



PRACTICE GUIDANCE

Overview to Professional Practice

Approved by Council: March 20, 2015

The intent of this document is to provide an overview of professional practice expectations for members in the practice of professional forestry.

Practice guidance is developed and enforced under the authority of the Professional Foresters Act, 2000, Ontario Regulation 145/01 and Association By-laws.

PRACTICE GUIDANCE OVERVIEW TO PROFESSIONAL PRACTICE

FOREWARD

To all OPFA Members,

This practice guidance is a summary of the responsibilities that members have in the practice of professional forestry in Ontario. The document is based on the earlier document published in 2000 and has been updated to reflect changes to by-laws and other policies of the OPFA.

It is important that all members of the Association are familiar with this framework of legislation and professional values in undertaking professional forestry in the Province of Ontario. This framework is described briefly in the following pages, while more detail is provided in the source documents referenced.

Martin Neumann, President

PURPOSE OF THIS GUIDANCE

The purpose of this practice guidance is to provide all OPFA members with an overview of the responsibilities that they have as professionals in the practice of professional forestry.

This guidance outlines the professional framework to which professional foresters commit themselves in the carrying out of their day-to-day activities, both in the workplace and in the community. A responsibility of every OPFA member is to serve and protect the public interest. While this document has been developed primarily for members, it also sends a message to the general public regarding the commitment held by professional foresters to maintain high professional standards during the practice of professional forestry.

Professional forestry in Ontario is a self-regulating profession under the *Professional Foresters Act, 2000*. The Ontario Ministry of Natural Resources and Forestry delegated regulation of the profession to the OPFA. By definition, professional reliance is the delegation of decision-making responsibilities to a defined group of professionals; requiring the professionals to exercise discretion and judgment, all within the standard and accountability framework set out by the professional associations and government legislative requirements.

A professional cannot have responsibility without accountability. Professional standards provide the foundation upon which professional accountability may be achieved while protecting the public interest and ensuring their trust in the professional.

OPFA members are accountable for their actions. A key factor in maintaining accountability is a member's knowledge of, and use of, practice guidance provided by the OPFA. This document will assist OPFA members in conducting their professional practice in a manner combining responsibility, professional ethics, scientific knowledge and experience.

Throughout their professional practice, members will experience a climate of continuous change. Such change will demand on-going review and personal development in order to continue to provide quality professional forestry practices and services.

PRACTICE GUIDANCE

Practice Guidance - Overview to Professional Practice summarizes the framework of the legislation and professional values within which all OPFA members operate. The components of this framework include:

- The Professional Foresters Act, 2000
- Regulation 145/01: Part I - Code of Ethics
- Regulation 145/01: Part II - Professional Misconduct
- OPFA By-Laws Article 13.4 - Standards of Professional Practice
- OPFA By-Laws Article 14 sub(1-18) - Competency Support Program
- Practice Guidance documents

