



**BY-LAWS**

**OF THE**

**MANITOBA INSTITUTE OF AGROLOGISTS**

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## Article I - NAME

The corporation shall be known as the "Manitoba Institute of Agrologists".

## Article II - DEFINITIONS

All definitions in subsection I (1) of The Agrologists Act, and any other terms defined by the Act, apply to these by-laws. Unless the context otherwise requires, the following additional definitions apply:

**AIT-** abbreviation for agrologist-in-training, for the purpose of these by-laws only. This abbreviation shall not be used to designate membership.

**MIA-** abbreviation for Manitoba Institute of Agrologists.

**Branch-** a local component of the MIA provided for under Article XIV for the purpose of providing services to members and for providing a basis for determining representation on Council of the institute as provided for in Articles IX and X.

**Committee-** a body established by Council and given responsibility for a specific task or tasks defined by terms of reference.

**Council** – the council of management of the institute as provided for in Section 6 of the Agrologists Act.

## Article III - OBJECTS

The objects of the institute shall be:

1. To make the profession of agrology of increasing service to the agricultural industry and the community as a whole by:
  - (a) promoting the highest standards of excellence in research, education, extension and all forms of public service.
  - (b) maintaining high standards of knowledge, integrity and ethics.
  - (c) promoting greater co-ordination among members in their efforts to improve conditions in the agricultural industry.
  - (d) protecting the industry from exploitation by unqualified, dishonest or fraudulent practitioners.

2. To attain recognition for the profession of agrology by developing an understanding and appreciation of its role by members, by farmers, by all other members of the agricultural industry and by the members and representatives of other professions and industries.
3. To advance the professional and economic status of members.
4. To act as a voice on behalf of the profession,

#### **Article IV - MEMBERSHIP**

1. Policies and procedures regarding applications for admission and registration will be administered by the Admission and Registration Committee of Council.
2. Council will establish Terms of Reference for the Admission and Registration Committee including its composition.
3. A person who meets one of the following criteria shall be entitled, upon payment of the fees indicated in Article VIII, and upon approval by Council, to be registered as an agrologist, to receive a certificate of membership as provided for in Article V, and to use the designation agrologist or P.Ag.
  - (a) a graduate with a degree in agriculture from the University of Manitoba or of a university or college approved by Council or is the holder of a degree that is considered by Council to be equivalent of a degree in agriculture from the University of Manitoba, and who has met the requirements for AIT, as provided in Section 7.
  - (b) a person who is a registered member with full status of another institute having standards of qualifications for membership acceptable to Council and who produces a certificate of membership in good standing in such body, and an application for transfer of registry.
  - (c) a person who, establishes equivalent academic qualifications as set out in Article VII, is deemed by Council to have knowledge equivalent to a graduate of the Faculty of Agricultural and Food Sciences, University of Manitoba holding a bachelor degree and who has met the requirement for AIT, as provided in Section 7.
4. A Professional Agrologist shall have the following rights and privileges:
  - (a) the right to practice agrology in accordance with the code of ethics.
  - (b) the use of the title agrologist or Professional Agrologist or P. Ag.
  - (c) the right to attend and participate in all MIA activities and functions, including the right to vote.
  - (d) the right to participate on MIA committees and to hold office,

(e) the right to participate in all group insurance programs available to agrologists.

(f) the entitlement to all publications, newsletters, and other mailings which are sent to agrologists.

(g) a Professional Agrologist membership card.

5. A person who meets one of the following criteria shall be entitled, upon payment of the fees indicated in Article VIII, and upon approval by Council, to be registered as a technical agrologist, to receive a certificate of membership as provided for in Article V, and to use the designation Technical Agrologist or Tech Ag,
- a) a graduate with a diploma in agriculture from the University of Manitoba or from a university or college approved by Council or is the holder of a diploma that is considered by Council to be equivalent of a diploma in agriculture from the University of Manitoba, and who has met the requirements for TAIT, as provided in Section 7.
  - b) a graduate with a diploma in agri-business from Assiniboine Community College or from a university or college approved by Council or is the holder of a diploma that is considered by Council to be equivalent of a diploma in agri-business from Assiniboine Community College, and who has met the requirements for TAIT, as provided in Section 7.
  - c) a person who, establishes equivalent academic qualifications as set out in Article VII, is deemed by Council to have knowledge equivalent to a graduate of the Faculty of Agricultural and Food Sciences, University of Manitoba, holding a diploma in agriculture or a diploma in agri-business from Assiniboine Community College and who has met the requirement for TAIT, as provided in Section 7.
  - d) for the purposes of establishing the equivalency of any agricultural diploma programs not specifically identified above, Council may request a report from the Dean of the Faculty of Agricultural and Food Sciences at the University of Manitoba, or the Dean's designate or the Academic Director of the Agriculture and Environment Division at Assiniboine Community College or the Director's designate confirming that the diploma program is
    - I. a minimum two year program in an agricultural discipline at a post-secondary educational institution having membership in the Canadian Association of Diploma Agriculture Programs
    - II. includes a component of general agricultural courses including at least two of soils, crops and livestock in addition to the area of specialization
    - III. is generally equivalent, in terms of number of hours of lectures and laboratories and level of knowledge required to earn the diploma, to the diploma in agriculture from the University of Manitoba or the diploma in agri-business from Assiniboine Community College

e) where it is determined that a diploma program is considered equivalent as set out in d) above the name of the program and the granting institution shall be recorded in this section for future reference. Programs approved to date include: GIS Environmental Technologies & Land and Water Management Diploma from Assiniboine Community College.

6. A Technical Agrologist shall have the following rights and privileges:

- a) the right to practice agrology in accordance with the code of ethics
- b) the use of the title Technical Agrologist or Tech Ag
- c) the right to attend and participate in all MIA activities and functions, including right to vote
- d) the right to participate on MIA committees and hold office
- e) the entitlement to all publications, newsletters and other mailings
- f) the right to participate in all group insurance programs available to agrologists.
- g) a Technical Agrologist membership card

7. Notwithstanding anything stated in Section 1 or 3 of Article IV of the By-Law, Council may refuse to grant membership to any applicant whom Council considers to have inadequate training or who cannot meet the requirements of the institute's code of ethics as outlined in Article XIX.

(b) the granting of membership to an applicant shall be construed to be an undertaking by the applicant to conform to all by-laws, rules, regulations and requirements of the institute.

(c) a member who is in arrears with annual fees for a period of two months after the beginning of the financial year shall be deemed to have forfeited membership in the institute. The members name shall be removed from the register subsequent to third and final notice of fees due and payable, by registered mail, to the member's last known address. Application for readmission will be considered only upon payment of the annual membership fee applicable on February 1 and a reinstatement penalty equal to 20% of the then current annual fees.

(d) A member may request the Registrar to be placed on an inactive membership list for circumstances such as maternity leave, paternity leave, education leave or other circumstances which may be approved by the Registrar.  
Upon returning to active duty, the person shall request to the Registrar in writing to be returned to the active Membership list. The prorated MIA annual fee shall be due on reinstatement of the member to the active membership list.  
An annual \$50.00 MIA processing fee is required to maintain temporary inactive membership status.

(e) costs incurred by the institute in order to obtain compliance of the membership requirements of The Agrologists Act may be charged back in whole or in part to offending individuals at the discretion of Council or as instructed by the court.

