



**Ontario
Professional
Planners
Institute**

**Institut des
planificateurs
professionnels
de l'Ontario**

Ontario Planners: Vision • Leadership • Great Communities

By-law 1-86

The General By-law of the Ontario Professional Planners Institute

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Adopted by the founding board of directors 1986 01 24
Amended and confirmed by the inaugural General Meeting 1986 03 14
Amended by mail ballot of the membership:
1986 10 17; 1988 03 16; 1990 08 03; 1993 10 27; 1995 10 26; 1996 08 14;
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Ballot at Annual General Meeting: 1996 10 17 and
Schedules last attached 2010 02 26

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1 Revocation of Previous By-laws

- 1.1 This By-law repeals and replaces any previous general By-law of the Ontario Professional Planners Institute.

2 Definitions and Interpretations

- 2.1 In this By-law:
- 2.1.1 **"the Institute"** means the Ontario Professional Planners Institute incorporated under the laws of the Province of Ontario, herein also called "the OPPI";
 - 2.1.2 **"the CIP"** refers to the Canadian Institute of Planners;
 - 2.1.3 **"District"** means a subdivision of the OPPI consisting of a geographical area and the members therein, determined by resolution of the Council and described in Schedule A attached hereto;
 - 2.1.4 **"members therein"** means the members whose addresses as recorded on the rolls of the Institute are located within the defined geographical area;
 - 2.1.5 **"member"** refers to a person holding membership in any class;
 - 2.1.6 **"corporate member"** means a person holding membership in one of the corporate classes of membership viz., Full Member, Retired Member, Provisional Member, Student Member;
 - 2.1.7 **"non-student corporate members"** means the Full Members and the Retired Members and the Provisional Members;
 - 2.1.8 **"register"** means the register of members of the Institute as prescribed by the Ontario Professional Planners Institute Act, 1994;
 - 2.1.9 **"Council"** means the Board of Directors of the Institute, consisting of the officers and the District Representatives and the Representatives-at-Large;
 - 2.1.10 **"officers"** means the Full Members of the Institute who are elected to be the President and to be President Elect and who are appointed from among the directors to be the Secretary and to be the Treasurer;
 - 2.1.11 **"District Representative"** means a Full Member of the Institute who is elected to represent a District as a member of the Council;
 - 2.1.12 **"Representative-at-Large"** means a Full Member of the Institute who is elected to be a member of the Council by the members of the Institute qualified to vote;
 - 2.1.13 **"director"** means a Full Member of the Institute who is elected to be a member of the Council;
 - 2.1.14 **"Executive Director"** refers to a person appointed by the Council from time to time to carry out such duties as required by these By-laws and as determined by the Council;

- 2.1.15 **"Registrar"** refers to any individual appointed by the Council from time to time to carry out such duties as required by the Ontario Professional Planners Institute Act, 1994 and these By-laws and as determined by the Council;
- 2.1.16 **"Annual Meeting"** means the annual general meeting of the Institute;
- 2.1.17 **"presiding officer"** means the person designated to preside at general meetings of the Institute and at meetings of the Council;
- 2.1.18 **"the OPPI Examinations"** means the examinations for membership specified from time to time by the Council (Schedule J);
- 2.1.19 **"recognized degree in planning"** means a degree determined to be such by the Council for the purposes of this By-law (Schedule K);
- 2.1.20 **"recognized degree in a field related to planning"** means a degree determined to be such by the Council for the purposes of this By-law (Schedule L).
- 2.1.21 **"relevant planning experience"** means experience determined to be such by the Council for the purposes of this By-law (Schedule P);
- 2.1.22 **"log book"** means a written record in the form prescribed by the Council (Schedule Q);
- 2.1.23 **"planning"** means the planning of the scientific, aesthetic and orderly disposition of land, resources, facilities and services, with a view to securing physical, economic and social efficiency, a sound environment, health and well-being.
- 2.1.24 **"member of the Discipline Committee"** means a person appointed by the Council to the Discipline Committee pursuant to section 15.2 of this By-law.
- 2.2 The name of the Institute in French is "institut des planificateurs professionnels de l'Ontario".

3 Ontario Professionals Planners Institute Act, 1994

- 3.1 This By-law is enacted in accordance with the Ontario Professional Planners Institute Act, 1994 and is to be interpreted in conformity with that Act.
- 3.2 Any provision of this By-law and the schedules attached thereto that is inconsistent with the Ontario Professional Planners Institute Act, 1994 is void.

4 Membership Classes

- 4.1 There shall be four (4) corporate classes of membership:
- 4.1.1 Full Member;
- 4.1.2 Retired Member;
- 4.1.3 Provisional Member;

- 4.1.4 Student Member
- 4.2 There shall be two (2) non-corporate classes of membership:
- 4.2.1 Honorary Member;
- 4.2.2 Public Associate.
- 4.3 A Full Member is a person who has applied to be a Full Member and who:
- 4.3.1 (a) holds, in planning, a recognized undergraduate degree or a recognized post-graduate degree (Schedule K), and
- (b) has, as a Provisional Member, completed the Log Book (Schedule Q) of at least two (2) years of Relevant Planning Experience (Schedule P), and
- (c) has passed Examination 'A' relative to entering the Full Member class (Schedule J); or
- 4.3.2 (a) holds, in a field related to planning, a four-year undergraduate degree or a recognized post-graduate degree, and
- (b) has, as a Provisional Member, fulfilled the requirements of Examination 'B' relative to advancement as a Provisional Member (Schedule J), and
- (c) has, as a Provisional Member, completed the Log Book (Schedule Q) of at least four (4) years of Relevant Planning Experience (Schedule P), and
- (d) has passed Examination 'A' relative to entering the Full Member class (Schedule J); or
- 4.3.3 (a) has, as a part-time student while a Provisional Member, obtained a recognized degree in planning or in a field related to planning, pursuant to the individual and particular conditions set by the Council in electing the person to Provisional Membership, and
- (b) has, as a Provisional Member, fulfilled the requirements of Examination 'B' relative to advancement as a Provisional Member (Schedule J), and
- (c) has, as a Provisional Member, completed the Log Book (Schedule Q) of at least six (6) years of Relevant Planning Experience (Schedule P), and
- (d) has passed Examination 'A' relative to entering the Full Member class (Schedule J) or
- 4.3.4 (a) holds, a four-year undergraduate degree or a post-graduate degree in a field not related to planning, and
- (b) has, as a Provisional Member, fulfilled the requirements of Examination 'B' relative to advancement as a Provisional Member (Schedule J), and
- (c) has, as a Provisional Member, completed the Log Book (Schedule Q) of at least six (6) years of Relevant Planning Experience (Schedule P), and
- (d) has passed Examination 'A' relative to entering the Full Member class (Schedule J) or

- 4.3.5 (a) holds, membership in an organization of professional planners the qualifications for which are, in the opinion of the Council, equivalent to those to be a Full Member of the Institute (Schedule U), and
- (b) has fulfilled the requirements of Examination 'B' (Schedule J), and
- (c) has passed Examination 'A' relative to entering the Full Member class (Schedule J).
- 4.4 A Retired Member is a Full Member who is not engaged in relevant planning activities for gain, who has applied to be placed on the retired list and who has been accepted as retired in accordance with the provisions of section 5 of this by-law.
- 4.5 A Provisional Member is a person whose address is in Ontario and who has applied to become a Provisional Member and who:
- 4.5.1 (a) holds, in planning, a recognized undergraduate degree or a recognized post-graduate degree (Schedule K); or
- 4.5.2 (a) holds, a four-year undergraduate degree or a post-graduate degree in a field recognized as related to planning, and
- (b) is currently or has at some time been engaged in Relevant Planning Experience (Schedule P), and
- (c) has passed the Entrance Interview 'C' relative to entering the Provisional Member Class (Schedule J); or
- 4.5.3 (a) is enrolled as a part-time student in a program of study leading to a recognize degree in planning or in a field related to planning, and
- (b) is currently or has at some time been engaged in Relevant Planning Experience (Schedule P), and
- (c) has passed the Entrance Interview 'C' relative to entering the Provisional Member Class (Schedule J); or
- 4.5.4 (a) holds, a four-year undergraduate degree or a post-graduate degree in a field not related to planning, and
- (b) is currently or has at some time been engaged in Relevant Planning Experience (Schedule P), and
- (c) has passed the Entrance Interview 'C' relative to entering the Provisional Member Class (Schedule J).
- 4.5.5 A Provisional Member who does not have a degree in planning must fulfill the Exam B requirement by the end of year 5 of their Provisional membership status.
- 4.5.6 Every Provisional Member has a maximum of 7 years to attain Full Membership status.
- 4.6 A Student Member is a person whose address is in Ontario and who is enrolled in a program of study leading to a secondary school graduation diploma or post-secondary undergraduate or post-graduate degree and who has applied to be a Student Member; and the limit of time to be a Student Member is one (1) year after obtaining the degree, and Student Members who leave their programs of study without graduating no longer qualify to be Student Members from the time they cease to be enrolled in their programs.

- 4.7 An Honorary Member is a person who in the opinion of the Council has evidenced extraordinary interest and concern for the planning profession and who does not hold membership in the CIP or the OPPI and who in the opinion of the Council would not qualify as a Full Member of the OPPI.
- 4.8 A Public Associate is a person whose address is in Ontario and who has applied to be a Public Associate and who has demonstrated interest in supporting and promoting the objectives of the Institute and who does not hold membership in the OPPI or the CIP and who would not qualify for corporate membership in the OPPI.
- 4.9 Membership in the CIP:
- 4.9.1 Despite section 4.3 above, a person who is a member of that class of membership in the CIP that is equivalent to full membership in the Institute and who is in good standing may obtain membership as a Full Member of the Institute upon application for membership and upon payment of the membership fees as hereinafter required.
- 4.9.2 Despite section 4.3 to 4.5 and 4.9 above, any other corporate or non-corporate CIP member in good standing as defined in the Consolidated By-law of CIP who resides or practices in Ontario may obtain membership in the corresponding class of the Institute upon application for membership and upon payment of the membership fees as hereinafter required.
- 4.10 A Full Member will be issued a certificate of registration as a Registered Professional Planner in accordance with the Ontario Professional Planners Institute Act, 1994.
- 4.11 A Retired Member will be issued such identification of retired membership as the Council may determine to be affixed to the member's certificate of registration issued under section 4.10 above.
- 4.12 Each certificate of registration issued under section 4.10 above is the property of the OPPI and shall be returned to the OPPI on request of the Council.
- 4.13 A Full Member, upon application, may request a seal designating that person as a "Registered Professional Planner".
- 4.14 Each seal issued under Section 4.13 above is the property of the OPPI and shall be returned to the OPPI on request.

5 Procedures for Membership

- 5.1 The Council shall appoint a standing Membership Committee which shall consist of the Representative-at-Large responsible for membership and the Registrar and the chairs of the District Membership Subcommittees.
- 5.2 The Representative-at-Large responsible for membership shall be the chair of the Membership Committee.

- 5.3 Each District shall have a District Membership Subcommittee consisting of the chair of the subcommittee and at least three Full Members appointed each year by the District Executive from, where possible, among the Full Members in the public sector, the private sector, and the education sector. For a District created on or after June 8, 2006, the District Membership Sub Committee or Sub-Committees existing immediately prior to its creation shall continue to provide all membership related services until such time as the Council by resolution shall determine.
- 5.4 The chair of the District Membership Subcommittee shall be other than the District Representative and shall be a Full Member appointed by the Council on the recommendation of the District Executive, to serve for a three-year term.
- 5.5 Every application for membership shall be submitted in the first instance to the Registrar who shall ensure that the application information is complete and when it is complete shall arrange consideration of the application by the District Membership Subcommittee and the Membership Committee as appropriate to the case.
- 5.6 The Registrar shall be responsible for the administration of the OPPI Examinations and for reviewing the academic credentials of applicants and for advising the Membership Committee on the validity and suitability of the academic credentials of each applicant and for advising the Membership Committee on the outcome of the OPPI Examinations.
- 5.7 The Council, with the advice of the Membership Committee, shall appoint such Examiners as it considers appropriate for the purposes of carrying out the OPPI Examinations.
- 5.8 The Membership Committee shall administratively determine whether a candidate has met the requirements of admission to any class of membership in accordance with the criteria for membership as specified in this By-Law. Subject to the provisions of the Ontario Professional Planners Institute Act, 1994 and this By-Law, the decision of the Membership Committee shall be final and binding.
- 5.9 The Membership Committee shall have such other responsibilities as may be determined from time to time by the Council.
- 5.10 Any candidate for election to any class of membership may appeal to the Council any process or action of the Membership Committee or a District Membership Subcommittee enumerated in Schedule X of this By-law, in accordance with the procedures set out in that schedule.