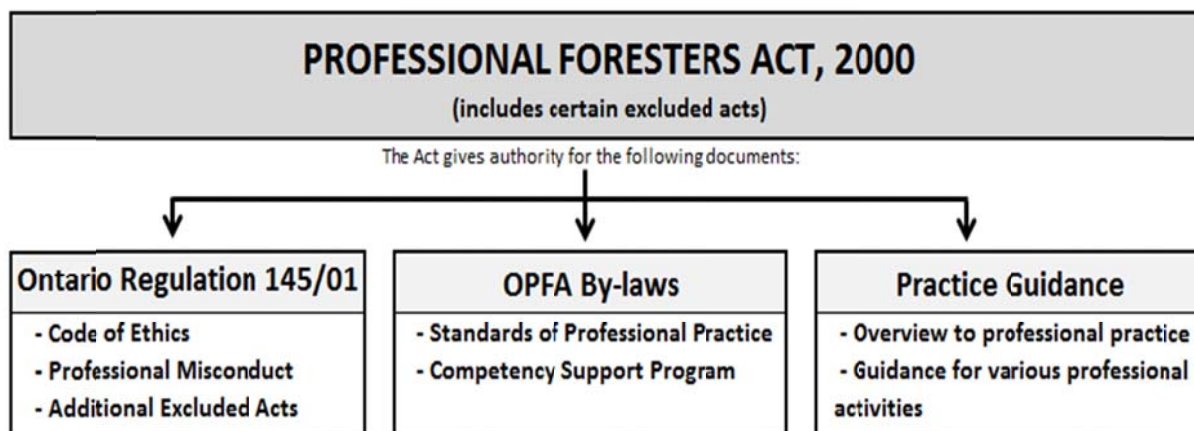
LEGISLATIVE FRAMEWORK

Professional forestry in Ontario is a self-regulating profession under the *Professional Foresters Act, 2000* (the “Act”). The Ontario Ministry of Natural Resources and Forestry delegated regulation of the profession to the OPFA. The Act includes clauses authorizing Council to:

- make regulations (subject to the approval of the Lieutenant Governor in Council);
- to pass by-laws; and
- to establish, maintain, develop and enforce standards of qualification and standards of practice for the practice of professional forestry (Practice Guidance)

The hierarchy of the Act and supporting legal framework documents are illustrated below. A brief summary of the practice guidance in each document follows.

HIERARCHY OF LEGAL AUTHORITY



PROFESSIONAL FORESTERS ACT, 2000

The *Professional Foresters Act, 2000* (the “Act”), established professional forestry as a self-regulating profession in Ontario. This type of legislation is commonly referred to as “right to practise” legislation which means that any person conducting professional forestry activities in Ontario must be a registered member, or be supervised by a member, or be excluded from the definition of professional forestry pursuant to the Act or Regulations.

The Act establishes the Ontario Professional Foresters Association (OPFA) as the association responsible for the regulation of the practice of professional forestry in Ontario. It must be noted that the main object of the OPFA as set out in the legislation is as follows:

“to regulate the practice of professional forestry and to govern its members in accordance with this Act, the regulations and by-laws in order that the public interest may be served and protected”.

The serving and protection of the public interest is the over-riding responsibility of the OPFA and its individual members.

The Act also provides for the establishment and functioning of three independent committees. The Discipline Committee holds proceedings in a public forum, while the Registration Committee and the Complaints Committee are internal OPFA committees.

The Act provides for the establishment of by-laws for a number of additional regulatory functions including professional liability insurance and conflict of interest.

A copy of the *Professional Foresters Act, 2000* is available on the Ontario Government e-laws site at: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_00p18_e.htm

REGULATION 145/01: PART I – CODE OF ETHICS

A Code of Ethics is defined as “an organized group of behaviour guidelines which govern the day-to-day activities of a profession or organization.”

The Code of Ethics for members of the Ontario Professional Foresters Association is a component of Ontario Regulation 145/01 under the *Professional Foresters Act, 2000*. It forms part of the OPFA’s governing legislation and observance of it is a legal requirement of membership in the OPFA.

The Code speaks to the observance of the duties of the profession, the requirement to honour their professional responsibilities and to embrace the values enshrined in the Code. A copy of the Code can be found in Appendix 2 of this guidance document, and is located at: <http://www.opfa.ca/regulation-enforcement/regulation-profession/legislation/regulations>

REGULATION 145/01: PART 2 - PROFESSIONAL MISCONDUCT

The definition of what constitutes professional misconduct is a component of Regulation 145/01 under the *Professional Foresters Act, 2000*. It forms part of the OPFA's governing legislation, and observance of it is a legal requirement of membership in the OPFA.

The knowledge and recognition of what constitutes professional misconduct is a requirement for every OPFA member and therefore is an important piece of this practice guidance. It is expected that all members will exercise generally accepted standards of practice and procedures in the performance of professional forestry services. These standards and procedures are further defined in OPFA By-law Article 13.4 and in association practice guidance.

Members are also responsible for the conduct of their employees or agents and for the suitability and quality of the performance of their acts. A member is guilty of professional misconduct if an employee or agent of the member does or omits to do anything that, if done or omitted by a member, would constitute professional misconduct.