8. Applications for membership in the institute shall be evaluated according to the following guidelines to determine whether the applicant is granted membership as either a professional agrologist or technical agrologist or be required to participate in either the agrologist-in-training or technical agrologist-in-training program.
  - (a) an applicant with no former membership in any institute of agrologists.
    - (i) an applicant with an acceptable degree or diploma with less than three years related working experience will be designated an AIT or TAIT.
  - (b) an applicant having AIT or junior member status in another institute recognized by MIA who applies for transfer of membership to MIA and who, with approval of Council, satisfies the requirements for P. Ag or Tech Ag status in the other institute, will be granted membership as an agrologist or technical agrologist as the case may be, in MIA. Where it is expected that it will take more than one year to satisfy the requirements for AIT in the other institute, the applicant will be designated an AIT.
  - (c) an applicant transferring from an institute of agrologists, or equivalent, outside of Canada will be designated an AIT.
  - (d) an applicant who previously held membership in MIA, or another institute of agrologists, but whose membership has been discontinued will be reviewed by the Admission & Registration Committee and may, at the discretion of Council, be granted membership as a P. Ag, AIT, T. Ag, or TAIT.
  - (e) an applicant who held AIT or junior member status at the time membership was discontinued will be designated an AIT.
9. An applicant designated an AIT or TAIT will have the right to appeal to Council.
10. All guidelines and requirements of the program for an AIT or TAIT shall be approved by Council.
11. An AIT or TAIT shall have the following rights and privileges:
  - (a) the right to practice agrology in accordance with the code of ethics.
  - (b) the use of the title agrologist-in-training or technical agrologist-in-training.
  - (c) the right to attend and participate in all MIA activities and functions, including right to vote.
  - (d) the right to participate on MIA committees but not to hold office,
  - (e) the right to participate in all group insurance programs available to agrologists.

(f) the entitlement to all publications, newsletters, and other mailings which are sent to agrologists.

(g) an AIT or TAIT membership card.

12. Council may elect as an **Honorary Member**, a non-member of the institute who has made an outstanding contribution in any field of the agricultural industry. An Honorary Member shall be entitled to all rights and privileges of an agrologist, except the right to vote, hold office, or use the designation agrologist or P.Ag. An Honorary Member shall be presented with an Honorary Membership certificate.
13. Council may elect any member who has retired from the practice of agrology as an Institute **Life Member**. In granting a life membership Council shall give consideration to: the member's contribution to the institute, its branches and affiliates; the members contribution to the practice of agrology and to the community.
14. A member of acknowledged professional eminence and distinction, or of outstanding service to the institute in the field of agrology, may be elected as a **Distinguished Agrologist**. One member may be elected each year. Members shall not apply for this title. The person shall have been a member of the institute for at least ten years. Nomination for Distinguished Agrologist may be made to Council by ten members in good standing or by a branch of the institute. Election of Distinguished Agrologist shall require the unanimous approval of Council.
15. Council may accept as an **Affiliate Member**, qualified individuals, as defined in the Manitoba Agrologists Act, who apply for membership, but who are not practicing agrology, as defined in The Agrologists Act. Affiliate Members shall be entitled to all rights and privileges of an agrologist, except the right to practice agrology, to hold office, or to use the designation P.Ag., or Agrologist. An Affiliate Member shall be presented with an Affiliate Membership certificate and card on payment of fees.
16. Council may accept as an **Associate Member**, individuals not qualified for full membership status, as defined in The Agrologists Act, who apply for membership, but who are not practicing agrology, as defined in The Agrologists Act. Associate Members shall be entitled to all the rights and privileges of an agrologist, except the right to practice agrology, to vote, to hold office, or to use the designation P.Ag., or Agrologist. An Associate Member shall be presented with an Associate Membership certificate and card on payment of annual fees.

## **Article V - MEMBERSHIP CERTIFICATE AND ANNUAL MEMBERSHIP CARD**

1. Each person received as a full member of the institute shall be presented with a certificate of membership.
2. The certificate shall be in such form as is from time to time authorized by Council, and shall have a designated space suitable for affixing an annual validation.

3. The registrar shall each year deliver, by mail or otherwise, a distinctive validation of type and colour authorized by Council, to each member in good standing, and said validation shall be affixed to the certificate by the member.
4. Any person who has forfeited membership in the institute for any cause whatsoever and who displays the certificate to imply membership in the institute, shall be liable under subsection 15 (2) of The Agrologists Act, and shall, upon the request of the registrar, immediately return the certificate.
5. The registrar shall each year deliver, by mail or otherwise, a membership card to each member in good standing.
6. The membership card shall be in such form as is authorized from time to time by Council.
7. Unless a members name has been removed from the register, the membership card shall be prima facie evidence that the holder is authorized to practice agrology and to assume verbally or otherwise the title of agrologist, within the Province for the year indicated on the card.

#### **Article VI - REGISTER**

1. Council shall cause to be kept by the registrar or other officer appointed for the purpose, a book or register in which shall be entered the names of all members in good standing; and only those members whose names are entered in the book or register aforesaid shall be entitled to practice agrology, and such book or register shall during regular business hours of the institute, be subject to inspection by any person, free of charge.
2. The book or register, or a copy of the same duly certified by the registrar shall be prima facie evidence in all courts and before all persons that the persons whose names are entered therein are members of the institute in good standing; and the absence of the name of any person from the register shall be prima facie evidence that the person is not a member of the institute.
3. The name of any person in default of fees or for other causes shall be removed from the register on order of Council after one month's notice sent by registered mail to the person's last registered address.
4. Any person whose name has been removed from the register may, by order of Council, after fulfilling all requirements of the by-laws of the institute and The Agrologists Act or by order of the courts be again placed on the register.
5. The registrar shall make available to each member, not later than thirty days after the annual meeting, a list of names of all members included in the register as existing at the end of the fiscal year.
6. The register shall list all agrologists-in-training (Article IV) in a separate section. Items 2, 3, 4 and 5 of this By-Law shall also apply to agrologists-in-training.

## **Article VII – ESTABLISHING EQUIVALENT ACADEMIC QUALIFICATIONS**

1. The process to assess or establish the academic qualifications of an applicant shall be established by Council.
2. The Admission and Registration Committee is responsible for managing the processes and policies established by Council with respect to equivalent academic qualifications.
3. Where it is determined that an applicant for membership does not meet the educational criteria established in Article IV, the applicant shall be informed that application may be made to take additional course work and demonstrate successful completion of examinations to establish equivalent qualifications.
4. Where the applicant chooses to take the additional course work and examinations, the following steps shall be taken:
  - (a) application shall be made to the registrar.
  - (b) a non-refundable processing fee of \$250 shall be remitted to the registrar with the application
  - (c) the extent of the additional course work and examinations shall be prescribed by the board of examiners as set out in (g) below.
  - (d) the registrar shall notify the candidate of particulars regarding the additional course work and examinations required. The applicant will be responsible for any costs associated with the course work and examinations.
  - (e) if the applicant completes all course work and examinations to the satisfaction of the board of examiners, the academic qualifications of the applicant will be deemed to have been satisfied.
  - (f) if the candidate fails to successfully complete the course work and examinations in whole or in part, application may be made to the registrar to repeat the examination process. Permission to repeat may be given at the discretion of the board of examiners.

(g) **i) APPLICANTS WHO HAVE A RELATED 4 YEAR UNIVERSITY DEGREE**

A Four Year Degree is defined as a degree that is acceptable to the University of Manitoba for admission into a Masters Program.

A Related Degree is defined as a degree that is determined by the Admission and Registration committee to be relevant to the applicant's employment in the agricultural industry at the time of application, their work experience and their intended career path.

The applicant must demonstrate successful completion of:

- At least one introductory level (or higher) university course in three of the five basic Agricultural Disciplines (plants, soils, foods, animals and agribusiness).

- At least two senior level university courses in their field of specialty. One of these courses must be in the agricultural discipline in which they are employed and the other(s) in their specific specialty area.

The applicant must also provide evidence of:

- 5 years work experience in the Canadian Agriculture Industry.

Upon qualifying as per the above, applicants will be designated an AIT or TAIT at the discretion of Council.

## **(ii) APPLICANTS WITHOUT A RELATED 4 YEAR UNIVERSITY DEGREE**

The applicant must demonstrate successful completion of:

- At least one introductory level (or higher) university course in three of the five basic Agricultural Disciplines (plants, soils, foods, animals and agribusiness).
- At least two senior level university courses in their field of specialty. One of these courses must be in the agricultural discipline in which they are employed and the other(s) in their specific specialty area.