6 Rights and Responsibilities of Members

- 6.1 A person who holds membership in any class is entitled:
- 6.1.1 to attend and participate in discussion at general meetings; and
- 6.1.2 to receive all publications of the Institute; and
- 6.1.3 to be considered for appointment to committees; and
- 6.1.4 to resign from membership.
- 6.2 A Full Member, in addition to the rights stated in section 6.1 above, is entitled:
- 6.2.1 to vote on any matter

- 6.2.2 to be nominated for election as a director; and
- 6.2.3 to use the designations "Registered Professional Planner" and "R.P.P." in accordance with the Ontario Professional Planners Institute Act, 1994; and
- 6.2.4 to use a seal that signifies the designation "Registered Professional Planner" in accordance with the Ontario Professional Planners Institute Act, 1994; and
- 6.3 A Retired Member, in addition to the rights stated in section 6.1 above, is entitled:
 - 6.3.1 to vote on any matter; and
 - 6.3.2 to use the designations "Registered Professional Planner" and "R.P.P.", together with an indication of retired membership, in accordance with the Ontario Professional Planners Institute Act, 1994.
- 6.4 A Provisional Member, in addition to the rights stated in section 6.1 above, is entitled:
 - 6.4.1 to vote on any matter; and
 - 6.4.2 to request a leave of absence from the need to log work experience.
- 6.5 A Student Member, in addition to the rights stated in section 6.1 above, is entitled:
 - 6.5.1 to vote only on the election of any Student Delegate to the Council as provided for in this By-law or the schedules thereto, and such other matters as are specified in this By-law; and
- 6.6 A person holding membership in any class other than Full Member or Retired Member shall not use any initials or any abbreviated form to designate their membership and shall not refer to their membership as representing professional qualification other than specific to the class in which the person is a member.
- 6.7 A person who holds membership in any of the corporate classes shall be obligated:
 - 6.7.1 to support and promote the objects of the Institute as prescribed by the Ontario Professional Planners Institute Act, 1994; and
 - 6.7.2 to adhere to the Professional Code of Practice of the Institute attached hereto as *Appendix 1* and forming part of this By-law; and
 - 6.7.3 to report any alleged breach of the Professional Code of Practice to the Discipline Committee in accordance with the procedures set out in *Appendix 2*; and
 - 6.7.4 to pay such fees as provided in this By-law.
- 6.8 A person who holds membership in any of the non-corporate classes shall be obligated:
 - 6.8.1 to support and promote the objects of the Institute as prescribed by the Ontario Professional Planners Institute Act, 1994; and
 - 6.8.2 to pay such fees as provided in this By-law.
- 6.9 A member shall not, as such, be held answerable or responsible for any act, default, obligation or liability of the Institute or for any engagement, claim, payment, loss, injury, transaction, matter or thing to or connected with the Institute.
- 6.10 Membership in the Institute shall cease when a member:

- 6.10.1 has resigned from membership; or
- 6.10.2 is removed from the register of the Institute by virtue of being in default of fees, as provided in this By-law; or
- 6.10.3 is removed from the register of the Institute as a consequence of breach of the Professional Code of Practice, as provided in this By-law.

Figure 1: Summary of Membership Rights And Duties

(Note: this figure illustrates but does not form part of this By-law.)

	*Full:	Ret.:	Prov.:	Stud.:	Hon.:	Assoc.:
Is obligated to support and promote the objects of the Institute.	yes	yes	yes	yes	yes	yes
May attend and participate in discussion at general meetings.	yes	yes	yes	yes	yes	yes
May receive all OPPI publications.	yes	yes	yes	yes	yes	yes
May be appointed to committees.	yes	yes	yes	yes	yes	yes
May vote on any matter.	yes	yes	yes	no	no	no
May vote only on specified matters.	N/A	N/A	N/A	yes	no	no
May be elected to be a director.	yes	no	no	no	no	no
May use initials to indicate membership.	yes	yes	no	no	no	no
May have leave of absence from logging.	N/A	N/A	yes	N/A	N/A	N/A
Is liable for an Annual Fee.	yes	yes	yes	yes	no	yes
Is bound by the Code of Conduct.	yes	yes	yes	yes	no	no
May resign from membership.	yes	yes	yes	yes	yes	yes

*Full = Full Member, Ret. = Retired Member, Prov. = Provisional Member
 Stud. = Student Member, Hon. = Honorary, Assoc. = Public Associate

7 Fees

- 7.1 A person holding membership in any class other than Honorary Member shall be liable for an Annual Fee, due and payable each year on the second day of January.
- 7.2 The Council shall by resolution from time to time establish the schedule of Annual Fees according to the classes of membership, and such resolution shall be subject to confirmation with or without variation by a majority of the votes cast at a general meeting of the Institute. Despite the foregoing, Council may by resolution not more than once annually increase the schedule of Annual Fees according to the classes of membership by not more than 5% without the approval of the members.
- 7.3 If thirty days after the due dates in Sections 7.1, a member is in default of payment of the Annual Fee, the Institute forthwith shall send, by prepaid first class mail addressed to the last known address of the member shown on the rolls of the Institute, written notice to the member that unless the member has paid the Annual Fee the member's membership in the Institute shall cease effective fifteen (15) days next following the mailing of the written notice, and if the member does not respond to such notice the member shall no longer have membership in the Institute and the name of the member shall be removed from the register.

- 7.4 Membership that has ceased because of default of payment of the Annual Fee may be reinstated by the Council following payment by the member of all arrears or a part thereof as determined by the Council and following payment of a Reinstatement Fee as established from time to time by resolution of the Council.
- 7.5 In addition to the fees specified elsewhere in this By-law the Council shall by resolution from time to time establish administrative fees associated with membership processing, membership services, and the initial and annual recognition of planning programs.
- 7.6 The Council may by resolution from time to time impose special levies upon the members but before any such levy may be collected it shall be confirmed with or without variation by a majority of the votes cast at a general meeting of the Institute.

8 The Council (Board Of Directors)

- 8.1 The Council shall consist of at least eleven (11) directors, all of who shall be Full Members of the Institute, and of whom at least four (4) shall be the officers and at least seven (7) shall be the District Representatives and the others shall be such Representatives-at-Large.
- 8.2 The officers shall be:
- 8.2.1 the President; and
 - 8.2.2 the President-Elect; and
 - 8.2.3 the Secretary; and
 - 8.2.4 the Treasurer.
- 8.3 The President-Elect shall be the representative of the OPPI on the Council of the CIP.
- 8.4 At the first meeting of the new Council, Council shall elect from its members a Secretary and a Treasurer for the purposes of the officers of the Institute.
- 8.5 There shall be one (1) District Representative on the Council from each District of the Institute as may be established under this By-law.
- 8.6 The Council may by resolution create new Districts and amend or vary an existing District and the same shall be as described in *Schedule A* hereto.
- 8.7 The quorum of the Council shall be a simple majority of the directors.
- 8.8 Any vacancy that occurs on the Council shall be filled for the remainder of the term of office from among the qualified Full Members of the Institute, as follows:
- 8.8.1 When less than twelve (12) months remain in the term of office of the vacant directorship, the vacancy shall be filled by appointment by the Council provided that the remaining directors continue the quorum of the Council.
 - 8.8.2 When more than twelve (12) months remain in the term of office of the vacant directorship, the vacancy shall be filled through by-election held either at the next Annual Meeting or at a general meeting called for the purpose.

- 8.9 In the event that the President-Elect is unable to attend a meeting of the Council of the CIP he/she shall so advise the Council which shall appoint from among the directors an alternate representative to perform such functions in relation to that meeting as the Council shall determine.
- 8.10 In the event that the President-Elect is unable to serve as the representative of the OPPI on the Council of the CIP, the Council shall appoint another director to serve.
- 8.11 The Representatives-at-Large shall be elected to roles as outlined in *Schedule C* of this By-law.

9 Terms of Office and Elections

- 9.1 The President-Elect shall assume the office of the President at the adjournment of the Annual Meeting and shall serve as the President for two (2) years until adjournment of the second subsequent Annual Meeting.
- 9.2 The term of office of the President-Elect shall be two (2) years from the adjournment of the Annual Meeting at which he/she is elected until the adjournment of the second subsequent Annual Meeting at which time he/she shall assume the office of President.
- 9.3 The terms of office of the District Representatives and the Representatives-at-Large shall be two (2) years from the adjournment of the Annual Meeting at which they are elected until the adjournment of the second subsequent Annual Meeting.
- 9.4 The terms of office of the directors shall be staggered so that the Representatives-at-Large shall be elected in even numbered years and the President-Elect and the District Representatives shall be elected in odd numbered years.
- 9.5 The directors shall be elected by the non-student corporate members in good standing at the Annual Meeting of the Institute, subject to the following:
- 9.5.1 Directors are eligible for re-election except that:
- (a) the President shall not be eligible for election as President-Elect, and
 - (b) in accordance with the provisions of section 10.5 of this By-law, no director whose term of office ends in an even numbered year shall be eligible for election to a position whose term of office ends in an odd numbered year, or vice versa.
- 9.5.2 The President and President-Elect shall be elected at large and neither shall be a District Representative.
- 9.5.3 Each District Representative shall be elected by the non-student corporate members whose addresses on the rolls of the Institute are within the geographical area of the District to be represented.

10 Nomination and Election Procedures

- 10.1 The Council shall appoint a standing Nominating Committee which shall consist of at least seven (7) persons who are Full Members or Retired Members, and which shall include at least one member from each District.
- 10.2 The Council shall appoint the Chair of the Nominating Committee.
- 10.3 The Nominating Committee shall:
 - 10.3.1 nominate at least one (1) qualified person willing to accept the nomination for each position on the Council that is becoming vacant; and
 - 10.3.2 at least five (5) weeks before the general meeting at which the election is to take place, shall provide to the Executive Director a written report containing the names of the persons nominated and a written acceptance of the nomination signed by each nominee.
- 10.4 At least nine (9) weeks before each Annual Meeting or any general meeting called for the purposes of section 8.8.2 of this By-law, the Executive Director shall notify the membership that:
 - 10.4.1 any three (3) persons who are Full Members or Retired Members in good standing may nominate a qualified person to be a candidate for election to any vacant position on the Council; and that
 - 10.4.2 any nomination shall be made in writing and shall be signed by the nominators and the nominee and shall be received by the Executive Director at least five (5) weeks before the general meeting at which the election is to take place.
- 10.5 No director shall be nominated for a position on the Council for which that director is not eligible for election by virtue of section 9.5.1(b) of this By-law unless the director files his/her intention to resign from the Council at least ten (10) weeks before the general meeting at which the election is to take place.
- 10.6 The election of one or more directors to Council shall, by resolution of Council, be conducted by the Executive Director either by a mail ballot in accordance with this section 10.6 or by a proxy in accordance with section 10.10. Where the vote for the election of one or more directors to Council shall be conducted by mail ballot, the Executive Director shall:
 - 10.6.1 cause to have prepared a ballot listing all the persons nominated and the positions for which they have been nominated; and shall
 - 10.6.2 mail the ballot to every non-student corporate member of the Institute not later than four (4) weeks prior to the general meeting at which the elections are to take place; and shall
 - 10.6.3 accept ballots delivered by mail to the Executive Director at the office of the Institute up to 5 p.m. on the third business day preceding the day of the general meeting at which the elections are to take place; and shall
 - 10.6.4 accept ballots delivered by hand to the Executive Director at the location of the general meeting at which the elections are to take place, up to 5 p.m. on the day preceding the call to order of that general meeting.