A copy of the definitions of what constitutes professional misconduct is found in Appendix 2 of this guidance document, and is located at:

<http://www.opfa.ca/regulation-enforcement/regulation-profession/legislation/regulations>

OPFA BY-LAWS ARTICLE 13.4 - STANDARDS OF PRACTICE

Professional Standards of Practice outline how a member goes about his or her work and are the minimum expectations for the profession. They are relevant to the application of professionally accepted methodologies and procedures in both obtaining and interpreting information in the course of practicing professional forestry.

They are also applicable to professional conduct and action. It is reasonable to say that any employer who hires an OPFA member shall expect the adherence by the member to the published association standards of practice.

Standards of Practice are distinct from technical standards that may be imposed by legislation or specified by an owner or employer. Silvicultural standards and guidelines are examples of technical standards. These are associated with professional activities and are the prerogative of the client. Professional standards and actions do need to conform to legislative requirements.

Standards of Practice represent an evolution or extension of the existing code of ethics, binding OPFA members to a set of professional standards to be used in the working environment. On June 5, 2002, Council approved By-Law Article 13.4 – a by-law respecting the principles and standards of practice for the practice of professional forestry. This by-law was approved in accordance with the *Professional Foresters Act 2000*, which provides the opportunity for Council to pass by-laws for this purpose. By-Law Article 13.4 was further amended by Council and subsequently confirmed by the Members at the Annual General Meeting on April 24, 2014.

Standards of Practice flow from the Standards of Professional Conduct. Copies of both are available in Appendix 4 and Appendix 3 (respectively) of this guidance document and at: <http://www.opfa.ca/regulation-enforcement/regulation-profession/legislation/laws>

OPFA BY-LAWS ARTICLE 14 sub (1-18) - Competency Support Program

The *Professional Foresters Act, 2000* requires each active member to maintain their overall professional competence and to ensure they are capable of performing at a high professional level within one's personal area of practice or expertise.

The Competency Support Program approved by Council in September 2001 requires that competency maintenance be addressed through a combination of learning involving general forestry (legislation and policy) as well as that required for the maintenance/enhancement of one's personal competency.

Implementation and annual reporting requirements were also established. The program was designed to provide considerable flexibility in how the requirements could be met and take into account the many and varied occupations, locations and circumstances of the current membership. The program builds on the value of "Commitment to Learning" identified in the Code of Ethics (see Appendix 2 of this practice guidance).

All members in the Full, Non-Resident and Associate membership categories are expected to comply with all continuing education requirements as per the approved By-laws (Appendix 5 of this practice guidance, and <http://www.opfa.ca/regulation-enforcement/regulation-profession/legislation/laws>) and relevant approved practice guidance.

PRACTICE GUIDANCE DOCUMENTS

Practice guidance documents are to be used by members to assist them in making decisions with respect to certain specific situations that they may encounter in their professional practice.

Guidance is provided to members related to certain situations encountered during professional forestry practice (i.e. supervision), as well as general professional practice guidance (i.e. documentation of activities and communication, use of professional seal, etc.).

These documents should not be construed as dictating an exclusive course of action. Variations in practice may be warranted based on the specific circumstances. In all instances, it is expected that decisions and choices will be well documented by members.

Practice guidance will be issued by the OPFA on an "as required" basis and will be reviewed periodically and revised when necessary. Guidance documents may be downloaded from the OPFA website for reference and use by members at:
<http://www.opfa.ca/regulation-enforcement> .

This document has been developed in order to provide members with guidance with respect to responsibilities of membership in order to serve and protect the public interest. Members are encouraged to contact the Executive Director of the OPFA should they wish to discuss specific applications of this practice guidance document.

OPFA LEGISLATION, REGULATION AND BY-LAW REFERENCES

Appendix 1 – Professional Foresters Act, 2000

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_00p18_e.htm

Objects

5. (1) The principal object of the Association is to regulate the practice of professional forestry and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected. 2000, c. 18, s. 5 (1).
- (2) For the purpose of carrying out its principal object, the Association has the following additional objects:
 2. To establish, maintain and develop standards of knowledge and skill for members.
 3. To establish, maintain, develop and enforce standards of qualification and standards of practice for the practice of professional forestry.
 5. To establish, maintain, develop and enforce standards of professional ethics for members.