The applicant must also provide evidence of:

- 15 years work experience in the agricultural industry, with at least 5 years in the Canadian Agriculture Industry.

Upon qualifying, as per the above, applicants will be designated an AIT or TAIT at the discretion of Council.

## **Article VIII - FEES AND REVENUE**

### **Annual Fee**

1. An annual institute membership fee shall be established by Council on an annual basis and shall be paid to the registrar from all members no later than the thirty-first day of January of each year. Any change in the annual fee shall be proposed by Council and communicated to the membership a minimum of 30 days prior to the annual meeting at which such change is to be considered. If approved by the membership, the new fee shall be implemented on January 1 of the following year.

- (a) the annual institute membership fees unless otherwise exempted shall be:
- i. a general membership fee with the same fee for those classified as Professional Agrologists, Agrologists-in-Training (AIT); Technical Agrologist or Technical Agrologist- in-Training.

- ii. (ii) members who have retired from practicing agrology shall pay one half of the general membership fee.
- (iii) institute Life Members and members 75 years of age or over are exempt from the general membership fee.
- (iv) individuals who have been accepted as Affiliate Members shall pay one half of the annual institute fee.
- (v) individuals who have been accepted as Associate Members shall pay one half of the annual institute fee.

- (b) new applicants for membership after July 1 will pay one half of the annual institute fees, with the same representing full payment of fees for the initial year.
  - i. new applicants for membership after October 1 shall pay the annual institute fees in full with the same being applied to fees for the following financial year.
  - ii. new applicants for membership who are students that have graduated from the Faculty of Agricultural & Food Sciences at the University of Manitoba or the Department of Agriculture or the Agriculture & Environment Division at Assiniboine Community College in April will be eligible, upon graduation, to pay one half of the annual institute fees, with the same representing full payment of fees for the initial year.

- 2. Any person, resident of another province and who is a member in good standing in a professional agricultural organization recognized by the institute, and with which the institute has a reciprocal agreement, may practice agrology part-time in Manitoba without being assessed an annual fee.
- 3. Council shall exempt Life Members from payment of the institute annual fee. The names of member so exempted shall be placed on an institute Life Member list.
- 4. If a member resigns from the institute during the first year of membership the fee may be refunded in whole or in part at the discretion of Council.
- 5. Members in arrears or who have relinquished membership shall be assessed on the basis outlined in Article V.
- 6. The institute shall rebate to each branch the sum of \$6.00 from the membership dues paid by each member of the branch. Where members have registered after July 1, the rebate shall be \$3.00 for each such member.
- 7. Council shall make special grants, payable to the branches in January of each year according to the following schedule, as based on the branch membership at the end of the previous fiscal year:

1 to 100 members	\$750.00
101 to 200 members	\$500.00
201 members and up	no special grant

## **Application Fee**

8. A non-refundable application fee of \$50.00 shall be remitted to the registrar upon application for membership.
  - A non-refundable fee of \$25.00 for investigation of credentials may be assessed new applicants when such an investigation fee is deemed necessary by the Admission & Registration Committee.
9. Late Payment Fee will be assessed all members who have not paid their annual fees by the due date. The fee will be established by Council from time to time and is currently set at \$25.00.
10. If a new member resigns from the institute during the first year of membership, the application fee may be refunded in whole or in part, at the discretion of Council.
11. Any person who wishes to transfer membership from an institute in another province to the Province of Manitoba will be assessed the application fee.

## **Revenue Other Than Fee**

12. The institute may at the discretion of Council, or at an annual meeting or special meeting called for the purpose, receive by gift or bequest, from any person or corporation, money, bonds, or real or personal property. Such gift or bequest can be used for general or specific purposes of the institute.

## **Article IX - COUNCIL**

The affairs of the institute shall be under the control of and be directed by a Council as hereinafter set forth:

1. Council shall consist of members and appointed individuals as set out in sections 6, 7, and 8 of The Agrologists Act.
2. The elected and appointed Councilors may hold office for no more than two consecutive terms of three years and shall not be eligible for re-election or re-appointment until two years have elapsed since the end of the previous term as Councilor.
  - (a) the Western Branch shall elect two Councilors, each for a three year term, whereby the terms do not lapse concurrently.
  - (b) the Winnipeg Branch shall elect eight Councilors each for a three year term, whereby no more than three (3) such terms lapse concurrently.
  - (c) the elected President of the Winnipeg Branch and the elected President of the Western Branch will sit on Provincial Council during their respective terms in office.

3. Council shall, each year, appoint a representative to any groups or associations which require MIA representation.
4. Council shall, each year, prior to the annual meeting, appoint a president and vice-president from the persons elected as Councilors, and further appoint a registrar and secretary-treasurer. The calling of the meeting for this purpose shall be the responsibility of the Registrar, as set out in Article X.
5. Council shall have the powers set out in section 9 of The Agrologists Act. Council shall designate an executive committee which will have the responsibility for day-to-day operations of the institute and which shall perform other duties as delegated by Council. The executive committee will include the president and vice-president of the institute along with the registrar and two other Council members designated for this purpose.
6. There shall be at least two meetings of Council held in each institute year.
7. The president shall, when deemed necessary, or at the request of five Councilors, call a meeting of Council.
8. At meetings of Council, a quorum shall consist of six elected members.
9. If a member of Council is absent from more than two consecutive meetings of Council without the consent of the president, the seat may be declared vacant by Council.
10. Vacancies shall be filled as provided for in subsections 7 (2) and 8 (3) of The Agrologists Act.
11. Members of Council and officers may receive from the institute out-of-pocket expenses when attending meetings of Council or when otherwise traveling on the business of the institute.
12. Decisions requiring Council approval between meeting dates may be approved by any means of telecommunications authorized by Council from time to time, where a majority of Councilors reply with signed written approval, with at least six of the elected Councilors replying. Any requests for further discussion or information will mean the decision must be brought forward to the next Council meeting.
13. Members of Council may be removed from Council, for cause, by Council. No member shall be removed from Council without the approval of at least two-thirds of Council members present at a meeting held for this purpose, provided that the grounds for removal are submitted with the notice of the meeting and that Council member is provided with a reasonable opportunity at the meeting to protest his/her removal. Cause for removal shall be defined as follows:
  - a) Failure to maintain membership in the Manitoba Institute of Agrologists
  - b) Conviction of a criminal offence
  - c) Being an un-discharged bankrupt
  - d) Inability to perform the duties for which the Councilor has been elected, due to illness or disability
  - e) Conduct deemed by Council to be detrimental to the objectives of the Institute

- f) Being found guilty of professional misconduct or conduct unbecoming as set out in Articles 12, 13 and 14 of The Agrologists Act.

Upon a favourable vote, removal shall be effective immediately.

14. Committees: Council may from time to time appoint committees for the purpose of facilitating the business of the MIA. Subject to provisions of the Act and by-laws, Council shall, when establishing a committee, provide terms of reference that terms shall include:
  - a) the purpose of the committee and it's duration and the method by which it may be dissolved or abolished.
  - b) the method by which, and by whom, the members are appointed;
  - c) the method by which, and by whom its chair shall be appointed; and
  - d) the committee's right to establish its own order of agenda
  - e) the method by which a committee member may be removed from the committee

### **Article X - ELECTION PROCEDURE**

The election of Councilors shall be in the manner hereinafter outlined, to provide for Councilors required by subsections 6 (2) and 7 (1) of The Agrologists Act, and Article IX.

1. All duly registered members in good standing shall be entitled to vote.
2. If a paper vote election is required the voting ballots shall be received at the MIA office by **March 31** at the hour prescribed for the purpose of placing the unopened ballot envelopes in the ballot box. Election Day is on or before March 31.
3. The elections shall be held by mail ballot.
4. Council shall name and constitute an elections committee on or before **January 31**.
5. The election committee shall be composed of five members, consisting of the immediate past president, who shall be chairperson of the committee, the registrar who shall be secretary and three members who are not currently serving on Council.
6. By **February 28** the election committee shall have the registrar forward to each member of the institute by mail, email, or FAX, a list of all nominees selected by the committee, who have accepted the nomination.
7. Individuals nominated by the election committee or by members must be members in good standing of the branch which they are to represent. A member may hold office for no more than two consecutive terms of three years and shall not be eligible for re-election until at least two years have elapsed since the member previously held office as a Councilor of the institute, except that any member having served less than a full three year term as Councilor will be eligible for nomination for the "first term" of the permitted two consecutive terms.
8. Every nomination for Council shall be signed by at least five members of the institute from the branch in which the candidate is practicing.