- 10.7 The Council shall appoint two (2) scrutineers from among the non-student corporate members of the Institute who shall scrutinize the counting of the ballots, the counting to be made by the Executive Director prior to the call to order of the general meeting at which the elections are to take place, and the Presiding Officer shall advise the general meeting of these appointments.
- 10.8 In the event of a tie vote the scrutineers shall place in a ballot box one (1) ballot for each of the nominees involved in the tie and the nominee is elected whose ballot is withdrawn from the box sight unseen by the Executive Director in the presence of the scrutineers.
- 10.9 The scrutineers shall report the results of the count to the Presiding Officer of the meeting who shall announce to the meeting the names and positions of those elected.
- 10.10 Where the vote for the election of one or more directors to Council shall be conducted by proxy, the provisions of section 10 shall apply excluding Section 10.6. Every non-student corporate member of the Institute may be represented at a general meeting of the Institute called for the purpose of the election of one or more directors to Council by a proxy, being the Executive Director or his or her nominee who may attend and act at the meeting in the manner and to the extent authorized by the non-student corporate member for whom the proxy is acting. Where the vote for the election of one or more directors to Council is to be conducted by proxy, the Executive Director shall:
- 10.10.1 ensure that there be a proxy form in writing in a form and content determined by the Council from time to time and which shall cease to be valid at the conclusion of the relevant meeting; and shall
 - 10.10.2 include in such proxy form a listing of all the persons nominated and the positions for which they have been nominated; and shall
 - 10.10.3 ensure that the proxy form provides that the Executive Director or his or her designate may attend and act at the meeting in the manner and to the extent authorized and instructed by the non-student corporate member or the proxy form ; and shall
 - 10.10.4 provide that the proxy form shall state that to be valid it shall be sent at the sender's risk to the Executive Director so as to be received by the Executive Director by a specified proxy deposit date being not later than 5 p.m. on the second business day proceeding the day of the general meeting at which the elections are to take place, and shall
 - 10.10.5 ensure that the said proxy form identifies and is provided to only eligible paid-up non-student corporate members of the Institute by the member's identification number and at the corresponding internet, e-mail, facsimile or telephone address for the member on the rolls of the Institute; and shall
 - 10.10.6 provide any such other control number, account number or identifier as is required to responsibly ensure that in the returning of the completed proxy form to the Executive Director there is the ability to confirm the identification of the responder and that the proxy form has been executed by the non-student corporate member or his or her lawyer or personal representative authorized in writing; and shall
 - 10.10.7 by internet, e-mail, facsimile or telephone send the proxy form to every non-student corporate member of the Institute not later than four (4) weeks prior to the proxy deposit date provided on the proxy form, which date shall be prior to the general meeting or Annual General Meeting at which the elections are to take place; and shall
 - 10.10.8 ensure that a proxy vote as directed shall not be cast if it is received by Executive Director for any reason whatsoever after the date and time specified on the proxy form as the proxy deposit date; and shall

- 10.10.9 provide such direction and take such measures necessary to ensure that not more than one (1) proxy is directed by any member qualified to vote; and shall
- 10.10.10 accept for receipt only by internet, e-mail, facsimile or telephone a proxy form that is received within the specified period and receive, inspect and determine whether the proxy is authenticated and acceptable; and shall
- 10.10.11 ensure that forthwith following the proxy deposit date all authenticated and acceptable proxy forms are provided to the scrutineers in accordance with section 10.7; and shall
- 10.10.12 ensure that no completed proxy form shall be disclosed or communicated and counted until the general meeting or Annual Meeting called for the purpose and for such purposes, the completed, authenticated and accepted proxy form shall constitute a ballot for the purposes of section 10.7, provided always that the identity of the member shall not be otherwise disclosed directly or indirectly; and shall
- 10.10.13 retain all proxy forms received, whether or not endorsed as authenticated and accepted, to be retained by the Executive Director for a period of not less than ninety (90) days from the reporting thereof pursuant to section 10.9; and shall
- 10.10.14 ensure that in addition to revocation in any other manner permitted by law, a proxy may be revoked by instrument in writing executed by the non-student corporate member or his or her lawyer or personal representative authorized in writing and deposited either at the head office of the Institute at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof, at which the proxy is to be used or with the chair of such meeting on the day of the meeting, or adjournment thereof, and upon either of such deposits the proxy is revoked.

11 Responsibilities of the Council

- 11.1 The Council shall direct, control and supervise all the activities of the Institute, including:
 - 11.1.1 the active pursuit of the objects, missions and goals of the Institute;
 - 11.1.2 the formulation of plans, policies and priorities;
 - 11.1.3 its initiatives and committees;
 - 11.1.4 its programs and publications; and
 - 11.1.5 overall responsibility for financial and administrative matters.
- 11.2 The Council shall meet at least four (4) times in each calendar year provided that not fewer than three (3) meetings are convened in a single location and a quorum is present for the purposes of conducting the affairs of the Institute:
 - 11.2.1 at the call of the President; or
 - 11.2.2 at the call of the Secretary on the written request of three (3) directors or at least fifteen (15) non-student corporate members of the Institute.
- 11.3 At meetings of the Council:

- 11.3.1 each director present shall have one (1) vote on any question that is put for vote except that in the event of a tie vote the Presiding Officer shall cast the additional vote necessary to decide the question; and
- 11.3.2 votes may be determined by show of hands or, at the request of any director, by a recorded vote; and
- 11.3.3 the Council shall be bound by the majority of the votes of the directors present.
- 11.4 The Council shall cause to be kept the following:
 - 11.4.1 a copy of any agreements entered into in accordance with this By-law or otherwise related to the affairs of the Institute;
 - 11.4.2 a record of all By-laws and special resolutions of the Institute;
 - 11.4.3 in addition to the register, a roll of all members, including addresses and such other information as the Council determines is required to implement this By-law.
 - 11.4.4 a roll of directors in which is set out the names, addresses and callings of all persons who are or have been directors of the Institute with the several dates on which each became or ceased to be a director.
- 11.5 In the event that the Institute has formal representation on other organizations or bodies, the representatives or delegates of the Institute shall be appointed from among the members of the Institute by the Council for such time and under such conditions as shall be determined by the Council in conformity with this By-law and each year the list of such representation shall be published by the Council.
- 11.6 The Council shall from time to time:
 - 11.6.1 request the Discipline Committee to provide advice and assistance and interpretation and mediation in matters relating to differences, misunderstandings and alleged breaches of the Professional Code of Practice; and
 - 11.6.2 act upon the advice and assistance and interpretation of the Discipline Committee by issuing letters of warning, correction, advice or admonition with the objective of forestalling or preventing actions or practices which might lead to formal complaints; and
 - 11.6.3 receive the results of the requested mediation and take action which Council deems appropriate in the circumstances.
- 11.7 Where all the directors present at or participating in a meeting consent, a meeting of the Council or of a committee thereof may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in such a meeting by such means is deemed to be present at the meeting. Any such consent shall be effective whether given before or after the meeting to which it relates and may be given with respect to all meetings of the Council or a committee of the Council held while a director holds office.

12 Duties Of the Directors

- 12.1 The President shall:

- 12.1.1 have the general supervision of the affairs of the Institute; and
- 12.1.2 preside at meetings of the Council and at the Annual Meeting and at special general meetings of the Institute; and
- 12.1.3 be ex-officio a member of all committees established under Section 14 of this By-law; and
- 12.1.4 perform such other responsibilities as elsewhere in this By-law are required or as the Council may from time to time determine.
- 12.2 The President-Elect shall:
 - 12.2.1 in the absence of the President, have the general supervision of the affairs of the Institute; and
 - 12.2.2 preside at meetings when the President is absent; and
 - 12.2.3 in the context of the national interests of the members of the OPPI as members of the CIP, represent the interests of the OPPI in the conduct of the affairs of the Council of the CIP; and
 - 12.2.4 at each meeting of the Council, report on the activities of the Council of the CIP; and
 - 12.2.5 perform such other responsibilities as elsewhere in this By-law are required or as the Council may from time to time determine.
- 12.3 The Secretary shall:
 - 12.3.1 cause to be given all notices required to be given by this By-law or by the Council; and
 - 12.3.2 perform such other responsibilities as elsewhere in this By-law are required or as the Council may from time to time determine.
- 12.4 The Treasurer shall:
 - 12.4.1 present financial reports and statements on the condition of the Institute as may be required by the Council from time to time; and
 - 12.4.2 present a yearly financial report to the Annual Meeting of the Institute; and
 - 12.4.3 perform such other responsibilities as elsewhere in this By-law are required or as the Council may from time to time determine.
- 12.5 Each District Representative shall:
 - 12.5.1 be responsible for and coordinate the local services of the Institute for the District, including program and professional development activities among other things; and
 - 12.5.2 ensure that appropriate members in the District are nominated to serve on the various committees of the Institute; and
 - 12.5.3 facilitate the functioning in the District of Institute committees; and
 - 12.5.4 perform such other responsibilities as elsewhere in this By-law are required or as the Council may from time to time determine.
- 12.6 Each Representative-at-Large shall:

- 12.6.1 perform such responsibilities as are specified in *Schedule C* of this By-law; and
- 12.6.2 perform such other responsibilities as the Council may from time to time determine.

13 Management

- 13.1 The fiscal year of the Institute shall be from January 1 to December 31 of each calendar year.
- 13.2 Council shall from time to time appoint by resolution signing officers who may conduct banking transactions in the name of the Institute.
- 13.3 Deeds, transfers, contracts and engagements on behalf of the Institute shall be executed at the direction of the Council and under the seal of the Institute by the President together with the Secretary or the Treasurer or in the absence of the President by the Secretary and the Treasurer.
- 13.4 The Council may purchase or otherwise acquire, lend and sell for or on behalf of the Institute any property, rights and privileges which the Institute is entitled to acquire or has acquired at such price and on such terms and conditions as the Council deems proper.
- 13.5 The officers shall constitute a Management Committee which shall be established as follows:
 - 13.5.1 The President shall be the chair of the Committee.
 - 13.5.2 The Committee shall meet at the call of the President.
 - 13.5.3 The quorum of the Committee shall be a simple majority of the officers.
 - 13.5.4 The Committee may recommend to the Council actions pertaining to the financial and administrative affairs of the Institute, and all such actions shall be subject to confirmation by the Council.
- 13.6 There shall be Standing Rules adopted by the Districts for their management which shall conform to the By-laws of the Institute. The Standing Rules of a District and any amendment thereto shall be subject to approval by resolution of the Council. The Standing Rules as approved are set out in *Schedule D*.

14 Committees

- 14.1 There shall be five standing committees of the Institute as provided elsewhere in this By-law, viz.:
 - 14.1.1 the Council (section 8); and
 - 14.1.2 the Management Committee (section 13); and
 - 14.1.3 the Membership Committee (section 5); and
 - 14.1.4 the Nominating Committee (section 10); and

- 14.1.5 the Discipline Committee (section 15).
- 14.2 In addition to the standing committees identified in section 14.1 above, there shall be such working committees as the Council by resolution may from time to time determine and if any are established the terms of reference shall be set forth in *Schedule C* of this By-law.
- 14.3 The Council as it deems necessary from time to time may by resolution appoint any special committee of the Institute for such purpose and consisting of such members and non-members of the Institute as the Council considers suitable.

15 Discipline Committee

- 15.1 Every person holding corporate membership shall be bound by the Professional Code of Practice attached hereto as *Appendix 1* and forming part of this By-law.
- 15.2 The Council shall appoint a standing Discipline Committee which shall consist of not less than five (5) nor more than eleven (11) Full Members of the Institute in good standing, and one or more lay citizen residents in Ontario, as members of the Discipline Committee, as hereinafter provided.
- 15.3 A director or an employee of the Institute or a member of any other standing or working committee of the Institute shall not be eligible to be a member of the Discipline Committee.
- 15.4 Appointments to the Discipline Committee shall be for a term of three (3) years, arranged so that as nearly as possible one-third of the members shall retire each year.
- 15.5 Members of the Discipline Committee are eligible for reappointment and members shall hold office until their successors are appointed.
- 15.6 Where a member of the Discipline Committee ceases to be such before the expiration of his/her term, the Council shall appoint another Full Member in good standing or lay citizen, as the case may be, to be a member of the Discipline Committee for the unexpired portion of the term.
- 15.7 The Council shall appoint one of the members of the Discipline Committee who is a Full Member in good standing to be the Chair and another to be the Vice-Chair who shall act as the Chair in the absence of the Chair.
- 15.8 The Discipline Committee shall appoint a Secretary of the Committee who shall keep on file minutes of all complaints and proceedings thereon.
- 15.9 The composition of a Discipline Committee panel holding a hearing into the determination of a complaint shall be not less than three (3) members of the Committee, exclusive of any lay citizen appointment.
- 15.10 The Discipline Committee shall:
- 15.10.1 provide to the Council, upon request, advice and assistance and interpretation and mediation in matters relating to differences, misunderstandings, and alleged breaches of the Professional Code of Practice; and
 - 15.10.2 recommend to the Council the issuing of letters of warning, correction, advice, or admonition with the objective of forestalling or preventing actions or practices which might lead to formal complaints; and
 - 15.10.3 subject to provisions of this By-law, hold hearings for the purpose of inquiring into complaints referred to it and make determinations on allegations of any breach of the Professional Code of Practice by a member of the Institute; and
 - 15.10.4 carry out such other responsibilities as are assigned to it from time to time by the Council in connection with the practice and ethics of the profession.