By-laws

53. (1) The Council may pass by-laws,
 31. prescribing and governing standards of practice for the practice of professional forestry;

Appendix 2 - Regulation 145/01: Part I - Code of Ethics

<http://www.opfa.ca/regulation-enforcement/regulation-profession/legislation/regulations>

An excerpt from the Code of Ethics is provided which includes examples of the application of these values in the context of professional forestry:

1. (1) A professional forester shall be governed by the Code of Ethics set out in this section in carrying out his or her professional duties.
 - (2) A member of the Ontario Professional Foresters Association observes the duties of the profession and honours his or her duties to citizens, employers and clients, fellow members and Ontario's forests by embracing the following values:

FIDELITY: A member works in the interest of and with fidelity to citizens, employers, clients and fellow members and provides services that are specifically related to the objectives and requirements of the employer or client.

INTEGRITY: A member is obligated to disclose any direct or indirect pecuniary interests related to the work undertaken in his or her professional capacity and take active measures to prevent the perception of any conflict of interest.

CREDIBILITY: A member shall undertake only work that he or she is competent to perform by virtue of their training and experience and, where advisable, shall retain and cooperate with other professional foresters and specialists and, further, shall endorse only those plans, reports, maps and specifications that he or she produces or directly supervises.

CONFIDENTIALITY: A member shall hold as confidential, information concerning the business affairs, technical methods, processes or practices of employers or clients, and shall only disclose such information with the consent of the employer or client or where required to do so by law.

DILIGENCE: A member shall disclose to his or her employer or client the consequences of any action that may be harmful to their interests or the interests of any other party.

RESPECT: A member shall maintain the honour and integrity of the profession and act at all times with responsibility and dignity. A member is respectful of other professional foresters and behaves with courtesy and good faith towards them, and celebrates the accomplishments of other professional foresters.

COMMITMENT TO LEARNING: A member shall dedicate himself or herself to continuous improvement of their forestry science skills and use their knowledge and skills to aid public awareness of forestry in Ontario.

Appendix 3 - Regulation 145/01: Part II - Professional Misconduct

<http://www.opfa.ca/regulation-enforcement/regulation-profession/legislation/regulations>

For the purposes of the *Professional Foresters Act, 2000* and this practice guidance, professional misconduct includes:

1. An act or omission inconsistent with or contravening the Act, regulations or the by-laws of the Association.
2. Failing to maintain a standard of practice of the profession or contravening a standard of practice of the profession.
3. Practicing the profession while the member's ability to do so is impaired by any substance.
4. Failing to fulfill the terms of an agreement with a client or employer.
5. Revealing information concerning any professional service or any property which is the subject of a professional service, to any person other than the client or employer, or another member engaged by the client or employer, except with the consent of the client or employer or when authorized or required to do so by law.
6. Providing, or attempting or offering to provide, services that are not reasonably useful or needed unless specifically requested by the client or employer, and failing to advise the client or employer that the services are not reasonably useful or needed.
7. Making a misrepresentation to a client or employer, or a prospective client or employer, or, in a professional capacity, to a third party.
8. Abusing a client or employer, or a client or employer's agent, verbally, physically or emotionally.
9. Misappropriating property from a client, employer or workplace.
10. Making a claim respecting the utility of services other than a claim, which can reasonably be supported as professional opinion.
11. Guaranteeing a result, or making a statement which a client or employer would reasonably understand as a guarantee of a result.
12. Charging a fee that is excessive in relation to the services performed.
13. Charging a fee for an unperformed service, except a fee for an appointment missed without at least twenty-four hours notice.
14. Adding a charge to a disbursement.
15. Knowingly submitting a false or misleading account or charge for professional services.
16. Failing to issue a statement or receipt when a statement or receipt is requested by a client or employer.
17. Failing to itemize the services provided, the fees therefore, and the disbursements charged, when an itemized account is requested by a client or employer.
18. Reducing, or offering to reduce, an account for prompt payment without notifying the client of the terms of reduction before providing the pertinent service.