9. The election committee shall nominate at least sufficient members to ensure that all positions of Councilor will be filled.
10. All nominations that meet the conditions set out in Sections 7 and 8 of this Article and have attached the verified consent of the nominee must be received by the registrar **March 10** at the prescribed hours.
11. If only sufficient candidates are nominated for vacant positions of Councilor, the chairperson of the election committee shall on election day have the registrar cast a ballot for the candidates. and then declare the candidates elected.
12. If more than one candidate is nominated for any vacant position of Councilor, the election committee shall have ballots prepared and mailed by the registrar to all members in good standing by **March 10**. Members shall vote only for the Councilors who are to represent the branch of the member.
13. With each ballot shall be enclosed two envelopes, one marked only 'MIA Ballot" and the other addressed to the registrar with space for the member to indicate his name and branch affiliation.
14. The member shall mark his ballot with an "X" opposite the names of the candidates of his choice, place it in the envelope marked "MIA Ballot" and place this in the other envelope, indicate his name and branch affiliation and mail to the registrar.
15. When the registrar receives the envelope, the name shall be checked with the list of registered members; if the member is in good standing the registrar shall open the outer envelope and place the inner envelope, unopened, in the ballot box.
16. On election day the registrar shall, in the presence of the election committee or their designated alternates, open the ballot box and the committee shall count the ballots according to a majority vote system.
17. The registrar shall not be eligible to vote except in the case of a tie, in which case the registrar shall then be empowered to cast the deciding ballot.
18. Within seven days following election day the chairperson of the election committee shall announce by mail to all candidates, and the president of the institute, the results of the election and declare the successful candidates elected. Prior to the annual meeting the registrar shall call a meeting of newly elected Councilors and members of the existing Council who will continue in office for the following year, for the purpose of electing a president and vice-president. The new officers and Council will assume office at a time during the annual meeting, as fixed by the current Council.

## Article XI - APPOINTMENT OF COUNCILLORS

1. The Chairperson of the elections committee will on or by **February 28** request the committee, as set out in subsections 8 (1) and 8 (2) of The Agrologists Act, to appoint the required Councilors and forward to the registrar by **March 10** a written indication of their appointments.
2. Where a position of appointed Councilor is to be filled according to subsection 8 (3) of The Agrologists Act the president of the institute will, within thirty days of the position becoming vacant, request the appointment by the committee. It shall be requested that the appointment be made and indicated in writing to the president of the institute within forty-four days of the date of the request.

## Article XII - OFFICERS

The officers of the institute shall consist of the president, vice-president, registrar, secretary-treasurer, and such other offices as are necessary for the proper functioning of the institute. They shall hold office for one year or until their successors are elected or appointed as provided for in these by-laws.

### 1. President

- (a) the president shall be appointed by Council from the persons elected as Councilors and shall hold office for one year.
- (b) the duties of the president shall consist of those outlined in Roberts Rules of Order and such other duties as may be designated by Council of the institute.

### 2. Vice-President

- (a) the vice-president shall be appointed by Council from the persons elected as Councilors and shall hold office for one year.
- (b) the duties of the vice-president shall be to assist the president and to assume the duties of the president when this officer is absent.

### 3. Registrar

- (a) the registrar shall be appointed by Council <sup>1</sup>and shall hold office at the pleasure of Council, The registrar shall not hold voting rights on Council.
- (b) the registrar shall keep a complete and up-to-date register of all members of the institute.
- (c) the registrar shall receive all applications for membership, issue membership certificates and annual membership cards in such form and subject to such regulations as may be required by The Agrologists Act, by-laws and resolutions of Council.

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<sup>1</sup> Bylaw amended by Provincial Council, Sept. 12, 2007

- (d) when required by Council, the registrar shall make available to any justice of the peace, magistrate or judge a complete list of names in the register. This list shall be certified to be complete by the registrar.
- (e) the registrar may also hold the office of secretary-treasurer and when such is the case, perform the duties pertaining to this office.
- (f) the registrar shall collect all fees from applicants and members, issue receipts for the same in duplicate and make the duplicates available to the secretary- treasurer, or if the office is held by the registrar, shall file the duplicates for the information of Council and the auditors.
- (g) the registrar shall have the custody of the seal of the institute and shall affix it to documents requiring same as stated in Article XVI of these by-laws.
- (h) the registrar shall deposit at least monthly all monies received on behalf of the institute to the credit of the institute in such chartered bank or banks as Council shall from time to time designate and secure a duplicate deposit slip which shall be turned over to the secretary-treasurer, if appointed; otherwise, they shall be filed for the information of Council and auditors.
- (i) the registrar shall be eligible to be bonded in an amount which shall be determined from time to time by Council.
- (j) the registrar shall have and keep in custody all books and records, as directed by Council and shall deliver them when authorized to do so by resolution of Council, to such person or persons as may be named in such resolution.
- (k) in the temporary absence of the registrar, Council may appoint an acting registrar who shall have all the powers and responsibilities of the registrar. The acting status shall terminate upon return of the registrar, unless earlier revoked by Council.

#### **4. Secretary-Treasurer**

- (a) the secretary-treasurer shall be appointed by Council<sup>2</sup> and hold office at the pleasure of Council. The secretary-treasurer shall not hold voting rights on Council.
- (b) the secretary-treasurer shall keep a permanent record of the proceedings of all meetings of committees, Council and the institute.
- (c) the secretary-treasurer shall have charge of the correspondence of the institute with all persons other than members or prospective members.
- (d) the secretary-treasurer shall keep a file of all such correspondence which shall be open to Council or any member of Council.

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<sup>2</sup> Bylaw amended by Provincial Council, Sept. 12, 2007

- (e) the secretary-treasurer shall keep a complete record of monies received and disbursed and prepare a balance sheet which shall be audited prior to each annual meeting.
  - (f) the secretary-treasurer shall when directed by Council, pay all accounts of the institute by cheque, countersigned by the president or other signing officers appointed by Council from the executive committee for this purpose.
  - (g) the secretary-treasurer shall keep a permanent ledger showing all receipts and disbursements of institute monies. This must be open and available to the auditors and members of Council.
  - (h) the secretary-treasurer shall be eligible to be bonded in an amount to be decided by Council.
  - (i) in the temporary absence of the secretary-treasurer, Council may appoint an acting secretary-treasurer who shall have all the powers and responsibilities of the secretary-treasurer. The acting status shall terminate upon return of the secretary-treasurer, unless earlier revoked by Council.
5. Officers of the Institute may be removed from office, for cause, by Council. No officer shall be removed from office without the approval of at least two-thirds of Council members present at a meeting held for this purpose, provided that the grounds for removal are submitted with the notice of the meeting and that the officer is provided with a reasonable opportunity at the meeting to protest his/her removal. Cause for removal shall be defined as follows:
- a) Failure to maintain membership in the Manitoba Institute of Agrologists
  - b) Conviction of a criminal offence
  - c) Being an un-discharged bankrupt
  - d) Inability to perform the duties for which the Councilor has been elected, due to illness or disability
  - e) Conduct deemed by Council to be detrimental to the objectives of the Institute
  - f) Being found guilty of professional misconduct or conduct unbecoming as set out in Articles 12, 13 and 14 of The Agrologists Act.

Upon a favourable vote, removal shall be effective immediately.