- 15.10.5 Where under Section 15.10.1 the Discipline Committee is asked to provide mediation on such matters as are noted, the Chair of the Discipline Committee shall appoint a member of the Committee to act as mediator, and that member shall report the results of the mediation directly to Council.
- 15.10.6 Make available to the public such procedural rules and regulations for the conduct of its responsibilities that are supplementary to and not inconsistent with section 15 of this By-law.
- 15.11 All disciplinary proceedings related to the Professional Code of Practice shall be in accordance with the provisions contained in *Appendix 2* attached hereto and forming part of this By-law, and shall be generally in accordance with Rules made under s.15.10.6.
- 15.12 The appointment of a lay citizen as a member of the Discipline Committee shall include an oath or affirmation there from to keep and maintain the confidences and affairs of the Institute and the Discipline Committee as if the same were all intimate financial or personal matters not to be directly or indirectly disclosed or released to any person save and except in accordance with the provisions of this By-law governing the Institute and its Committees.
- 15.13 The Chair of the Discipline Committee shall appoint the members of the Discipline Committee panel to hold a hearing required under this by-law.
- 15.14 The Chair of the Discipline Committee may designate any member of the Discipline Committee or any other Full Member of the Institute to conduct a pre-hearing conference in accordance with the Rules made under s.15.10.6.
- 15.15 The member appointed pursuant to section 15.14 who conducts a pre-hearing conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the hearing, including adding of parties.
- 15.16 A member of the Discipline Committee or other person who conducts a pre-hearing conference at which the parties attempt to settle issues shall not participate in the hearing into the matter unless the parties consent.
- 15.17 Subject to the Rules made under s.15.10.6 hereof, a pre-hearing conference may be held by conference telephone or some other form of electronic technology that allows persons to hear and communicate with one another throughout the conference.

16 General Meetings

- 16.1 An Annual Meeting of the Institute shall be held within fifteen (15) months but no sooner than six (6) months after the last preceding Annual Meeting, at a time and place to be set by the Council at least nine (9) weeks prior to the Annual Meeting.
- 16.2 The Executive Director shall, at least nine (9) weeks prior to the Annual Meeting, mail written notice of the time and place of the Annual Meeting to every member on the rolls of the Institute and shall indicate in the notice that nominations for the election of directors at that Annual Meeting will be received in conformity with Section 10 of this By-law.
- 16.3 The President may call special general meetings of the Institute at the President's discretion and shall call a special general meeting of the Institute on written request of a least four (4) directors or of at least twenty-five (25) non-student corporate members of whom at least fifteen (15) are Full Members or Retired Members.
- 16.4 The Executive Director shall, at least four (4) weeks prior to a special general meeting, mail written notice of the time and place of the special general meeting to every member on the rolls of the Institute and shall indicate in the notice of statement of the purpose of the meeting and that only those matters specified in the statement of purpose may be considered at the meeting.
- 16.5 The quorum at a general meeting shall be twenty-five (25) non-student corporate members, of whom at least fifteen (15) shall be Full Members or Retired Members.
- 16.6 At general meetings of the Institute:
 - 16.6.1 each non-student corporate member, save and excepting the Presiding Officer, has one (1) vote on any questions and in the event of a tie vote the Presiding Officer shall cast the additional vote necessary to decide the question; and
 - 16.6.2 in addition to a counting of mail ballots if any, votes may be determined by a show of hands unless a recorded secret ballot is requested by a majority of those present at the meeting and entitled to vote on the matter; and
 - 16.6.3 the meeting shall be bound by the majority of the votes as counted.

17 Mail Ballots

- 17.1 Whenever balloting by mail is required by this By-law or is otherwise decided upon by the Council, at least four (4) weeks prior to the general meeting or otherwise the day on which the matter is to be determined the Executive Director shall send to each member entitled to vote on the matter, by prepaid first-class mail at that member's last known address as shown on the rolls of the Institute, the following:
 - 17.1.1 a copy of the matter to be determined; and
 - 17.1.2 a ballot; and
 - 17.1.3 an identification form; and

- 17.1.4 an envelope (on the outside of which may be printed the identification form) for the purpose of returning to the Executive Director the sealed ballot envelope with the completed ballot enclosed.
- 17.2 Ballots and identification forms shall be in such form as shall be determined by the Council from time to time.
- 17.3 Any member who is qualified to vote on the matter may vote as follows:
- 17.3.1 the identification form and ballot shall be properly completed; and
- 17.3.2 the completed ballot shall be sealed in the return ballot envelope; and
- 17.3.3 the sealed ballot envelope shall be sealed in the return enveloped; and
- 17.3.4 the return ballot envelope shall be at the sender's risk to the Executive Director, by mail or otherwise, so as to be received by the Executive Director in conformity with the notice of the general meeting called for the purpose of determining the matter or otherwise the note of the date on which the matter is to be determined.
- 17.4 A ballot shall not be counted if it is received by the Executive Director for any reason whatsoever after the date and time specified in the notice for determination of the matter.
- 17.5 It is the duty of each member and the Executive Director to ensure that not more than one (1) vote is cast by any member qualified to vote.
- 17.6 Each return envelope received within the specified period shall be opened and the identification form inspected by the Executive Director and where the form is duly completed and the signator is qualified to vote the ballot envelope shall be endorsed as acceptable.
- 17.7 The ballot envelopes endorsed as acceptable shall not be opened and counted until the close of the poll prior to the general meeting called for the purpose or otherwise at the time set for determination of the matter.
- 17.8 At the close of the poll prior to the meeting called for the purpose or otherwise at the time set for determination of the matter the Executive Director or such other person or persons as may be required by this By-law shall open and count the ballots, and shall forthwith advise the Council and the membership of the results of the mail ballot.
- 17.9 All ballots received by the Executive Director, whether or not endorsed as accepted, shall be retained by the Executive Director for a period of not less than ninety (90) days from the counting of the ballots.

18 Affiliation Agreements

- 18.1 On behalf of the Institute, the Council may enter into such affiliation agreement with the CIP as the Council considers proper and the conditions and period of such affiliation shall be specified in the agreement.

- 18.2 In furtherance of the objects of the Institute, as prescribed by the Ontario Professional Planners Institute Act, 1994, the Council on behalf of the Institute may enter into affiliation agreements with any other organization provided that the terms and conditions of the affiliation agreement shall be confirmed with or without variation at a general meeting of the Institute, before such affiliation agreement shall take effect.

19 Enactment and Amendment of By-Law

- 19.1 By-laws and amendments thereto may be initiated by the Council or by any five (5) Full Members in good standing by submitting the proposed By-law or amendment, in writing with reasons, to the Council.
- 19.2 Where in the opinion of the Council it is necessary or desirable to enact a By-law or to amend a By-law the Council shall by resolution pass the By-law or amendment and cause the same to be submitted to the membership for confirmation.
- 19.3 The Executive Director shall, at least four (4) weeks prior to the general meeting called for the purpose of confirming the By-law or amendment, cause to be sent to each non-student corporate member by prepaid first-class mail to that member's last known address as shown on the rolls of the Institute, the following:
- 19.3.1 the text of the By-law or amendment together with an explanation of the purpose and effect of the proposed By-law or amendment; and
- 19.3.2 a notice specifying the date, time and place of the general meeting called for the purpose of confirming the By-law or amendment.
- 19.4 The By-law or amendment shall be voted on only by the non-student corporate members who are present at the general meeting called for the purpose.
- 19.5 Notwithstanding Sections 19.3 and 19.4 above, the Council may by resolution determine to conduct a mail ballot of all non-student corporate members for the purpose of seeking confirmation of any By-law or amendment, in which event the provisions of Section 17 of this By-law shall apply.
- 19.6 The Schedules established by resolution of the Council and attached to this By-law and any additional Schedules as may by resolution of the Council be established may be amended by resolution of the Council.

20 Indemnification

- 20.1 No action or proceeding, either at law or in equity, shall be brought by any member of the Institute against any director or officer or against any member of any committee of the Institute or against any servant or agent of the Institute for or by reason of any act, matter or thing done or omitted to be done in pursuance of the implementation of this By-law. This section may in any such action or proceeding be pleaded and shall constitute an absolute defense and any and all claims for or by reason of any such act, matter or thing shall be conclusively deemed to have been waived by all members of the Institute.

- 20.2 In addition to the foregoing, no corporate member or other person shall have any cause of action or lawful complaint against the Institute, the Council or any director, any corporate member or officer, committee member, servant or agent of the Institute by reason of any thing done or omitted to be done or any other matter or thing conducted with or in respect of any investigation, inquiry, charge, hearing, report or recommendation, or any disciplinary proceedings, order or publication, made or done in good faith under this By-law.
- 20.3 The Institute shall indemnify and save harmless any director or officer or committee member of the Institute or their heirs from and against all claims, costs and expenses, including all amounts paid to settle any action or satisfy any judgment, reasonably incurred by such director or officer or committee member of the Institute in respect of any civil or administrative action or proceeding to which such director or officer or committee member of the Institute was engaged by reason of being or having been a director or officer or committee member of the Institute, if
- 20.3.1 such director or officer or committee member of the Institute acted honestly and in good faith with a view to the best interests of the Institute, and
- 20.3.2 where there is a monetary penalty, such director or officer or committee member of the Institute had reasonable grounds for believing that such conduct was lawful.

Appendix I: Professional Code of Practice

1 Preamble

Members of the Institute must practice in an ethical and responsible manner. The Professional Code of Practice forms the basis of planning practice by Members; it is enforceable through the disciplinary provisions of the OPPI By-law 1-86, as amended. In Ontario, all complaints regarding the conduct of the Members will be addressed by the OPPI Discipline Committee which shall have sole authority over the matter.

Further, the Institute refers Members to the CIP Statement of Values, which follows as a source of inspiration and guidance for professional planners in Canada, and, as well, to the Standards of Practice contained in *Schedule B*, Practice Standards, of the OPPI By-law. These should be read in conjunction with this Professional Code of Practice. In the event of conflict, the Professional Code of Practice shall prevail.

CIP Statement of Values:

To respect and integrate the needs of future generations.

CIP Members recognize that their work has cumulative and long-term implications. When addressing short-term needs, CIP members acknowledge the future needs of people, other species and their environments, and are to avoid committing resources that are irretrievable or irreplaceable.

To overcome or compensate for jurisdictional limitations.

CIP Members understand that their work has a potential impact on many jurisdictions and interests. They must therefore practice in a holistic manner, recognizing the need to overcome the limitations of administrative boundaries.

To value the natural and cultural environment.

CIP Members believe that both natural and cultural environments must be valued. They assume roles as stewards of these environments, balancing preservation with sustainable development.

To recognize and react positively to uncertainty.

CIP Members believe that the long-term future is unpredictable and that adaptable and flexible responses to deal positively with this uncertainty must be developed.

To respect diversity.

CIP Members respect and protect diversity in values, cultures, economics, ecosystems, built environments and distinct places.

To balance the needs of communities and individuals.

CIP Members seek to balance the interests of communities with the interests of individuals, and recognize that communities include both geographic communities and communities of interest.

To foster public participation.

CIP Members believe in meaningful public participation by all individuals and groups and seek to articulate the needs of those whose interests have not been represented.

To articulate and communicate values.

CIP Members believe in applying these values explicitly to their work and communicating their importance to clients, employers, colleagues and the public.

2 PROFESSIONAL CODE OF PRACTICE

1.0 The Planner's Responsibility to the Public Interest

Members have a primary responsibility to define and serve the interests of the public. This requires the use of theories and techniques of planning that inform and structure debate, facilitate communication, and foster understanding. Accordingly, a Member shall:

- 1.1 practice in a manner that respects the diversity, needs, values and aspirations of the public and encourages discussion on these matters;
- 1.2 provide full, clear and accurate information on planning matters to decision makers and members of the public, while recognizing both the client's right to confidentiality and the importance of timely recommendations;
- 1.3 acknowledge the inter-related nature of planning decisions and their consequences for individuals, the natural and built environment, and the broader public interest; and
- 1.4 identify and promote opportunities for meaningful participation in the planning process to all interested parties.