19. Charging interest on an account without notifying the client of the terms of the interest before providing the pertinent service, except where interest has been granted by a court.
20. Discontinuing professional services unless,
 - the client requests the discontinuation,
 - alternative or replacement services are arranged with the concurrence of the client, or
 - the client is given a reasonable opportunity to arrange alternative or replacement services or agrees with the discontinuation
21. Selling or assigning any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services
22. Having a conflict of interest.
23. Influencing a client or employer to change his or her will or other testamentary instrument.
24. Inappropriately using a term, title or designation in respect of the member's practice.
25. Using a name other than the member's name, as set out in the register, in the course of providing or offering to provide services within the scope of practice of the profession except where the use of another name is necessary for personal safety and provided the employer and the Association have been made aware of the pseudonym and the pseudonym is distinctive.
26. Failing to make or maintain records required by the Act, regulations or by-laws of the Association, or that are appropriate to professional services offered.
27. Falsifying a record regarding professional services or relating to the member's practice.
28. Failing to abide by a term, condition or limitation of a certificate of registration.
29. Failing to direct or supervise, or inadequately directing or supervising, an unregistered person.
30. Permitting, directing, counselling or assisting any person, other than a qualified member, to perform any act or function that should properly be performed by a qualified member.
31. Permitting, directing, counselling or assisting a member, student, or other management team member to perform professional forestry or other functions for which he or she is not adequately trained or that he or she is not competent to perform.
32. Failing to inform the member's client or employer of the member's inability to accept responsibility in areas where special training is required or where the member is not competent to function without supervision.
33. Failing to advise a client or employer to obtain services from another forestry professional where a member knew or ought to have known that the client or employer required services that were outside the member's scope of practice or within the member's scope of practice but outside the member's competency to perform.
34. Directly or by implication representing any person to be a member who is not a member.
35. Signing a report, plan or other document that contains a statement that the member knows or ought to know is false, misleading or otherwise improper.
36. Signing a report, plan or other document without ascertaining, or taking reasonable measures to determine, the accuracy or its contents.
37. Permitting a report, plan or other document to be issued in the member's name, or without his or her concurrence, without personally signing it.
38. For any purpose related to the practice of professional forestry,
 - retaining or using the services of;
 - employing or being employed by;
 - maintaining a partnership or association with;
 - directly or indirectly receiving, making or conferring any remuneration or benefit from or to; or,

- Sharing or occupying space with a person whose registration is suspended or has been revoked or cancelled, except with the prior written consent of the Executive Committee and subject to the terms of that consent.
39. Failing to reply appropriately or within a reasonable time to a written inquiry received from the Association.
 40. Failing to take reasonable steps to ensure that the requested information is provided in a complete and accurate manner where a member is required to provide information to the Association pursuant to the Act, regulations or the by-laws of the Association.
 41. Failing to appear before the Complaints Committee to be cautioned or admonished, or failing to comply with an order of the Complaints Committee.
 42. Failing to comply with an order of a panel of the Discipline Committee.
 43. Failing to cooperate in an Association investigation.
 44. Failing to abide by a written undertaking given by the member to the Association or to carry out an agreement entered into with the Association.
 45. Failing to report an incident of professional misconduct, unskilled practice of forestry or unethical conduct of a member to the Association.
 46. Making any statement, orally or in writing, calculated to belittle or injure the professional reputation of another member, or unnecessarily commenting adversely upon any professional act of another member.
 47. Touting or, except as permitted by this regulation, soliciting professional business.
 48. An act or omission relevant to the practice of professional forestry that, having regard to the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional conduct.
 49. Failing to be responsible for the conduct of the member's employees or agents and for the suitability and quality of their acts.
 50. An act done or omission made by an employee or agent of the member that, if done or made by the member, would constitute professional misconduct.

