and protect the public interest as outlined in Bylaw 5.5;
- c) Identify and impose appropriate disciplinary/resolution actions as outlined in Bylaw 5.7;
- d) May take action necessary to protect the public during the investigation of a Member or pending a hearing of the Disciplinary Panel if there is evidence of public risk, as outlined in Bylaw 5.6.

5.4.3 The Professional Standards Committee shall

- a) Notify a Member when s/he becomes the subject of an investigation under these procedures.
- b) Notify the Member and any complainant of the disposition of the investigation and any action taken.
- c) Retain a copy of all disciplinary/resolution agreements on file for a minimum of seven years.

5.4.4 In the event the Member refuses to comply with the disciplinary/resolution actions required by the Professional Standards Committee, a DISCIPLINARY PANEL will be established and the matter will be referred for a formal disciplinary hearing as outlined in Bylaw 5.8.

5.5 Mediation

Where the Professional Standards Committee determines that a further investigation and disciplinary action are not required and where the complainant and Member agree to mediation, the Professional Standards Committee may recommend that a complaint be mediated as outlined below.

- 5.5.1 Following a recommendation for mediation, the Professional Standards Committee shall appoint a mediator who is acceptable to both the complainant and the Member.
- 5.5.2 The mediator shall conduct the mediation process in accordance with the terms of a written mediation contract executed by the complainant and the Member.
- 5.5.3 Where an agreement between the complainant and the Member is reached through mediation, the terms of the mediation agreement shall be brought to the Professional Standards Committee for approval.
- 5.5.4 Where the terms of an agreement between the complainant and the Member requires the Member to take or consent to resolution action(s) referred to in Bylaw 5.7, and where the Professional Standards Committee considers the terms to be appropriate in the circumstances, the Committee may require the Member to comply with the action(s) prescribed in the mediation agreement.
- 5.5.5 Where an agreement is approved by the Professional Standards Committee, the Professional Standards Committee shall:
 - a) Report the resolution of the matter to the Board;
 - b) Monitor the Member to ensure compliance with the resolution actions agreed upon; and
 - c) Retain a copy of the mediation agreement on file for a minimum of seven years.
- 5.5.6 Where an agreement is not reached through mediation, the mediator shall refer the matter back to the Professional Standards Committee and may recommend that the Professional Standards Committee take one or more actions described herein.

5.6 Extraordinary action to protect the public

- 5.6.1 If the Professional Standards Committee has evidence that action is necessary to protect the public during the investigation of a Member or pending a disciplinary hearing, it may set limits, impose conditions or issue suspension.
- 5.6.2 If the Professional Standards Committee acts to protect the public, it shall notify the Member in writing of its decision, of the reasons for the decision and of the Member's right to appeal that decision to the Board.
- 5.6.3 A decision under this Bylaw is not effective until (a) the Member is notified under Bylaw 5.14 or (b) three days after the notice is sent by registered mail to the Member at the last address for the Member recorded in the register of the Association (whichever occurs first).
- 5.6.4 If the Professional Standards Committee determines that action taken under this Bylaw is no longer necessary to protect the public, it shall cancel the limits, conditions or suspension and shall notify the Member in writing of this as soon as possible.
- 5.6.5 A Member against whom action has been taken under this Bylaw may appeal the decision to the Board.

5.7 Resolution Options

- 5.7.1 In relation to a matter investigated, the Professional Standards Committee may impose one or more of the following resolution actions. The Committee may require that the Member agree:

- a) Not to repeat the conduct to which the matter relates;
- b) To take educational courses specified by the Professional Standards Committee;
- c) To work under supervision by a designated colleague or panel of colleagues;
- d) To consent to a reprimand;
- e) To consent to any other resolution action specified by the Professional Standards Committee

5.7.2 Resolution actions determined shall be submitted to the Member in writing with a request for the Member to sign a letter of agreement consenting to the decision.

5.7.3 Where a Member refuses to sign a letter of agreement consenting to the decision, the Chair of the Professional Standards Committee may appoint a Disciplinary Panel to conduct a disciplinary hearing regarding the matter in accordance with Bylaw 5.10.

5.8 Disciplinary Panel

5.8.1 A Disciplinary Panel shall adjudicate complaints against Members and conduct disciplinary hearings in accordance with this Bylaw when mediation and attempts by the Professional Standards Committee to resolve a complaint have failed.