2.0 The Planner's Responsibility to Clients and Employers

Members must provide diligent, creative, independent, and competent performance of work in pursuit of the client's or employer's interest. Accordingly, a Member shall:

- 2.1 impart independent professional opinion to clients, employers, the public, and tribunals;
- 2.2 work with integrity and professionalism;
- 2.3 not perform work outside of his/her professional competence;
- 2.4 not neglect planning services which he/she has agreed to perform, nor render services without adequate preparation;
- 2.5 acknowledge the values held by the client or employer in work performed, unless such values conflict with other aspects of this Code;
- 2.6 respect the client or employer right to confidentiality of information gathered through a professional relationship;
- 2.7 inform the client or employer in the event of a conflict between the values or actions of the client or employer and those of this Code, in a timely manner;
- 2.8 ensure full disclosure to a client or employer of a possible conflict of interest arising from the Member's private or professional activities, in a timely manner;
- 2.9 inform all relevant parties and provide the Member's professional recommendation in situations that may adversely affect the public interest;
- 2.10 reject and not offer any financial or other inducements, including prospective employment, that could influence or affect professional opportunities or planning advice;

- 2.11 not as an employee of a public planning agency, give professional planning advice for compensation to a private client or employer within the jurisdiction of the public agency without written consent and disclosure to the agency;
- 2.12 not, as a consultant to a public planning agency during the period of contract with the agency, give professional planning advice for compensation to others within the jurisdiction of the agency without written consent and disclosure to the agency in situations where there is the possibility of a conflict of interest arising;
- 2.13 not, as a salaried employee of or consultant to any public planning agency, directly or indirectly advise the agency on the granting or refusal of an application which the Member has submitted or has an interest in to the agency; however, the Member may present the application;
- 2.14 not accept anything of value, or the promise of anything of value, including prospective employment, from any person when it could appear that the offer is made for the purpose of influencing the Member's actions as an advisor to a public planning agency; and
- 2.15 not, in order to obtain professional work, present himself/herself as, or permit himself/herself to be presented as, prepared to provide planning services where the quality of work is less than reasonable and appropriate in the circumstances.

3.0 The Planner's Responsibility to the Profession and Other Members

The vitality and credibility of the planning profession and of the Institute are reflective of the quality of the Membership. To further the profession, Members will be expected to attain and maintain a high standard of professional competence and conduct, which extends to their relationship with other Members. Accordingly, Members shall:

- 3.1 take all reasonable steps to maintain their professional competence throughout their working lives and shall respect OPPI's continuing professional learning requirements as amended from time to time;
- 3.2 encourage healthy and constructive criticism about theory and practice of planning among colleagues and share the results of experience and research that contributes to the evolving body of planning knowledge;
- 3.3 maintain an appropriate awareness of contemporary planning philosophy, theory, and practice by seeking and receiving professional education throughout a planning career;
- 3.4 contribute to the professional education, mentoring, and development of planning students, Members, and other colleagues;
- 3.5 not in professional practice, extra-professional activities or private life, engage in dishonourable or questionable conduct that may cast doubt on the Member's professional competence or integrity or that may reflect adversely on the integrity of the profession;
- 3.6 ensure that advertising or promotional activities fairly and accurately communicate the expertise and skills offered;
- 3.7 advertise professional planning services in a manner that enhances the credibility of the profession;
- 3.8 accurately represent his or her professional qualifications and affiliations, education and experience, and those of colleagues;

- 3.9 act toward other Members and other colleagues in a spirit of fairness and consideration and not falsely or maliciously injure the professional reputation, prospects or practice of another Member and other colleagues;
- 3.10 respect the Member's colleagues in their professional capacity. and when evaluating the work of another Member, show objectivity and fairness and avoid ill-considered or uninformed criticism of the competence, conduct or advice of the Member;
- 3.11 not attempt to supplant another Member once the Planner has knowledge that definite steps have been taken toward the other's employment;
- 3.12 not sign or seal a final drawing, specification, plan, report or other document not actually prepared or checked by the Member;
- 3.13 not directly or indirectly discriminate against any person because of said person's race, national or ethnic origin, colour, religion, sex, age or mental or physical disability in any aspect of job recruitment, hiring, conditions of employment, training, advancement or termination of employment;
- 3.14 report to the Institute the behavior of any Member believed to be in breach of this Code;
- 3.15 not make public statements on behalf of the Institute's Members unless authorized to do so;
- 3.16 comply with any reasonable request of the Institute for information or for the co-operation of the Member in pursuit of any Institute objective; and
- 3.17 implement and give full effect to the disposition of any discipline proceeding affecting the Member.

Appendix II: Disciplinary Proceedings

- 1 Any person may submit a complaint in respect of an alleged breach, by a member in any of the corporate classes of membership, of the Professional Code of Practice

- 2 **Every complaint shall:**
 - 2.1 be in writing and contain a concise statement of the facts and evidence relevant to the complaint; and
 - 2.2 specify the applicable sections of the Professional Code of Practice relied upon by the complainant; and
 - 2.3 identify the name and address of the complainant or the complainant's solicitor to whom communications shall be sent.

- 3 The written complaint shall be submitted to the Executive Director who shall refer the complaint to the Chair of the Discipline Committee upon payment by the complainant of such fee as may be established by the Council for the hearing of a complaint.

- 4 Upon receipt of the complaint, the Chair of the Discipline Committee shall appoint not more than two (2) members of the Committee at least one (1) of whom shall be a Full Member, to be a subcommittee which shall:
 - (a) conduct a preliminary inquiry into the nature of the complaint and shall provide a recommendation to the Discipline Committee as hereafter provided; and
 - (b) consider whether mediation of the complaint is appropriate or advisable and shall provide a recommendation thereon to the Discipline Committee before or at the time of its recommendation under paragraph (a); and

the Chair of the Discipline Committee shall appoint a different member of the Discipline Committee to be the Secretary of the Discipline Committee in respect of the processing of the complaint. The files of the sub-committee shall be confidential and not available at any time to the Discipline Committee, the complainant, the member that is the subject of the complaint, the Institute or the public.

- 4.1 The subcommittee shall interview the complainant and the member complained of and shall determine whether the matter should proceed to a hearing. Where the subcommittee has determined that a matter shall proceed to a hearing, the Committee shall not be afforded reasons for that decision.
- 4.2 If the subcommittee determines that a hearing is not warranted, the subcommittee shall so recommend in writing with reasons to the full Committee.
- 4.3 If the Committee concurs that a hearing is not warranted, the Committee shall give notice to the parties of its intention to dismiss the proceeding and shall set out the reasons for dismissal and inform the parties of their right to make written submissions to the Committee with respect to the dismissal within the time specified in the notice.

4.4 If the subcommittee determines that a hearing is warranted or if the Committee declines a subcommittee recommendation that a hearing is not warranted, the Secretary of the Committee shall forthwith notify the member of whose conduct is complained that it is the intention of the Discipline Committee to hold a hearing into the merits of the allegation and the Secretary of the Committee shall notify the Council that a complaint has been received but shall not identify the parties involved and shall not divulge the particulars of the complaint.

4.5 Any members of the subcommittee shall have no further part in the hearing of the complaint.

5 Hearings before the Disciplines Committee shall be subject to the following:

5.1 The hearing shall be held not earlier than thirty (30) days and not later than sixty (60) days after the date of the notice of the Secretary of the Discipline Committee appointed under Section 4 of this Appendix in respect of the complaint.

5.2 Notice of the hearing with a copy of the complaint shall, at least fifteen (15) days before the date of the hearing be sent by the Secretary of the Discipline Committee to each member of the Discipline Committee and the member complained of at that member's address shown on the rolls of the Institute and to the person making the complaint.

5.3 The notice of hearing shall include a statement of the time, place and purpose of the hearing a reference to the By-law of the Institute under which the hearing will be held and a statement that if the party notified does not attend at the hearing the Discipline Committee may proceed in the person's absence and there shall be no entitlement to any further notice of the proceedings.

5.4 Where notice has been given to a party to any proceeding before the Discipline Committee and the party does not attend at the hearing, the Discipline Committee may proceed in the party's absence and there shall be no entitlement to any further notice of the proceedings.

5.5 A hearing may be adjourned at any time.

5.6 A hearing of the Discipline Committee shall be open to the public unless:

5.6.1 the person of whose conduct is complained requests otherwise by notice in writing delivered to the Secretary of the Discipline Committee before the day fixed for the hearing, and

5.6.2 the Discipline Committee directs that the public be excluded from part or all of the hearing on being satisfied that:

a) matters involving public security may be disclosed;

b) financial or personal or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of them in the interests of any person affected or in the public interest outweighs the desirability of adjuring to the principle that hearings be open to the public.

c) a person involved in a civil or criminal proceeding may be prejudiced; or

d) the safety of a person may be jeopardized.

5.6.3 The Discipline Committee may direct that the public be excluded from a hearing when it receives evidence or submission on, or deliberates whether to accept, a request under Section 5.6.1.

5.6.4 The provisions of this Section 5.6 apply with the necessary changes to any rehearing ordered

by Council pursuant to Section 8.2 hereof with respect to such application or proceeding.

- 5.7 Any person presiding at a hearing may administer oaths to witnesses, subject to the provisions of the Commissioner for Taking Affidavits Act as amended from time to time, and may require such witnesses to give evidence under oath.
 - 5.8 A member of the Discipline Committee shall not participate in a hearing or any part of an adjudication thereof if the said member has a personal interest or connection with the subject matter or has otherwise the appearance of bias or was not present during any part of the hearing.
 - 5.9 A party to proceedings may at a hearing be represented by counsel or an agent; a party may call and examine witnesses and present arguments and submissions and may conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of the facts.
 - 5.10 The oral evidence submitted at a hearing shall be recorded by the Secretary of the Committee or an appointee and such record shall constitute the only official record of the proceedings.
 - 5.11 The Discipline Committee may make and disseminate procedural directions providing for pre-hearing filings, the exchange of information and the duties of service and disclosure of documents as between the complainant and the member complained of and a hearing so as to provide for a reasonable and fair exchange of information. The Secretary of the Discipline Committee and all parties shall be provided a copy of any information, interrogatory, response or pleading exchanged pursuant to such directions.
 - 5.12 All disciplinary determinations require the vote of a majority of the members of the Discipline Committee present at a hearing, but in the event of a tie vote the motion or recommendation shall be considered lost.
 - 5.13 The determination of the Discipline Committee shall be in writing and signed by a majority of all the members of the Discipline Committee participating at the hearing and shall be accompanied by reasons in which are set out findings of fact and a copy of the reasons and determination shall be dated and forthwith provided to the Council and to all parties to the hearing by the Secretary of the Discipline Committee.
 - 5.14 Where a proceeding is commenced by the Discipline Committee and the term of office of a member sitting expires prior to the termination of the proceeding but after evidence has been heard, the member shall be deemed to continue as a member of the Discipline Committee for the purpose of the completion of the disposition of the proceeding.
 - 5.15 The Council shall provide to the Discipline Committee access to legal counsel on matters pertaining to a hearing.
- 6** Where following a hearing the Discipline Committee determines that there has been a breach of the Professional Code of Practice, it may direct one or more of the following:
- 6.1 the revocation of the member's membership and the removal of the member from the register;
 - 6.2 the suspension or limitation of the member's rights and privileges in the Institute for a stated period;
 - 6.3 the reprimand of the member and, if deemed warranted, the recording of the fact of such reprimand in the manner specified;

- 6.4 the imposition of such fines as the Discipline Committee considers appropriate, to a maximum of twenty five thousand (\$25,000) dollars to be paid by the member to the general account of the Institute;
- 6.5 the imposition of a penalty but that such penalty be postponed or suspended for such period and upon such terms as specified.
- 6.6 the application, requirement or imposition on the member of such extra-curricular, educational or such other corrective measure or measures that in the opinion of the Discipline Committee are fair and reasonable having regard to the circumstances.
- 7 In the event that a petition is filed as hereinafter provided, the operation of the determination of the Discipline Committee shall be stayed until such time as matters have been finally determined.
- 8 Any party or person interested may by Petition request that a final determination of the Discipline Committee made following the hearing of a complaint be reviewed by Council in accordance with the provisions herein provided; for greater certainty, no Petition right shall exist in respect of a determination by the Discipline Committee not to hold a hearing under paragraph 4.3 hereof or in respect of any procedural ruling, interim, or interlocutory determination of the Discipline Committee.
- 8.1 Subject to Section 8, on a petition by a party or person interested served upon the parties and the Executive Director of the Institute within thirty (30) days of the date of the determination of the Discipline Committee, and upon payment by the party or person interested of such fee as is established by Council for the purpose of filing such a petition, the Council shall reconsider the determination and without being required to hold a hearing may be resolution:
 - 8.1.1 confirm, vary or rescind the whole or any part of such determination; or
 - 8.1.2 remit the matter to the Discipline Committee for a new hearing on the whole or any part of a complaint submitted pursuant to Section 1 of this Appendix.
- 9 A resolution of the Council pursuant to Section 8 of the Appendix shall be made within ninety (90) days of the receipt by the Council of the petition filed, and the resolution shall forthwith be served upon the parties or person at interest by the Secretary of the Institute.
- 10 The resolution of the Council pursuant to Section 9 of this Appendix shall be in writing and shall be final, binding and conclusive of all matters dealt with therein and, where the Council elects to remit the matter to the Discipline Committee for a new hearing, there shall be no further right to petition under Section 8 of this Appendix.
- 11 It is the duty of every member of the Institute to comply with any decision of the Discipline Committee or the Council as hereinbefore provided and the membership of any member who fails to comply forthwith may be revoked by resolution of the Council without further proceedings.
- 12 All notices and correspondence relating to a disciplinary proceeding shall be sent by registered mail, courier, or facsimile and shall be deemed to have been received by the recipient forty-eight (48) hours after being sent, provided delivery can be proved by signature or facsimile confirmation.