For the purposes of this component of the Practice Guidance;

"Conflict of Interest" includes an arrangement or relationship between the member or a related person and a person where it could be reasonably concluded that the exercise of the member's professional expertise or judgment is or may be influenced by the member's personal financial interest. *Conflict of Interest* may also include situations where a member who is a member of a statutory committee such as the Complaints Committee may find themselves in a situation where the subject matter is related to an individual that they are related to or have a personal or professional association with that would prevent them from ensuring complete objectivity in their deliberations as a committee member.

Related person" means a person connected with a member by blood relationship, marriage or adoption, and,

- persons are connected by blood relationship if one is the child or other descendent of the other or one is the brother or sister of the other,
- persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other,
- Persons are connected by cohabitation if they live together in a conjugal relationship, whether inside or outside of marriage, and
- Persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship, except as a brother or sister, to the other.

Appendix 4 – OPFA By-Laws: Article 13.4 - Standards of Practice

<http://www.opfa.ca/regulation-enforcement/regulation-profession/legislation/laws>

Standard 1- Conforming to Legislation

A member of the Association shall undertake activities in conformity to all relevant legislation and regulations and in consideration of all guidelines and shall ensure the client is informed.

Standard 2 – Understanding of Ecological Processes and Principles

A member of the Association shall advocate and practice forest land management consistent with ecologically sound principles.

Standard 3 - Competency

A member of the Association shall undertake only such work, as he/she is competent to perform by virtue of training and experience.

Standard 4 – Information Used

A member of the Association shall ensure that the type, currency and reliability of information are suitable for the intended purposes.

Standard 5 – Communication with Clients

A member of the Association shall provide the client with explicit and viable forestry options, within the standards of practice, to meet the client's stated objectives.

A member shall inform the client of:

- The existence of applicable legislation and guidelines,
- The forestry related social, economic and environmental outcomes expected with a selected option,
- The likelihood of the planned activities in meeting stated objectives, and
- The most probable spatial and temporal changes in the forest resulting from planned activities.

Standard 6 Monitoring

A member of the Association in prescribing actions shall provide for a continuing evaluation of activities and assessment of results, where appropriate.

All of the Professional Standards have been developed to meet certain criteria. These are:

- They must be capable of being measured in an objective and measurable manner.
- They must apply to all members independent of their level or nature of employment.
- They must be enforceable, for without they have no meaning.
- They must be linked to and be consistent with the Code of Ethics.

Appendix 5 – OPFA By-Laws: Article 14 – Competency Support Program

<http://www.opfa.ca/regulation-enforcement/regulation-profession/legislation/laws>

<p>Article 14.1 – Purpose: Competency Support Program The purpose of the Competency Support Program is to ensure that Members of the Association remain informed and current with respect to the knowledge and skills necessary to practice professional forestry in Ontario in a safe competent and ethical manner and for Members to constantly enhance their quality of practice.</p>
<p>Article 14.2 – Member Participation Every Full, Associate and Non-Resident Member of the Association is required to fulfill the requirements set out in this Article.</p>
<p>Article 14.3 – Member Cooperation Every affected Member shall cooperate with the Association with respect to the Competency Support Program which includes continuing education and quality assurance components.</p>
<p>Article 14.4 – Member Competency Maintenance Every affected Member shall ensure awareness of technical standards and acceptable practices that relate to the area of professional forestry in which the Member practices or intends to practice and every Member shall maintain competency in each area of professional forestry in which the Member practices.</p>
<p>Article 14.5 – Program Components The following are prescribed as the key components of the Competency Support Program:</p> <ul style="list-style-type: none">a) Personal Practice Focus,b) Learning Plan,c) Continuing Education,d) Recording and Reporting,e) Peer Review,f) Audit, andg) Practice Assessment <p>Elements and Members' obligation commence at such time and with such administrative processes as Council approves.</p>
<p>Article 14.6 – Personal Practice Focus Every Member shall create, as a condition of registration and at least once every three years and in conjunction with any major job change, a record of their Personal Practice Focus in accordance with the forms and requirements approved by Council.</p>
<p>Article 14.7 – Learning Plan Every Member shall, at least once every three years, develop a written Learning Plan reflecting their Personal Practice Focus, in accordance with the forms and requirements approved by Council, which considers:</p> <ul style="list-style-type: none">1. environmental, technological and other changes in their area of current and/or planned practice,2. areas in which the Member wishes to excel,3. general awareness of issues and trends in professional forestry beyond the area of current and planned practice, and4. continuing professionalism and ethics and sets out the manner in which the Member plans to acquire necessary knowledge and skills
<p>Article 14.8 – Continuing Education Activities Every Member shall undertake the continuing education activities necessary for him or her to maintain competency and make reasonable effort to meet other objectives in their Learning Plan.</p>
<p>Article 14.9 – Minimum Hours Every Member shall accumulate a minimum of sixty (60) hours of relevant continuing education activities during every rolling three-year period, plus such further learning as is suggested by their Learning Plan and shall retain a record of the nature of these learning activities and shall annually report the activities in the manner established by Council.</p>
<p>Article 14.10 –Initial Rolling Three-Year Period The Member's first rolling three year period and first year for required reporting of Continuing Education hours, shall commence on December 1st following the date when the Member became registered in the Full Membership or Associate Membership category.</p>