5.8.2 The Chair of the Professional Standards Committee shall appoint a disciplinary panel, consisting of at least three members, one of whom must be a certified interpreter, to hear any matter set down for hearing by citation and shall designate one member to be the chair of that panel.

5.8.3 When a Disciplinary Panel has been appointed pursuant to this Bylaw, it may exercise all of the powers and duties assigned to the Professional Standards Committee.

5.8.4 No person may sit on the Disciplinary Panel when s/he is a member of the Professional Standards Committee.

5.8.5 No one named in the complaint or having any prior involvement in the complaint to be heard may sit on the Disciplinary Panel.

5.8.6 No member of the Board of the Association may sit on the Disciplinary Panel.

5.9 Citation for disciplinary hearing by Disciplinary Panel

5.9.1 Upon constitution, the Chair of the Professional Standards Committee shall issue a letter of citation:

- a) Identifying the affected Member as Respondent;
- b) Describing the nature of the complaint or other matter that is to be the subject of the hearing, including the particulars of any evidence in support of that subject matter;
- c) Specifying the time, date and place of the hearing;
- d) Advising the Respondent that the Disciplinary Panel has been established and is entitled to proceed with the hearing in her/his absence.

- 5.9.2** The Chair of the Professional Standards Committee shall have the letter of citation delivered to the Respondent by personal service or sent by registered mail to the last known address for that person not fewer than 30 days before the date of the hearing;
- 5.9.3** Where the subject matter of the letter of citation is a complaint, the Chair of the Professional Standards Committee shall notify the complainant in writing of the date, time and place of the hearing not fewer than 14 days before the date of the hearing.
- 5.9.4** The Chair of the Disciplinary Panel may direct the Professional Standards Committee to cancel a citation that has been issued on its direction if the Disciplinary Panel afterwards determines that a hearing is not required and the Chair of the Professional Standards Committee shall then cancel the citation and notify the Respondent and the complainant, if any, of the cancellation.
- 5.9.5** The Disciplinary Panel may:
- a) Join one or more complaints or other matters which are to be the subject of a disciplinary hearing in one citation as appropriate in the circumstances;
 - b) Sever one or more complaints or other matters which are to be the subject of a disciplinary hearing as appropriate in the circumstances;
 - c) Amend a citation issued under this Bylaw.
- 5.9.6** Where a citation is amended prior to a disciplinary hearing, the amended citation shall be delivered to the Respondent by personal service or sent by regular mail to the Respondent at the last known address for the person not fewer than 14 days before the date of the hearing.
- 5.9.7** Where a citation is amended prior to a disciplinary hearing as to the date, time or place of the hearing, the Chair of the Professional Standards Committee shall notify any complainant of the amendment not fewer than 14 days before the date of the hearing.

5.10 Disciplinary Panel hearings

- 5.10.1** The Disciplinary Panel shall hear and determine a matter which has been set for hearing by a letter of citation pursuant to Bylaw 5.9.
- 5.10.2** The Respondent, an investigator, any member of the Professional Standards Committee, or any other person authorized by the Disciplinary Panel may appear as parties and with counsel at a hearing of the Disciplinary Panel.
- 5.10.3** Information about the date, time and subject matter of the hearing shall be provided to any person on request.
- 5.10.4** A hearing of the Disciplinary Panel shall be in public unless:
- a) The complainant or the Respondent requests the Discipline Panel hold the hearing in private and
 - b) The Disciplinary Panel is satisfied that a private hearing would be appropriate under the circumstances.
- 5.10.5** At a hearing of the Disciplinary Panel:

- a) Testimony of witnesses shall be taken on oath, which may be administered by any member of the Disciplinary Panel and
- b) There shall be a full right to cross-examine witnesses and call evidence in defense and reply.

5.10.6 Where the Respondent does not attend, the Disciplinary Panel may:

- a) Proceed with the hearing in the Respondent's absence on proof of receipt of a letter of citation by the Respondent as per Bylaw 5.9, and
- b) Without further notice to the Respondent, take any action that it is authorized to take under these procedures.

5.10.7 The Disciplinary Panel may order a person to attend a hearing to give evidence and to produce records in the possession of or under the control of that person.

5.10.8 The Disciplinary Panel shall provide notice by registered mail or by personal service to a person who is required to attend a hearing.

5.10.9 All disciplinary hearings shall be recorded and any person may obtain, at her or his expense, a transcript of any part of the hearing which s/he was entitled to attend. If ASL is used, that testimony shall be recorded on video and held as part of the official record.