### **Article XIII - MEETINGS OF THE INSTITUTE**

1. (a) special meetings of the institute may be called by the president, by a majority of Council, or by the registrar when requested by twenty members of the institute.
  - (b) notice of any special meeting shall state the purpose for which the meeting is called and that purpose will be the sole order of business unless otherwise specified in the notice of meeting.
2. (a) there shall be an annual meeting of the members of the institute at a time and place to be fixed by Council.<sup>3</sup>

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<sup>3</sup> By Council decision of December 10, 2008 on Motion: *That MIA must hold an AGM within 120 days of the fiscal year, Nov.30<sup>th</sup>.*

(b) the annual meeting shall provide for the following:

- (i) an update on Council activities and decisions.
- (ii) time for presentation and discussion of member concerns and resolutions.
- (iii) presentations on topics of current interest to members.
- (iv) appointment of auditors,

3. Notice of every annual or special meeting of the institute shall be given by mailing a notice to each member at the last registered address at least fourteen days before the day of such meeting.

- a) The non-receipt of such notice by any member shall not invalidate the proceedings of the meeting.

#### **Article XIV - BRANCHES**

1. A new branch may be formed with the authorization of Council provided that the application is made on behalf of twenty members, or under special circumstances a smaller number, but never fewer than ten.
2. All branches shall be known as branches of the MIA.
3. Each branch shall be governed by its own constitution, the provision of which shall be compatible with the constitution and by-laws of the institute. The constitution and by-laws of each branch and the changes thereof shall not be enforced or acted upon until ratified by Council.
4. The fiscal year of each branch shall be from January 1 to December 31
5. Every member of the institute shall be assigned by Council to the branch which is most convenient to the member.
6. Each branch shall be governed by an executive as provided for by its own constitution
7. Where a member changes residence or a new branch is formed, a member may have membership transferred from one branch to another.
8. Each branch may, subject to the approval of Council, make regulations and by-laws respecting any matter concerning the members.

#### **Article XV – CORPORATE SEAL**

1. The corporate seal shall be the common seal of MIA by which all sealed instruments of MIA shall be attested under the hands of two officers of MIA designated by Council as set out in 3. below.
2. Where the seal of the institute is required by law or by-laws of the institute to be affixed to document of any nature, it shall be affixed by the registrar or a member of Council

appointed by Council and in the presence of the president or other member appointed by Council.

3. All documents required to be executed under seal shall be signed by the registrar and president or any two Councilors appointed by Council or the Executive Committee for the purpose.

### **Article XVI - FINANCIAL YEAR**

The fiscal year of the institute shall commence on December 1 of each year and end on November 30 of the following year.

### **Article XVII - AUDITORS**

An auditor or auditors shall be appointed by the members of the institute at the annual meeting of the institute. A vacancy in the position of auditor occurring between annual meetings shall be filled by an appointment by Council.

### **Article XVIII – INDEMNIFICATION OF COUNCILLORS AND OTHERS**

- 1) MIA shall indemnify each member of the Provincial Council and each of its officers for the defense of civil or criminal actions or proceedings as hereinafter provided and notwithstanding any provision in these by-laws in a manner and to the extent permitted by applicable law.
- 2) MIA shall indemnify each of its Councilors and officers, from and against any and all judgments, fines, amounts paid in settlement, and reasonable expenses, including attorneys' fees, actually and necessarily incurred or imposed as result of such action or proceeding or any appeal therein, imposed upon him or asserted against him by reason of being or having been such a Councilor or officer and acting within the scope of his official duties, but only when the determination shall have been made judicially or in the manner herein provided that he acted in good faith for a purpose which he reasonably believed to be in the best interests of MIA and, in the case of a criminal action or proceeding, in addition, had no reasonable cause to believe that his conduct was unlawful. This indemnification shall be made only if MIA shall be advised by its Council acting:
  - a. By a quorum consisting of Councilors who are not party to such action or proceeding upon a finding that; or
  - b. If a quorum under the above is not obtainable with due diligence, upon the opinion in writing of legal counsel that, the Councilor or officer has met the foregoing applicable standard of conduct. If the foregoing determination is to be made by Council, it may rely, as to all questions of law, on the advice of independent legal counsel.
  - c. Every reference herein to a member of Council or officer of MIA shall include every Councilor and officer thereof and former Councilor and officer thereof. This indemnification shall apply to all the judgments, fines, amounts in settlement, and reasonable expenses described above whenever arising, allowable as above-stated. The right of indemnification herein provided shall be in addition to any and all rights to which any Councilor or officer of MIA might otherwise be entitled and provisions hereof shall neither impair nor adversely affect such rights.

## **Article XIX - CODE OF ETHICS**

All members of the institute shall conform to the institute's Code of Ethics and Code of Practice, which are attached hereto as Appendix "A".

## **Article XX– CONTINUING PROFESSIONAL DEVELOPMENT**

All practicing members of the Institute shall be required to demonstrate that they are continuing their professional education and development in order to maintain their membership in the Institute as a Professional Agrologist, Technical Agrologist, AIT or TAIT. The framework setting out the minimum requirements, reporting procedures and qualifying categories, along with the penalty for non-compliance are set out in Appendix "B" attached hereto.

## **Article XXI – USE of PROFESSIONAL DESIGNATION, SEAL, and STAMP**

The reserved title provision of the Agrologists Act necessitates that the public have an effective means of identifying work that has been completed by, or under the supervision and control of practicing Agrologists. A practicing member may use professional designation, seal, and stamp to indicated professional responsibility for documents which deal with professional matters. The framework setting out the guidelines for such use are set out in Appendix "C" attached hereto.

## **Article XXII – MANURE MANAGEMENT REGISTRY**

The MIA shall cause to be kept by the Registrar or other officer appointed for this purpose, a register in which shall be entered the names of all members in good standing who are eligible for preparation of Manure Management Plans as defined in the Manitoba Regulation 194/2005 of the Environment Act. The framework setting out this registry is set out in Appendix "D" attached hereto.

## **Article XXIII - DISCIPLINE**

1. Any inquiry into the conduct of a member, and any penalties resulting from the inquiry shall follow the procedures set out in sections 12, 13 and 14 of The Agrologists Act.
  - (a) Where an inquiry into the conduct of a member is deemed advisable under subsection 12 (1) of The Agrologists Act, the matter shall be referred to the judiciary committee.
  - (b) The judiciary committee shall consist of three members, appointed by Council on an ad-hoc basis for this purpose. Each member of the judiciary committee shall have been an agrologist for at least ten consecutive years prior to appointment to the committee. A member of Council may not serve as a member of the judiciary committee.
  - (c) Should a conflict of interest be deemed prior to any inquiry with a committee member, a

replacement may be selected for the duration of the inquiry by the remaining committee members. The replacement selected will meet the criteria of 1 (b).

- (d) Council, or a committee thereof, shall carry out, or cause to be carried out, any investigations deemed necessary for the collection of evidence and shall have its representative, or representatives, appear before the judiciary committee as a witness for the purpose of presenting evidence. Any member of the committee carrying out the investigation or assembling evidence shall not be a member of the judiciary committee.
2. The judiciary committee shall select a chairperson from its members, and shall, through the office of the registrar, arrange for the transcribing verbatim of all proceedings of the hearing and of all orders of the committees
  3. The judiciary committee shall, through the office of the registrar, facilitate the taking of testimony under oath by arranging for the presence of a person so authorized to administer an oath under the Canada Evidence Act.
  4. All records of a hearing conducted under this By-Law shall be kept on file by the registrar.
  5. Any records resulting from a hearing under this By-Law and held on file by the registrar, shall not be released by the registrar except as required for any appeal under section 14 of The Agrologists Act or upon a subpoena resulting from a subsequent hearing involving the same or another member, except that only a decision or order of the judiciary committee shall be made available to members of the institute, following the expiration of any appeal process.
  6. All evidence submitted to a hearing conducted under this By-Law shall be retained by the registrar until any appeal is completed or until the time limit for filing an appeal under subsection 14 (1) of The Agrologists Act has expired without an appeal having been made.
  7. All decisions of the judiciary committee shall be by a simple majority decision. The chairperson shall not be eligible to vote on a decision except in the case of a tie, when the chairperson shall cast the deciding vote.