Article 14.11 – Record Retention

Every Member shall retain their records relating to Personal Practice Focus, Learning Plan and Continuing Education Activities for at least seven (7) years and shall annually report the activities in the manner established by Council.

Article 14.12 – Records to Association Upon Request for Audit

Every Member shall provide or provide access to their Personal Practice Focus, Learning Plan and Continuing Education Activities records to the Association upon request, for audit purposes. Members shall cooperate with Audits of their records.

Article 14.13 – Peer Review and Practice Assessment

Every Member who is selected to participate in a peer review or assessment of their practice shall participate in the manner established by the Council and shall cooperate with any peer or any assessor appointed or approved by the Association. Such cooperation shall include providing access to or copies of documents related to the Personal Practice Focus, Learning Plan, Annual Records and to the practice of the Member, answering oral or written questions, participating in evaluations or assessments, providing access to the Member's premises and records, distributing survey forms to colleagues and clients, providing access or introductions to colleagues or clients and/or allowing the peer or assessor to accompany the Member when and where appropriate on their work.

Where the results of a peer review or assessment indicate that a Member has gaps relevant to their practice, in their knowledge, skill or judgment, the Member shall remediate those gaps in the manner and timelines agreed to with the Association. Should an agreement not be reached, the Association, bearing in mind matters raised by the Member, may specify actions the Member shall take to remediate the gap. The Association may, if warranted, require the Member to undertake not to perform practice activity relevant to the gap(s).

Article 14.14 – Respect for Privacy

In administering the Competency Support Program, the Association shall respect, to the extent reasonably possible, the Member's right of privacy and shall treat materials as confidential to the Member and/or employer.

Information discovered in the administration of the program shall not be used in a disciplinary process. However, in egregious instances, the Registrar may be advised of reasonable and probable grounds to initiate a separate investigation.

Article 14.15 – Suspension for Non-Compliance

Subject to Article 15, the Registrar may suspend the certificate of registration of a Member who does not fulfill any one or more of their obligations relating to the Competency Support Program, without reason acceptable to the Registrar.

Article 14.16 – Application for Reinstatement

A Member whose certificate of registration has been suspended under this Article within the previous two years may apply, in writing, to the Registrar to request that the suspension be lifted.

Article 14.17 – Test for Reinstatement

The Registrar shall lift the suspension and any limit imposed on a certificate of registration under this Article if the Registrar is satisfied that the Person has fulfilled all of their obligations related to the Competency Support Program and has paid any outstanding fees and met any other outstanding obligations to the Association and there is no other valid reason for denying reinstatement.

So long as it does not result in allowing a Member to practice in an area beyond their current competence and despite Article 14.15, the Registrar may lift the suspension and any limit imposed on a Member's certificate of registration under this Article if the Registrar is satisfied that the Member has embarked on a satisfactory process to meet the obligation.

Article 14.18 – Where No Action Taken

If, at the end of two years from the date of suspension, the reasons for suspension have not been resolved, the certificate shall be cancelled.