- 13** When a member's membership is revoked, all rights and privileges as a member cease, or, when a member's membership is suspended, the member shall possess no rights or privileges as a member during the period of suspension.
- 14** Where a member's membership is revoked, the member may apply to be readmitted to membership and the Council, after due inquiry by a committee thereof, may readmit such person as a member upon such terms and conditions as the Council considers proper.
- 15** Notice of any revocation, suspension, resignation, reprimand, readmission or other change in a member's status in the Institute arising as a result of a disciplinary proceeding shall be kept separately by the Secretary of the Institute in the books of the Institute and the determination or affirmation shall be published by the Institute in its annual report and may be published elsewhere by the Institute, and where a member has been found in breach of the Professional Code of Practice the full name and address of the member may be stated and a summary of the complaint, determination and penalty imposed may be stated and the text and substance of any restriction on membership or of any reprimand may be added, but where a member has been found not to be in breach of the Professional Code of Practice the identity of the member shall not be published, but the substance of the proceedings may be published without identification of the parties for the purpose of publishing advice to the members of the profession.
- 16** The Council may annually set fees on applications for the hearing of a complaint before the Discipline Committee and on filing petitions arising there from and may determine to waive or refund any such fees owing or actually paid at any time. The failure to pay such fees may result in the complaint or petition being dismissed by the Discipline Committee or the Council, as the case may be, by resolution without any notice.



**Ontario
Professional
Planners
Institute**

**Institut des
planificateurs
professionnels
de l'Ontario**

Ontario Planners: Vision • Leadership • Great Communities

Schedules

to the General By-law of the
Ontario Professional Planners Institute
By-law 1-86

Schedule A: Geographical Areas of OPPI Districts (2006 09 28)

The Districts of the OPPI consist of the geographic areas listed below. The geographic areas are as defined by regulation under the *Territorial Division Act, 2002* and such municipal jurisdictions as are defined by law related to and in respect of the following:

1) OPPI DISTRICTS

Northern District (ND)

Algoma
Cochrane
Kenora
Manitoulin
Nipissing
Parry Sound
Rainy River
Sudbury
Timiskaming
Thunder Bay

Lakeland District (LD):

Dufferin
Grey
Haliburton
Kawartha Lakes
Muskoka
Northumberland
Peterborough
Simcoe

Oak Ridges District (ORD):

Durham
Peel
York

Toronto District (TD):

Toronto

Western Lake Ontario District (WLOD):

Haldimand
Halton
Hamilton
Niagara

Southwest District (SD):

Brant
Bruce
Chatham-Kent
Elgin
Essex
Huron
Lambton
Middlesex
Norfolk
Oxford
Perth
Waterloo
Wellington

Eastern District (ED):

Frontenac
Hastings
Lanark
Leeds & Grenville
Lennox & Addington
Ottawa
Prescott & Russell
Prince Edward
Renfrew
Stormont, Dundas & Glengarry

Schedule B: Practice Standards (2006 09 28)

Ontario Professional Planners Institute Independent Profession Judgment Standards of Practice

Overview

On the recommendation of the Discipline Process Review Committee, OPPI's Professional Practice and Development Committee has initiated a program to improve ethics and practice, in part through the development of Standards of Practice. These Standards of Practice are intended to promote higher professional standards and a better understanding of OPPI's Professional Code of Practice.

The following Standards of Practice have been approved by Council

- Independent Professional Judgment – September 2002, Revised 06/09
- Disclosure and the Public Interest – September 2003, Revised 06/09
- Trespass – September 2003
- Conflict of Interest – April 2005, Revised 06/09

Adopted Standards of Practice should be read collectively and should be considered a guide only. They are not intended to provide legal advice. Matters referred to the Discipline Committee will remain specific to OPPI's Professional Code of Practice.

STANDARDS OF PRACTICE - Independent Professional Judgment

1. Discussion

Under our Professional Code of Practice, Members must provide diligent, creative, independent, and competent performance of work in pursuit of the client's or employer's interest and are required to: "impart independent professional opinion to clients, employers, the public, and tribunals." (Section 2.1).

Professional Planners are subject to subtle pressures in the workplace. An employer or client may suggest that "in the past we have been working well together but lately we seem to be at odds and we cannot promote or continue to retain your services if we are not working together". The comment may be expressed innocently as an expectation that the planner should advocate the position of the client or employer.

Independent professional judgment or opinion must be derived free of pressure, however subtle, or one cannot maintain the independence necessary to serve both the client and the public. Professional Planners need to distinguish an opinion from an administrative responsibility to implement directions by clients or designated authorities such as Councils.

One of the main misunderstandings of the public concerns a professional planner processing an approval earlier recommended against. Another misunderstanding is how a planner may have an opinion that is different to that of the public or council opinion. We have to constantly remind the public and employers that an independent professional opinion is an objective evaluation based on all the relevant information available and the planner's professional judgment.

A professional planner cannot provide an independent professional opinion in any direct or indirect circumstance where there is a personal or financial interest including receiving consideration based on an outcome. The professional planner should consider the following before rendering an independent professional opinion:

- o Do I have sufficient information and resources?
- o Do I have sufficient training and experience?
- o Am I professionally objective?

The goal of the profession is to promote a standard of excellence that distinguishes Registered Professional Planners in Ontario and warrants the respect of the public. The most important distinguishing character of all Registered Professional Planners in Ontario must be our commitment to the professional code of practice in the pursuit of planning excellence. The Ontario Professional Planners Institute has the responsibility, through education and discipline, to maintain the highest standards of practice and ethics. We should promote and distinguish the value of an independent professional planning opinion certified by the use of the professional stamp. The stamp and signature represents the collective reputation of all Members of the Ontario Professional Planners Institute.

2. Standard of Practice for Independent Professional Judgment

The Professional Planner in applying independent professional judgment cannot be an advocate of any position other than his or her professional opinion. The role of an advocate is to "plead the cause of another". The role of the planner is to provide independent professional judgment or opinion. It is therefore important to distinguish an opinion independently from the position of the employer or client even though they may be the

same.

An opinion must be balanced and fair. Most issues have benefits and disadvantages or consequences. By stating both the benefits and impacts, a planner should present an opinion in a manner which allows the reviewer to understand the basis and reasoning for the opinion. Conditions are often identified to qualify the opinion where more work is necessary to support any assumptions or to manage identified impacts.

Independent professional judgment should be the end product of an evaluation process, openly and freely entered into with the application of research techniques and professional evaluation. The professional planner must measure the gravity and necessity of the circumstances, the resources available upon which to draw and be thoughtful of the rights and privileges of others within the overall public interest.

While not exhaustive, the following principles are intended to provide a greater understanding of the meaning of the term - independent professional judgment:

Independent

- A planner shall not perform work if there is an actual, apparent or foreseeable conflict of interest, direct or indirect, or an appearance of impropriety, without full written disclosure including related work for current or past clients and subsequent written consent by the current client or employer.
- Zealously guard against conflict of interest or its appearance.
- While the primary responsibility is to provide a service to a client or employer, there is also a responsibility to the larger society (public interest) that may at times supersede a planner's responsibility to a client or employer.
- Remain free of associations and activities that may compromise integrity and damage credibility.
- Disclose unavoidable conflicts.
- Deny favoured treatment to special interest groups (private and public).
- Resist collateral or irrelevant pressure to influence your planning opinion.
- Reject bribery in all forms. Do not accept commissions or allowances, directly or indirectly, from clients or other clients or employers in connection with planning work for which you are responsible.

Professional

- A planner must strive to provide full, clear and accurate information on planning issues to clients, citizens and governmental decision makers.
- A planner must systematically and critically analyze ethical issues in the practice of planning.
- A planner must act in accordance with the highest standards of professional integrity.
- Maintain a high quality of service and a reputation for honesty and fairness.

- Carry out tasks with honesty, provide accurate captions and never intentionally distort the truth.
- Express an opinion only when it is based on practical experience, education, judgment and honest conviction.
- Perform services only in areas of competence obtained through experience and/or formal education.
- Critically examine and keep current with emerging knowledge and fully use evaluation and research evidence in professional practice.
- Conduct yourself honourably, responsibly, ethically, and lawfully so as to enhance the honour, reputation and usefulness of the planning profession.
- Advise clients or employers when you believe a project does not meet basic planning principles or guidelines.
- All professional planners must promote professional excellence within the profession.

In summary, all professional planners must be aware of their professional responsibilities. The code of practice is intended to require a standard of excellence and practice to maintain the privilege of Members being exclusively referred to as a Registered Professional Planner in Ontario.

Caveats

The professional planner is reminded that in the event of conflicts or impediments to the pursuit of excellence in service and the promotion of the primacy of the public interest, the Professional Code of Practice of the Ontario Professional Planners Institute is to govern individual decision making.

In the event that the professional planner belongs to two or more professional organizations, compliance with the dictates and performance obligations of each where engaged, is expected. In acting in the capacity of a professional planner, whether in a direct or incidental capacity, the member is obligated to respect all standards applicable in the circumstances, including any higher standard or obligation, in the case of overlaps or conflict. In all such cases, it is the duty of the professional planner to meet or exceed the requirements of the Ontario Professional Planners Institute Code of Professional Practice.

STANDARDS OF PRACTICE: Disclosure and the Public Interest

1. Discussion

The Preamble to OPPI's Professional Code of Practice, referring back to the Canadian Institute of Planners Statement of Values states:

"CIP Members seek to balance the interests of communities with the interests of individuals, and recognize that communities include both geographic communities and communities of interest."

Professional Code of Practice Sections 2.7 and 2.9 collectively require that the Member ensure full disclosure to a client or employer of a conflict between the values or actions of a client or employer and those of the Code and that the Member must provide their professional recommendation in situations that may adversely affect the public interest.

In addition, the first Standard of Practice regarding Independent Professional Judgment established that:

"While the primary responsibility is to provide a service to a client or employer, there is also a responsibility to the larger society (public interest) that may at times supersede a planner's responsibility to a client or employer."

Section 1.0 of OPPI's Professional Code of Practice states that:

"Members have a primary responsibility to define and serve the interests of the public."

Section 1.3 further provides that:

"[Members shall] acknowledge the inter-related nature of planning decisions and their consequences for individuals, the nature and built environment, and the broader public interest."

Professional Code of Practice Section 2.6 requires that the Member respect the client or employer's right to confidentiality of information gathered through a professional relationship.

There is no universally accepted definition of what constitutes the public interest. The ethical principles that define it come from two sources - the general values of society and the planner's responsibility to serve the public interest. An individual Member's morals, ethics and values reflect those of their community and professional training. The Member must also be cognizant of and respect the competing interests of individuals, corporations, municipalities and provincial ministries and agencies. Conflicts arise among competing obligations, which "prima facie" may all appear to be valid. At issue here is the dilemma between the Code's direction of disclosing and balancing public interest issues with the contractual duty to observe confidential client information.