#### **Article XXIV - OFFENSES BY NON-MEMBERS**

1. Any action resulting from an alleged offense under section 15 of The Agrologists Act shall be taken only under authorization of Council or its designated committee, except as set out in section 2 of this By-Law.
2. The registrar may, without specific authorization from Council, take action to notify any person suspected of committing an offense, of the requirements of The Agrologists Act.

## **Article XXV - CHANGES TO THE BY-LAWS**

1. The by-laws may be amended, repealed, or re-enacted, in whole or in part, by a two-thirds majority vote of Council, provided that written notification of the amendment is provided to members of Council at least fifteen (15) days prior to the date of the vote. Once notification has been given, as outlined above, Council may approve the amendment by a two-thirds majority vote, at a meeting identified at the time of notification or through the use of a facsimile machine. If any further amendments to the said By-Law are required, or if any Council member should require further information, prior to casting a vote by facsimile, the original amendment must be reconsidered at a meeting of Council.
2. No changes in by-laws shall be made if contrary to law or the provisions of The Agrologists Act.

## APPENDIX A

### CODE OF ETHICS:

The Profession of Agrology demands **integrity, competence and objectivity** in the conduct of its Members while fulfilling their professional responsibilities to the Public, the Employer or Client, the Profession, and other Agrologists.

### CODE OF PRACTICE:

#### A GUIDELINE TO THE ETHICAL RESPONSIBILITIES OF AGROLOGISTS

The purpose of the following guideline is to clarify the intent of the Code of Ethics and the understanding of the nature of the professional obligations that arise out of that document. Throughout, it is recognized that membership is a right granted by the public to Agrologists to practice Agrology in such a way that the public interest is served. It is also understood that, just as the Agrologist has an obligation to conduct business in an ethical and competent manner, colleagues and the Institute share the moral responsibility of protecting other Agrologists and the field of Agrology against any unfounded and unjust criticisms.

#### 1. **Among Agrologists' professional obligations to the Public is the responsibility:**

##### **a) to practice only in those fields where Agrologists' training, ability and experience make them professionally qualified.**

The public has given a right to Professionals with the trust and expectation that those activities are undertaken with competence.

Agrologists will not make misleading statements regarding their qualifications.

Agrologists will actively pursue technical upgrading in order to remain competent in their field of expertise. Agrologists will make referrals to, seek advice from, and enter into partnerships with other professionals in situations which require expertise that extends beyond their competence.

##### **b) to express a professional opinion only when it is founded on adequate knowledge and experience, and where Agrologists' have an understanding of the situation and context against which this opinion is being offered.**

Agrologists must clearly distinguish among facts, assumptions and opinions in their preparation of reports and professional statements. Professional opinions should be clearly stated, and should include clear indications of the constraints within which opinion holds and the relevant qualifying circumstances, facts and assumptions.

Agrologists should exercise care that work they conduct cannot in any way be seen to support or make possible any morally suspect or illegal purposes. In the extreme, this caution might cause Agrologists to refrain from association with enterprises or individuals whose objectives and probity are subject to question.

Agrologists who act as expert witnesses and provide opinion evidence for the purpose of litigation should not take a partisan position. Agrologists must provide evidence as impartial experts, and must not do so as advocates of their client or employer. While acting as expert witnesses, the role of Agrologists is to assist the judge/jury/panel with technical matters beyond the expertise of the adjudicators.

**c) to advocate and practice good stewardship of agricultural resources based on sound scientific principle(s).**

Stewardship requires making complex choices based on a variety of relevant but not necessarily compatible factors. Good stewards must consider, but not necessarily be limited to: monetary matters, social values, the rational application of sound science, the lessons of valid experience, the impacts on the economic health of the community at large, and the impacts on future generations. Because of the position of public trust, the duty of Agrologists is to uphold professional principles above and beyond the demands of employment.

Conflict may arise between Agrologists' duty to uphold professional principals and their duty to serve the needs of an employer or a client. Agrologists must distinguish between the role they play as Agrologists and the role management plays. Managers have prerogatives and privileges for making decisions based on a wider range of constraints than those that might be appropriate for Agrologists. Agrologists must not confuse the role of providing others with information upon which to base a decision, with the role of being responsible for making the decision, itself.

If Agrologists believe there is a serious conflict between the requirements of employment and their professional principles, they should inform and/or consult appropriate persons about the conflict. Agrologists may seek advice and support for their position from the Institute.

**d) to extend public knowledge of agriculture and to promote truthful and accurate statements on sustainable agricultural systems and environmental matters.**

Agrologists should strive to develop appropriate involvement with schools, agencies and organizations insofar as such outreach activities can help ensure the dissemination and discovery of sound and appropriate agricultural environment knowledge. Agrologists should attempt to correct misleading or erroneous statements on agricultural matters whenever and wherever such statements are encountered.

**e) to have proper regard for the safety of others in all work.**

Agrologists must understand their obligation for promoting safety. Agrologists should consider the impact of their professional duties upon the health of the environment, industrial safety, the health of the consumer, construction safety, and the general operational safety of completed projects. Agrologists must demonstrate concern for the immediate and long-term, direct effects of agricultural practices on the safety of workers by being aware of and evaluating risks.

The public expects and demands a safe supply of food, not only for current but also for future generations. Agrologists must balance the claims of producers and the consuming public against the potentially competing claims for safety of the environment, and the interests of individuals and businesses affected by their proximity to agricultural operations.

## **2. Agrologists' responsibility to the Client or Employer is:**

### **a) to act conscientiously and diligently in providing professional services.**

Agrologists should endeavour to put service above gain and excellence above quantity. If Agrologists become aware of errors or omissions in their work, they must report the same to their client or employer, and immediately work to remedy such errors or omissions.

### **b) except as required by law, to maintain the confidentiality of client and employer information unless given the explicit consent of the client or employer.**

Agrologists should consider all information received from a client or employer as confidential unless such information is in the public domain. Information obtained during, and specific to, a professional contract situation is confidential and must not be disclosed to others or used by Agrologists outside that contracted situation without the consent of the client or employer. However, technical expertise gained by Agrologists through work may be used in subsequent projects without consent from other parties.

### **c) to obtain a clear understanding of the clients or employers objectives.**

Agrologists must clearly understand the objectives of the client or employer. Agrologists must make inquiries regarding such objectives to ensure that professional services are provided in the context of complete and accurate information. It is recommended that all oral communication that is material to the delivery of professional services be confirmed in writing.

### **d) to inform the client or employer of any action planned or undertaken by the client or employer that Agrologists' believe is detrimental to good stewardship or in breach of known laws or regulations.**

It is the duty of Agrologists to advise a client or employer of the consequence of questionable actions, and inform the client or employer of the facts that lead them to believe that the action is detrimental to good stewardship.

### **e) to refuse any assignment that creates a conflict of interest.**

A conflict of interest exists where the duties and loyalty owed by Agrologists to one party are, or are likely to become, hostile to the duties or loyalty owed to another party.

Agrologists should not accept assignments in which they have a personal or business interest unless that interest is disclosed and approved by the client or employer.

Where Agrologists are in a position of providing professional services to more than one party with different interests in the same or related matter, Agrologists must explain the significance of acting for more than one party to each of the affected client(s) or employer(s) (the parties) and obtain the written consent of the parties to continue working for more than one party. If any of the parties fail to give their consent, Agrologists must then determine whether it is possible to act on behalf of a subset of parties without conflict. If acting only on behalf of some of the parties cannot eliminate conflict, Agrologists should advise all the parties that they can not continue to act for any of them in the matter that generates the conflict of interest.

Agrologists must also advise the parties that no information received from one in connection with the common matter can be treated as confidential so far as any of the other parties are concerned.

**f) to not accept compensation from more than one employer or client for the same work, without the consent of all.**

Agrologists need to distinguish between the data or product which becomes the property of the client, and the process or technical experience which remains the property of Agrologists.