5.10.10 Where the Disciplinary Panel considers the action necessary to protect the public between the time a hearing is commenced and the time it makes a determination under this Bylaw, the Disciplinary Panel may set limits or conditions on the practice of visual language interpretation by the Member.

5.11 Disclosure

5.11.1 While a concern is being pursued by the Professional Standards Committee prior to establishing a Disciplinary Panel, all information shall be kept confidential within the Professional Standards Committee.

5.11.2 At the time a citation is issued pursuant to Bylaw 5.9 or at least 30 days before a disciplinary hearing is scheduled, the Chair of the Professional Standards Committee shall disclose to the Respondent all information in its possession relating in any way to the allegations set out in the citation, whether it be inculpatory or exculpatory of the conduct of the Member.

5.11.3 The Chair of the Professional Standards Committee shall make full disclosure. The information to be disclosed includes, but is not limited to:

- a) The particulars known regarding the Member's conduct;
- b) Proposed exhibits;
- c) A list of witnesses expected to be called;
- d) Copies of witness statements;
- e) The investigator's notes; and
- f) The originating complaint.

5.11.4 This Bylaw does not require information be released that is protected by a recognized form of privilege.

5.11.5 If privileged information is not disclosed in accordance with this Bylaw, the Chair of the Professional Standards Committee shall at the time a citation is issued or at least 30 days before the scheduled hearing advise the Respondent what information is not being disclosed and the reason why.

5.12 Action by the Disciplinary Panel

5.12.1 On completion of a disciplinary hearing, the Disciplinary Panel may take one or more of the following actions:

- a) Dismiss the matter;
- b) Reprimand the Respondent;
- c) Impose limits or conditions on the Respondent, including practicing under supervision for a defined period of time, additional education, etc.;
- d) Suspend the Respondent's membership in the organization for a designated period of time;
- e) Recommend the suspension of the Respondent's Certification of Interpretation for a designated period of time;
- f) Fine the Respondent an amount not to exceed \$25,000;
- g) Assess costs or part of the costs of the investigation into the Respondent's conduct and of the hearing of the citation.

5.12.2 An order of the Disciplinary Panel shall be in writing and shall be delivered to the Respondent and to the complainant, if any.

5.12.3 In determining the penalty to be imposed on a Member after making a determination on the facts, the Disciplinary Panel may consider previous relevant disciplinary decisions regarding the Member by the Association.

5.13 Appeal of Disciplinary Panel decision to the Board

5.13.1 A person aggrieved or adversely affected by an order of the Disciplinary Panel under Bylaw 5.12 may appeal, within 60 days, the order to the Board.

5.13.2 An appeal initiated under this Bylaw shall be served on all parties who were involved in a hearing leading to the discipline decision being appealed and, if the matter relates to a complaint, on the complainant.

5.13.3 On request by a party to an appeal and on payment by the party of any disbursements and expenses in connection with the request, the Chair of the Disciplinary Panel shall provide the party with copies of part or all, as requested, of the record of the proceeding before the Disciplinary Panel.

5.13.4 An appeal initiated under this Bylaw shall result in:

- a) A new hearing if there is no transcript/video of the proceedings in which the decision being appealed was made or
- b) A review of the transcript/video and proceedings if there is a transcript, unless the Board is satisfied that a new hearing or the admission of new evidence is necessary in the interests of justice.

5.14 Publication and notification of a decision

5.14.1 Where disciplinary proceedings result in the limitation or suspension of a Member's practice, after the expiry of the 60-day limitation period in Bylaw 5.13 or after the completion of any appeal, the Board may advise every Member of the Association:

- a) Name of the Respondent,
- b) Facts of the case,
- c) Reasons for the decision and
- d) Nature of the limitations or suspension and the date it is in effect.

5.14.2 Where disciplinary proceedings result in the limitation or suspension of a Member's practice, the Board may notify:

- a) Any associations or boards responsible for the regulation of the profession in all Canadian and US jurisdictions;
- b) The institution where the Member is employed or primary agencies/institutions through which the Member provides contract work;
- c) Any other regulatory bodies of which the Member is associated.

5.15 Retention of records

The Professional Standards Committee shall keep records of the discipline hearing and decision of the Discipline Panel for a period of not less than seven years, but if the circumstances warrant and after consulting with legal counsel, may keep these records for a longer period of time.