The purpose of this Standard of Practice is to further OPPI's commitment to ensuring that the highest standards of conduct and ethics are maintained, by increasing the awareness of Members' obligation under the Code to maintain professional integrity and promote and enhance the public interest. This Standard of Practice is intended to assist Members by providing an outline of the steps that should be taken in the evaluation of cases when disclosure of confidential information may be necessary in order to protect the public

interest.

Guidance as to what matters are of a dimension to affect the public interest is embedded in statutes such as the Planning Act. For example, Section 2 of the Planning Act establishes that a lengthy list of public authorities, in carrying out their responsibilities under the Act, shall have regard to identified matters of provincial interest, including:

- "
- (h) *the orderly development of safe and healthy communities; and*
 - (o) *the protection of public health and safety;*
- "

The "public interest" concept is continued throughout the Planning Act. It permeates all of the component sections (Official Plans, zoning by-laws, minor variance, site plans and subdivision/severance). It is the duty of a Member to identify any adverse impacts on the public interest and evaluate mitigative efforts that are appropriate. In some circumstances, this investigation may reveal information that is confidential or privileged. Before revealing or disclosing such information, the Member is advised to comply with the following directions.

2. Standard of Practice regarding Disclosure and the Public Interest

As set out in the Standard of Practice regarding Independent Professional Judgment, the professional planner should consider the following matters before rendering an independent professional opinion:

- Whether the Member has sufficient information and resources;
- Whether the Member has sufficient training and experience; and
- Whether the Member is professionally objective.

Assuming that the three conditions noted above have been met, the following section outlines the steps that a Member should pursue respecting the disclosure of information received that would normally or specifically be considered proprietary or confidential.

In providing independent professional judgment, the Member must be free to disclose confidential information that is contrary to the public interest in order to evaluate the issues and provide a professional recommendation. If a contractual commitment would be broken by such disclosure, generally such disclosure must be required by law or provided with the consent of the client. However, a Member is not entitled to hide behind a contract or refuse or neglect to reveal information that is relevant to the protection of the public interest. Disclosure guidelines are particularly relevant in the areas of the public interest related to public health or safety and respect for the rule of law. In those circumstances, the failure to disclose could negate the Member's duty to promote the primacy of the public interest and thereby constitute the basis of an offence under the Code of Practice.

Public disclosure must take place so as to preserve the standard of excellence that distinguishes Registered Professional Planners in Ontario and warrants the respect of the public. OPPI supports and recognizes that a professional planner has a responsibility to disclose matters that may have an adverse effect on the public interest, or where there is or is likely to be a violation of the law, without fear of professional disciplinary sanction. Further, if a Member is vested with, receives, or comes across information, whether received in confidence or not, the Member may have a legal or ethical responsibility to disclose this information if it could have an adverse effect on the public interest.

Major considerations to be carefully weighed must include – but are not necessarily limited to – the following:

- What is the level of risk to the public – is there an existing or imminent threat to public health or safety?
- Has there been, or is there likely to be a violation of the law?

If the answer to either one of the above is affirmative and the public interest is therefore potentially compromised in an adverse manner, then the Member must consider the following three questions:

- a) Is there a positive duty in law requiring timely disclosure, e.g. an environmental spill of contaminant?
- b) What are the disclosure terms of the employment contract? Do they include a mechanism for public disclosure, as part of an assessment, mitigation, conditions or a general due diligence requirement?
- c) Are timely internal appeal procedures in place that allow for a speedy resolution of the matter?

In the case of the first, a Member is expected at all times to observe the law. In the other circumstances, where disclosure is not obligatory at law and there is no release by the employer, the Member is advised to pursue the following:

Step 1: If, following consultation with the employer, public disclosure is prohibited, the professional should consult with a trusted senior colleague of their choice who holds current, full OPPI membership in strict confidence. The independent Member consulted should have, or be provided with, significant knowledge of the subject matter at hand to render an independent perspective, but not be linked to any of the parties involved.

Step 2: Should the independent OPPI Member concur with the involved planning professional's assessment of the gravity and urgency of the situation, the next step would be to contact OPPI's Executive Director to obtain further counsel and assistance on proceeding with disclosure.

The communication with OPPI, whether oral or in writing, must be generic in nature and follow the standardized format below, outlining the situation without divulging any privileged information. Contents should include:

- 1) A concise explanation of how and why the professional has concluded that there is an imminent threat to public health or safety or a violation of the law, including the name and contact information of the Member who concurred with this professional opinion;
- 2) An affirmation that the employer in question has not provided a disclosure release and has neither a mechanism for public disclosure nor a timely internal appeal procedures in place to deal with the situation so as to avoid imminent danger to the public;
- 3) Confirmation that the Member has notified the employer/client first and provided a reasonable period for a local resolution, satisfactory to the Member; and
- 4) Any other information that could assist with avoiding or minimizing a potentially adverse public reaction against the Member or the planning profession in the event of public disclosure.

Step 3: Receive and act upon the counsel and assistance provided by OPPI in conjunction with other civil or criminal independent legal advice, if any, that the Member in his/her sole discretion considers appropriate in the circumstances.

The procedure outlined above should be followed in all cases so as to ensure a consistent approach in handling situations respecting disclosure of matters affecting the public interest going to issues of public health or safety or a violation of the law. Following this process will maintain the integrity and competence of the planning profession, and is proffered as due diligence on the part of the Member.

3. Caveats

- a) In the case of a statutory obligation to disclose or protect information, the Member is expected to obey the law.
- b) Where disclosed information received is germane to public health or safety or in violation of the law, the Member should notify the employer/client and then follow the above three step procedure if there is no action to effectively remedy the concern.
- c) A departure from the approach suggested above is not recommended, it could be considered unprofessional and could be grounds for disciplinary action.
- d) This Standard of Practice only covers the most serious cases of violations of the public interest – other means of redress should be sought for cases not involving imminent threats to public health or safety or a violation of the law.
- e) Disclosure in order to protect the public interest should be strictly on a need-to-know basis and public information may be limited to the essentials required to recommend mitigation measures to prevent threats to public health or safety.
- f) Independent legal advice should be considered before proceeding with disclosure in all circumstances where confidential information is shared which is or may be the subject of privilege.
- g) A Member's contract for services or retainer letter should address that in the event that the Member's professional obligations conflict with the requirements of the owner, the Member's professional responsibility shall govern.
- h) This Standard of Practice is not intended to substitute for a Member's obligation in law to do or refrain from doing any act or omission that he or she is required to perform by law. Where information is protected by laws of copyright, privilege, trespass, libel, slander, privity of contract or access to freedom of information, the Member must examine the confidentiality of information received in light of this Standard of Practice.
- i) In the event that the professional planner belongs to two or more professional organizations, compliance with the dictates and performance obligations of each where engaged, is expected. In acting in the capacity of a professional planner, whether in a direct or incidental capacity, the Member is obligated to respect all standards applicable in the circumstances, including any higher standard or obligation, in the case of overlaps or conflict. In all such cases, it is the duty of the professional planner to meet or exceed the requirements of the Ontario Professional Planners Institute Code of Professional Practice.

STANDARDS OF PRACTICE - Trespass

1. Discussion

OPPI's Professional Code of Practice states:

"Members have a primary responsibility to define and serve the interests of the public."

The purpose of this Standard of Practice is to provide advice to planners regarding the existence of restrictions on access to property. While it might appear to some Members that entering onto lands for investigatory purposes is in the public interest, it is not the case in most instances. For example, before entering into a woodlot to conduct a survey of native plant species that might be affected by an adjacent development that the Member is involved with, it is mandatory that planners respect the legal restrictions on access to property. While municipalities may pass by-laws allowing construction access from neighbouring lands and certain other professions such as surveyors have limited access rights to property, planners have no statutory rights to enter upon premises, including lands and buildings, in the conduct of undertaking their work. Members must therefore obtain the consent of the owner and or occupant before entering upon or into such premises.

OPPI's Professional Code of Practice is silent on the specific issue of trespass. However, in consideration of the requirement for Members to recognize that resources are the property of individuals or private or public entities, planners must educate themselves as to the applicable restrictions on access to property. It is important that planners familiarize themselves with the provisions of the provincial Trespass to Property Act, R.S.O., 1990, Chapter T.21, as amended (the "Act") and the liability/risk assumption consequences under the Occupier's Liability Act, R.S.O. 1990, c.0.2 (collectively, the "Acts"). Note that extracts from these two Acts cited below are from the Acts (September, 2006), which may be amended from time to time. Members should therefore consult the Acts directly when trespass issues arise. Both Acts are available on the Internet by name search.

The Trespass to Property Act provisions defining when an act of trespass has occurred are as follows:

"Trespass an offence

2. (1) *Every person who is not acting under a right or authority conferred by law and who,*

(a) without the express permission of the occupier, the proof of which rests on the defendant,

(i) enters on premises when entry is prohibited under this Act, or

(ii) engages in an activity on premises when the activity is prohibited under this Act; or

(b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. R.S.O. 1990, c. T.21, s. 2 (1)."

Prohibition of entry is defined in the Act as follows:

"3. (1) Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises,

- (a) that is a garden, field or other land that is under cultivation, including a lawn, orchard, vineyard and premises on which trees have been planted and have not attained an average height of more than two metres and woodlots on land used primarily for agricultural purposes; or*
- (b) that is enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises. R.S.O. 1990, c. T.21, s. 3 (1)."*

Premises is broadly defined as follows in the Act:

"1 (1) 'premises' means lands and structures, or either of them, and includes,

- (a) water,*
- (b) ships and vessels,*
- (c) trailers and portable structures designed or used for residence, business or shelter,*
- (d) trains, railway cars, vehicles and aircraft, except while in operation. ("lieux") R.S.O. 1990, c. T.21, s. 1 (1)."*

Occupier is also defined in the Act as follows:

"1 (1) In this Act,

'occupier' includes,

- (a) a person who is in physical possession of premises, or*
 - (b) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises,*
- even if there is more than one occupier of the same premises ..."*

As a general rule, Members should always seek consent from the occupier before entering on premises, whether owned by the client, or other interest. In addition to the offence of trespass, punishable by fine and damage awards under the Act, other consequences can follow.

Under the provisions of the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2, in instances where the entry is prohibited under the *Trespass to Property Act* or the occupier has posted no consent notice with respect to entry and has not otherwise expressly permitted entry, a person who enters the premises is deemed to have willingly assumed all risks.

In the event that posted or written consent is not obtained, Members should in all cases consider alternatives to the act of committing trespass. For instance, raising the concern with interested parties such as the local planning department in order to facilitate agreement for access is one alternative.

This Standard of Practice should be read in conjunction with the Standard of Practice

regarding Disclosure and the Public Interest to ensure that privileged information is not inadvertently disclosed.

In all cases, a written agreement for access to protected premises should be sought to protect the Member against possible prosecution for trespass and complaints of unprofessional conduct.

Public sector planners are encouraged to amend development application forms to provide that the property owner in submitting the application thereby provides consent to municipal and relevant external agency review staff to enter upon the premises during regular business hours over the time that the application is under consideration by the municipality. Specific legal advice should be obtained for the conditions of entry.

Private sector planners are encouraged to include in retainer letters an acknowledgement of the right to enter the client's premises during reasonable times over the term of the project.

All Members must seek the permission of owners and occupiers of premises not otherwise accessible to the public.

2. Standard of Practice for Trespass

In all cases, OPPI Members must not violate the prohibition against trespass nor assume the risks or potential liability for such action. In instances where a planner is uncertain about the legal restrictions, specific legal advice should be sought.

In addition to inviting the possibility of a complaint or legal action against themselves, Members must always be mindful that their conduct is a reflection on the profession as a whole and must ensure that their behaviour is perceived to be ethical, in accordance with Section 2.2 of OPPI's Professional Code of Practice which requires that:

"[A Member shall] work with integrity and professionalism."

Section 3.5 requires that: *"[A Member shall] not in professional practice, extra-professional activities or private life, engage in dishonourable or questionable conduct that may cast doubt on the Member's professional competence or integrity or that may reflect adversely on the integrity of the profession."*

3. Caveat

A departure from the approach suggested above is not recommended. It could be considered unprofessional and could be grounds for disciplinary action.

STANDARDS OF PRACTICE - Conflict of Interest

1. Discussion

Section 1.0 of OPPI's Professional Code of Practice states:

"Members have a primary responsibility to define and serve the interests of the public."