**3. Agrologists' responsibility to the Profession is:**

**a) to inspire confidence in Agrology by maintaining high standards in conduct and work.**

Agrologists must keep in mind that the work of an Agrologist is continuously open for public scrutiny, and it is the responsibility of each individual to build and maintain a positive image of the field and the profession. Not only must Agrologists perform their duties of employment to a high level of excellence, but the conduct of each Agrologist must also be of high standard.

**b) to support activities for the advancement of the profession.**

Agrologists have an obligation to participate in the activities of the Provincial Institute (i.e.: meetings, elections, holding office, mentoring) as their situations and opportunities allow

Agrologists need to be constantly aware they are professionals and should, by their conduct, provide a positive image of Agrology. As Agrologists, they must also be prepared to personally promote Agrology in personal contacts and communication, and to participate in specific promotional initiatives organized by the professional organization.

**c) where Agrologists' believe another individual may be guilty of infamous or unprofessional conduct, negligence or breach of the Agrologist Act or by-laws:**

**i) to raise the matter with that individual, and**

**ii) if not resolved or if otherwise deemed necessary, to inform the Registrar of the Provincial Institute of Agrologists in writing.**

Agrologists should ensure that the facts and understanding of the misconduct are correct. Consultation with a colleague or Registrar is encouraged if it may help clarify the issue. Agrologists should make every effort to raise and resolve the issue in a candid and professional manner. Agrologists should note that, if done courteously and politely, only in exceptional circumstances is it inappropriate to raise such a matter with the other Agrologist.

**d) to state clearly on whose behalf professional statements or opinions are made.**

Professional opinions or statements prepared by Agrologists are for specific situations and sets of circumstances. The content of a professional opinions should include the context in which they are made.

**e) to sign and seal only those plans, reports and other documents for which Agrologists are professionally responsible and which were prepared by them or under their direction.**

Agrologists who affix their seal and/or signature assume responsibility for, and an understanding of, documents. Agrologists must have exercised sufficient control and association with documents in order to sign and seal them based on personal knowledge. Agrologists will not associate with documents, reports or statements that misrepresent, distort or omit material facts. Agrologists should familiarize themselves with information that detail the procedures and protocols associated with the use and practice of sealing professional works.

**4. Agrologists' professional responsibility to other Agrologists is:**

**a) to abstain from undignified or misrepresentative public communication with or about Agrologists.**

Respect, courtesy, honesty and good faith should characterize conduct between Agrologists. Direct and honest criticism between professionals is acceptable and professional debate is encouraged when characterized by fairness and propriety.

Agrologists should be courteous when criticizing the work of other Agrologists, and be as careful with colleagues' reputations as with their own.

Agrologists will not make statements or representations on behalf of the Institute without prior authorization.

**b) to give credit for professional work to whom credit is due.**

Agrologists should always acknowledge the work and contributions of others when directly using their works, in whole or in part. Agrologists should clearly understand and appreciate that the unpaid use of marketable processes and technologies developed by another Agrologist could jeopardize the other's livelihood.

Agrologists will follow the rules and law of copyright. Agrologists will secure releases for any data, process(es) and publication(s) obtained from written or electronic sources.

**c) to share knowledge and experience with other Agrologists.**

Agrologists have a duty to new Agrologists and to the future of the Institute to be available as mentors. Agrologists should offer and seek out constructive, professional discussion and debates with colleagues in order to maintain a vibrant and progressive

## APPENDIX B

### CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM

#### **Objective**

That members be required to demonstrate they are continuing their professional education and development in order to maintain their membership as a Professional Agrologist or Technical Agrologist in the Manitoba Institute of Agrologists.

#### **FRAMEWORK OF CONTINUING PROFESSIONAL DEVELOPMENT (CPD)**

The purpose of the following sections are to clarify the intent and structure of the Continuing Professional Development Program by setting out the minimum requirements, reporting procedures and qualifying categories, along with the penalties for non-compliance.

#### **Guiding principles**

1. Intent is for agrologists to continue to upgrade their skills in order to add value and professionalism to their profession, career, employer and community
2. The CPD program is designed to help protect, from a liability standpoint, the Manitoba Institute of Agrologists, the member, the client and the public.
3. The CPD program is designed to meet and exceed standards as laid out by the Agrologist Act of Manitoba and other professional organizations so as to be recognized as a leading PD program nationally and internationally.
4. Applies to P.Ag, Tech Ag, AIT and TAIT
5. Members must self assess and submit a report annually according to guidelines enclosed.
6. Compliance is mandatory to retain status
7. Audit process will be random
8. Education Committee will oversee the CPD program

#### **Requirements**

1. A minimum of 60 credits must be earned by each member in each reporting period
2. A reporting period is three calendar years
3. Credits are to be reported annually to the MIA office with a minimum of 60 credits each three year period on a rolling three year average
4. The CPD program will include the required credits of the three qualifying categories, professional, technical and business/career
5. A member transferring into MIA may carry forward credits accumulated from former institute upon review and approval by the Education Committee.
6. Annual reporting period will run from January 1 to December 31 and all credits earned are to be filed with the MIA office no later than January 31 of the following year
7. If no credits are submitted a "0" report will be filed for the year
8. Submission may be subject to audit. Members should retain appropriate documentation to support credits for the most recent three year period
9. In general, documentation need not accompany the submission but in cases where the content of the activity might not be generally known a description of activity should be provided with the submission.

10. Members whose record indicates less than required 60 credits for the most recent three year period will be subject to a penalty.

**Qualifying categories**

1. Professional - This is a mandatory category. Member must attend (a) or prepare (b) of the following mandatory categories once within three-year cycle and both within two 3-year cycles. Member must attend (c) within each 3 year cycle if it is applicable and necessary to members employment
  - a. Professionalism and Ethics – 4 credits
  - b. Personal CPD Plan – 4 credits
  - c. Certification to a specific industry standard
2. Technical – must be a minimum of 15 credits per three year cycle
  - a. Plant Science
  - b. Soil Science
  - c. Animal Science
  - d. Agribusiness
  - e. Entomology
  - f. Food Science
  - g. Environmental Science
  - h. Ag Engineering/Biosystems
  - i. Extension
3. Business/Career
  - a. Time management
  - b. Interpersonal
  - c. Networking
  - d. Communication
  - e. Strategic thinking
  - f. Facilitation
  - g. Negotiation
  - h. Team development
  - i. Coaching
  - j. Personnel Management
  - k. Business Planning
  - l. Computer Training
  - m. Presentation Skills
  - n. Sales
  - o. Budget Preparation

## Assignment of Credits

Type	Time	Credits	Comments
Seminars	Full day	4	8 hours in length
	½ day	2	4 hours in length
	< ½ day	1	
Academic Courses	3 credit hour course	20	
Development and/or presentation of courses or seminars	3 credit hour course	20	First time only for any given topic
	Full day	4	
	½ day	2	
	< ½ day	1	
Active service in not for profit organization	20 hours = 1 credit	Max. of 5/year	Position of leadership and or significant level of activity 1. 5 credit for Executive position 2. 3 credits for committee chair 3. 1 credit for participation
MIA Council		Max. of 10/year	1. 10 credits for Executive position 2. 10 credits for Branch president 3. 4 credits for committee involvement or Branch executive
Non structured CPD	5 hours = 1 credit	Max. of 5/year	Personal study or development 1. Maximum of 2 credits in Current affairs 2. Majority or all is required to be in Technical or Business
Specific request		Varied	Member must submit and justify

### Example of “rolling three year average”

\* non-compliance

Year #	Annual # of Credits achieved	Accumulation of Credits
1	20	20
2	15	35
3	30	65
4	40	85
5	0	70
6	10	50*
7	50	60

## **Exemptions**

1. Members who have retired from practicing agrology, Affiliate Members, and Associate Members will be exempt from the requirements of the CPD program.
2. The education committee may, in its discretion, exempt members claiming extenuating circumstances from compliance with the requirements of the CPD program.
3. Applications for exemptions must be made in writing and approved by the education committee.

## **Non-compliance**

1. A member failing to achieve the minimum 60 credits will be notified in writing of the apparent shortfall and may be placed on probation.
2. A member with a CPD deficiency has 60 days after notification to provide additional information or a plan of action to correct the credit shortfall.
3. Failure to maintain compliance will result in disciplinary action, leading to removal or suspension of status as a Professional Agrologist, Technical Agrologist, AIT or TAIT as the case may be.
4. In all cases, MIA members have the right to appeal the decision of the education committee to MIA Council.

## **APPENDIX C**

### **MIA GUIDELINE FOR USE OF PROFESSIONAL DESIGNATION, SEAL AND STAMP**

#### **Overview**

The reserved title provision of the Agrologists Act necessitates that the public have an effective means of identifying work that has been completed by, or under the supervision and control of practicing Agrologists. MIA encourages its members to use their respective designation in all business communications where it adds a dimension of understanding to the communication. The stature of the seal and stamp are identical, hence the choice between sealing or stamping documents prepared by or under the supervision of the practicing agrologist is a matter of personal preference. The emphasis in this Guideline is on the use of the designation and seal to indicate professional / technical responsibility for documents which deal with professional and/or technical matters.

MIA's objective in publishing this Guideline is to encourage the communication of the "Professional Responsibility and Quality" message to the public. Formal confirmation of professional responsibility is a key step in the Quality control procedures employed by any organization in which a profession is practiced.

#### **Section 1 Responsibilities of practicing Agrologists**

##### **1.1 Practicing Member (P.Ag., Tech. Ag)**

A practicing member of MIA may seal only such documents that were prepared by the member or under the member's supervision and control.

## 1.2 Custody and Control of Seals

- a) A seal issued to a practicing member, must at all times remain under member's direct control.
- b) All designated seals are the property of MIA notwithstanding their issuance to members for use as defined in the Act, Regulations and By-Laws, and must be returned when the individual ceases to be a member of the Institute.
- c) Members may only use official seals issued by the MIA. Members are not to use any other form of seal or stamp in the course of their work which could be confused with the official seal of the Institute.

## 1.3 Liability for Negligence

Sealing and signing documents does not affect the exposure of the practicing member to civil liability. Liability for negligence is based on act and it is not generally possible to contract out of liability for negligence or failure to exercise due care. A practicing member may be civilly liable for the documents the member prepared or supervised whether or not the member stamped and signed them.

## 1.4 Misrepresentation

A practicing member who seals and signs documents that were not prepared by the member nor under the member's supervision and control is:

- a) in breach of the Code of Ethics
- b) open to charges of fraud
- c) open to charges of negligence if the misrepresentation results in damage.

The basis for the liability is that the practicing member fraudulently misrepresented that the member prepared the documents or supervised and controlled their preparation.

Conversely, unauthorized revisions or other forms of misrepresentation of responsibility for documents prepared and sealed by a practicing member can be defended against by maintaining a record of the original documents.

## **Section 2 The Authentication of Professional Authorship and Quality Control**

### 2.1 General

The basic purpose of designations and seals is to identify documents which involve work that has been performed by, or under the supervision and control of, a practicing member. As instruments for quality control they are as applicable to documents produced for use by a member's employer as they are to documents produced for an outside client.

The employer or client of a practicing member has a right to expect competent and careful professional advice or service. The affixing of designated seals to documents is a formality designated to emphasize the care and responsibility associated with their preparation prior to release for use.

### 2.2 Methods of Authenticating Professional Authorship

In general the professional authorship of all formal letters, instructions, drawings, specifications, reports and manuals prepared by, or under the supervision and control of, a practicing member should be authenticated before they are issued for use.

There are two ways to authenticate professional authorship:

a) Name, Designation and Signature

This is the simplest form of professional authentication. It involves the signature of the practicing member over the member's name and designation. E.g.

J.K. Does, P.Ag.

It is used for all written communications to communicate to the public the designated status of the author of the document.

b) Professional Seal and Signature

This form of designated authentication is used for documents which contain information involving professional judgment or advice and which are to be issued by a member.

It is a matter of individual judgment which form should be used in a specific situation or circumstances in which it is not needed. The method should in all circumstances, complement the significance of the document. The simplest form is recommended in all routine communications. Sealing is recommended for documents involving professional judgment or advice.

### **SECTION3: PROFESSIONAL SEALS**

#### **3.1 General**

A professional seal which is affixed to a document, is intended to indicate to the public that the document has been produced under the supervision and control of a practicing member of the institute who is fully qualified by virtue of the member's training and experience to take professional responsibility for its contents. Documents must therefore be signed, dated and sealed only after the responsible practicing member is satisfied that the document or component for which the member is professionally / technically responsible is complete and ready for issue.

#### **3.2 Affixing Seals to Documents**

The professional seal must be affixed to a document only by the practicing member who prepared or supervised and controlled its preparation.

Following the guidelines for the application of professional seals to various types of documents.

##### **3.2.1 Reports**

Reports of all sizes and formats should be sealed as described below:

- a) Reports involving one professional author should be sealed with the member's designated seal.
- b) Reports which involve more than one discipline or expertise should be sealed by each practicing member assuming responsibility for the work as follows:
  - i) Each distinctly separate section should be sealed.
  - ii) The complete report should also be sealed.

##### **3.2.2 Manuals**

Manuals prepared for direction and guidance of others should be sealed using the same principles of quality control and professional responsibility as described for reports.

##### **3.2.3 Revisions**

- a) Revisions to a document issued by or under the supervision and control of the same practicing member who is responsible for the original document should be clearly identified as revisions to the original document. The

document should be re-dated to indicate the date of the revision and initialed by the appropriate practicing member.

- b) When revisions to a document are made by someone other than the original member responsible for the content of the original document the revisions only, including all elements of the document which are affected by the revisions, should be sealed, signed and dated by the practicing member under whose supervision and control the revisions were made. Care should be taken in documenting the revisions to clearly identify the boundary of professional responsibility between the original and revised documents.

In these circumstances the practicing member assuming responsibility for the revisions should:

- i) Seal, sign and date separate documents which comprehensively described the revisions including all elements of the original document affected by the revisions;
- OR
- ii) Seal, sign and date the revisions shown clearly on the original documents as revisions to them and for which professional responsibility is restricted to the revisions and all elements affected by them.

#### 3.2.4 Removal of Professional Seals from a Document

Designated seals should not be removed from a document except by the practicing member who sealed, signed and dated the document originally. When seals are removed, the member or members responsible for their removal have a professional duty to inform those who may be affected and also to withdraw the documents from public use.

#### 3.2.5 Computer Produced Documents

The principals involved in authenticating professional authorship are independent of the methods employed for producing the document. When documents are held within and generated by computer, it is important that the computer files (CD, disc, data base, etc.) maintain a record of the name of the practicing member responsible for the contents of the document and the date on which it was sealed. Similarly, names and dates for revisions and addenda should also be records and maintained in the computer file.

#### 3.2.6 Original Document Records

Practicing Agrologists should maintain a record copy of sealed documents that have been issued. The record copy should bear a note to the effect that, "This copy is for record purposes and must not be revised without the express approval of the practicing member under whose authority the document was sealed and issued."

## **APPENDIX D**

### **MANURE MANAGEMENT PLANNER**

#### **1.1 REGISTRY**

- a. The MIA shall cause to be kept by the registrar or other officer appointed for the purpose, a register in which shall be entered the names of all members in good standing who have successfully completed the Assiniboine Community College MANURE MANAGEMENT PLANNER COURSE and are eligible for preparation of Manure Management Plans as defined in the Manitoba Regulation 194/2005 of the Environment Act..
- b. The register, or a copy of same duly certified by the registrar shall be prima facie evidence in all courts and before all persons that the persons whose names are entered therein are eligible for preparation of Manure Management Plans.

#### **1.2 USE OF PROFESSIONAL DESIGNATION, SEAL AND STAMP**

Refer to Appendix C.