Planners need to be aware that in carrying out their duties, they may become involved in situations where their duty to serve the public interest is compromised or perceived to be compromised by competing priorities and interests. A planner must always be aware of his/her responsibilities as set out in the Standard of Practice respecting Independent Professional Judgement:

"While the primary responsibility is to provide a service to a client or employer, there is also a responsibility to the larger society (public interest) that may at times supersede a planner's responsibility to a client or employer."

- A planner shall not perform work if there is an actual, apparent or foreseeable conflict of interest, direct or indirect, or an appearance of impropriety, without full written disclosure including related work for current or past clients and subsequent written consent by the current client or employer.
- Zealously guard against conflict of interest or its appearance.

There is no universally accepted definition of what constitutes a conflict of interest. The ethical principle underlying it flows from the planner's responsibility to perform his/her responsibilities freely without influence and to the best of the individual's ability commensurate with the resources available to perform the task. When a planner becomes involved in a situation where there is a conflict of interest, which has not been disclosed, the planner effectively violates his/her obligation to the larger society and may violate a number of the provisions of the Code of Practice.

The purpose of this Standard of Practice is to further OPPI's commitment to ensuring that the highest standards of practice and ethics are maintained, by increasing the awareness of Members' obligation under the Code to maintain professional integrity. This Standard of Practice is intended to assist Members by providing an outline of the considerations that Members must evaluate to confirm that in undertaking certain responsibilities, no conflict of interest of a personal nature would occur that would have the effect of adversely impacting on the Members' duties.

This Standard of Practice is to be applied in all situations in which a planner may find him or herself in an actual or perceived conflict of interest. It is not intended to supplant an employer's internal policies or procedures regarding an actual or perceived conflict of interest. Planners must familiarize themselves with and work within these additional policies within their place of employment.

The Standard of Practice regarding Independent Professional Judgement sets out a number of matters that the professional planner should consider before rendering an independent professional opinion, including consideration of whether the Member is professionally objective with respect to his/her opinion.

Specific instances where a personal conflict of interest would be involved include the following scenarios:

- when the Member, a spouse/partner or family Member is in a position to potentially benefit directly or indirectly from a certain outcome of a planning process; and
- when the Member is in a situation where personal relationships may place improper influence on the outcome of a planning process.

A conflict arises when the perception or potential for the ability of the planner to exercise the required independent professional judgement is undermined. Simply recognizing a conflict does not eliminate it, and declaring it may not resolve the conflict.

Planners often assume different roles in the performance of their duties and as they function as professionals in society. In some instances, professional opinions are required to be given in oral or written form, while in instances of processing matters, they may not be required to be given. In exercising independent professional judgement, whether or not opinions are required, conflicts can arise. Planners must determine what role they are taking on in any given circumstance and assess potential conflicts accordingly. Regardless of the role, this Standard of Practice applies.

Specific Code of Practice requirements, which would be violated in the above circumstances, are as follows:

Section 2.8

"[The Member shall] ensure full disclosure to a client or employer of a possible conflict of interest arising from the Member's private or professional activities, in a timely manner;"

Sections 2.10 – 2.14

"[The Member shall] reject and not offer any financial or other inducements, including prospective employment, that could influence or affect professional opportunities or planning advice;"

[The Member shall] not, as an employee of a public planning agency, give professional planning advice for compensation to a private client or employer within the jurisdiction of the public agency without written consent and disclosure to the agency;

[The Member shall] not, as a consultant to a public planning agency during the period of the contract with the agency, give professional planning advice for compensation to others within the jurisdiction of the agency without written consent and disclosure to the agency in situations where there is the possibility of a conflict of interest arising;

[The Member shall] not, as a salaried employee of or consultant to any public planning agency, directly or indirectly advise the agency on the granting or refusal of an application which the Member has submitted or has an interest in to the agency; however, the Member may appear to present the application;

[The Member shall] not accept anything of value, or the promise of anything of value, including prospective employment, from any person when it could appear that the offer is made for the purpose of influencing the Member's actions as an advisor to a public planning agency."

2. General Practice

Planners have an obligation to disclose matters in which they directly or indirectly have a personal interest. Personal interest for the purpose of this Standard of Practice is defined as:

"Any personal advantage, real or perceived, that constitutes a personal or pecuniary benefit, gain or profit that is neither nominal nor in kind and which accrues to a Member or person directly or indirectly related to the Member as a result of involvement in a work, commission, planning process or decision, excluding reasonable and related contract for service amounts with the employer to whom the services are rendered."

Appropriate and timely disclosure must take place so as to preserve the standard of excellence that distinguishes Registered Professional Planners in Ontario and warrants the respect of the public. The nature of disclosure will be different in each circumstance. Verbal declarations are required in a public forum such as a Committee, Council, or tribunal charged with making a recommendation or decision on a matter related to the Members opinion; the declaration could be in the form of written correspondence to affected parties and/or participants in a planning process if sufficient opportunity exists to communicate effective knowledge of the personal interest. The nature of the conflict will guide the type and extent of disclosure required. It should be clear that disclosure of the specific nature of the conflict is not required if it would result in the disclosure of confidential information to which the Member is privy.

Reference should be made to the Caveats respecting disclosure set out in this Standard of Practice. Instances where a Member becomes aware that a fellow Member may have an undisclosed conflict of interest of a personal nature means it is incumbent for the Member to bring the matter to the attention of OPPI's Discipline Committee.

Immediately upon disclosure to the offending Member that there may be a real or perceived conflict of interest, the Member shall not hold himself or herself out as providing an independent professional opinion in respect of the particular matter.

The failure to disclose to all affected parties a personal interest is the basis for a complaint under the Professional Code of Practice.

OPPI is aware that despite best efforts, Members may inadvertently acquire personal interests that may interfere with their exercise of independent professional judgement. Examples of such conflicts might include property inheritance or personal relationships of or with a person in a position of decision-making authority.

Special measures may be required and available to ensure no conflict arises through devices to limit access to information, securing of documents or other isolation measures in larger organizations. Should an inadvertent conflict arise, the Member should immediately and carefully consider the following questions:

- what is the level of risk that the affected decision-making process has or could be influenced by non-disclosure of the Members' conflict of interest – could the process be so unduly influenced that there could be an adverse effect on the public?

- Has there been, or is there likely to be a violation of Code of Professional Practice, contract or applicable law?

Additionally, a Member must also consider the potential impact of non-disclosure on the profession as a whole, given the profession's unique position of trust held by the public at large and in respect of the intended fairness of the planning process.

Step 1: Forthwith upon learning of a personal interest in the course of the Member's work, services or employment, the Member should consult with a trusted senior colleague of their choice who holds current, full OPPI membership in strict confidence. The independent Member consulted should have, or be provided with, significant knowledge of the subject matter at hand to render an independent perspective, but not be linked to any of the parties involved. This procedure is appropriate when the Member has any doubt as to whether or not he or she is in a conflict of interest circumstance.

Step 2: Should the independent OPPI Member conclude the existence of a potential conflict of interest, the next step would be to contact OPPI's Executive Director to obtain further counsel and assistance on proceeding with disclosure.

The communication with OPPI, whether oral or in writing, must be generic in nature and follow the standardized format below, outlining the situation without divulging any privileged information. Contents should include:

- 1) A concise explanation of how and why the professional has concluded that there is a potential conflict of interest, including the name and contact information of the Member who concurred with this professional opinion;
- 2) An explanation as to why disclosure to affected parties has not occurred.

Step 3: Receive and act upon the counsel and assistance provided by OPPI, which may involve consultation with an Ethics counsellor, in conjunction with other civil or criminal independent legal advice, if any, that the Member in his/her sole discretion considers appropriate in the circumstances.

The procedure outlined above should be followed in all cases so as to ensure a consistent approach in handling situations respecting disclosure of personal interests that have or may affect or be influenced by a Member's actions, presence or work.

Following this process will maintain the integrity and competence of the planning profession, and is proffered as due diligence on the part of the Member.

3. Caveats

- a) A departure from the approach suggested above is not recommended, it could be considered unprofessional and could be grounds for disciplinary action.
- b) Nothing herein shall diminish the requirement of compliance with the Professional Code of Practice of the Institute.
- c) Disclosure in order to protect the public interest should be strictly on a need-to-know basis and public information may be limited to the essentials required to recommend mitigation measures and ensure awareness in persons who may wish to take remedial action.
- d) A Member's contract for services or retainer letter should address that in the event that the Member's professional obligations conflict with the requirements of the client, the Member's

professional responsibility shall govern.

- e) In the event that the professional planner belongs to two or more professional organizations, compliance with the dictates and performance obligations of each where engaged, is expected. In acting in the capacity of a professional planner, whether in a direct or incidental capacity, the Member is obligated to respect all standards applicable in the circumstances, including any higher standard or obligation, in the case of overlaps or conflict. In all such cases, it is the duty of the professional planner to meet or exceed the requirements of the Ontario Professional Planners Institute Code of Professional Practice.

Schedule C: Working Committees (2006 09 28)

1) Representatives-at-Large shall be elected to the following roles in accordance with Section 8.11 of the By-law:

- a) Director, Membership Services, who shall be the same person as the "Representative-at-Large responsible for membership" referred to in By-law Section 5.1 and 5.2;
- b) Director, Professional Practice and Development;
- c) Director, Membership Outreach;
- d) Director, Policy Development;
- e) Director, Recognition.

2) For the purposes of those provisions of this schedule that establish the membership of committees and subcommittees:

- a) "the Executive Director or her/his delegate" is limited to employees of or contractors to the Institute;
- b) if the Executive Director or her/his delegate is an employee of the Institute and is also a corporate member, she/he shall not be considered to be a corporate member.
- c) if the Executive Director's delegate is a contractor to the Institute and is also a corporate member, she/he shall not be considered to be a corporate member with respect to any committee or subcommittee responsible for the service the contractor is providing.

3) The Membership Services Committee shall be established as follows:

- a) The Membership Services Committee shall be established as follows.
 - i) the Director, Membership Services, who shall serve as Chair for the duration of his or her term of office;
 - ii) the Director, Professional Practice and Development, who shall serve for the duration of his or her term of office;
 - iii) the Director, Membership Outreach, who shall serve for the duration of his or her term of office;
 - iv) other non-student corporate members appointed by the Council for a three year term, such that including the Chair, the Director, Professional Practice and Development, and the Director, Membership Outreach, there is at least one Committee member from each District, and who may be reappointed for one consecutive term;
 - v) such Student Members as the Council may appoint, ex-officio;

- vi) the Executive Director of her/his delegate, ex-officio.
- b) The Chair of the Membership Services Committee and the Committee shall be responsible on behalf of the Council for:
- i) maintaining a large and growing membership from all parts of Ontario, whose active participation in Institute affairs is encouraged and rewarded;
 - ii) developing, maintaining, and communicating appropriate standards of professional practice, and encouraging their attainment by all members;
 - iii) providing a full range of services that are valued by members as enhancing their professional competence and standing;
 - iv) identifying, developing, and delivering programs and other opportunities for continuing education that respond to members' professional development needs;
 - v) recommending to the Council the contracting out of the provision of any service required to fulfill these responsibilities;
 - vi) such other responsibilities as may be determined from time to time by the Council.
- c) The Membership Services Committee may establish the following subcommittees, and assign responsibilities as it wishes:
- i) a Professional Practice and Development Subcommittee, chaired by the Director, Professional Practice and Development;
 - ii) a Membership Outreach Subcommittee, chaired by the Director, Membership Outreach;
 - iii) such other subcommittees it considers are required to fulfill its responsibilities, each chaired by a member of the Committee.
- d) Subject to (c), the Membership Services Committee may appoint to each subcommittee such corporate members as it wishes. Each subcommittee shall include, ex-officio, the Executive Director or her/his delegate.
- e) No provision of this schedule shall vary any provision of the By-law or its other schedules that governs the Membership Committee as described in Section 5 of the By-law. The Membership Committee shall continue to be accountable directly to the Council through the Director, Membership Services.

4) The Policy Development Committee shall be established as follows:

- a) The Policy Development Committee shall be established as follows:
- i) the Director, Policy Development, who shall serve as Chair for the duration of his or her term of office;
 - ii) one Full or Provisional Member appointed by the Council for a three year term, who has a part- or full-time teaching position in a degree program currently recognized in Schedule K, and who may be reappointed for one consecutive term;
 - iii) other non-student corporate members appointed by the Council for three year terms, such that including the Chair and the degree program representative there is at least one Committee member from each District, and who may be reappointed for one consecutive

- term;
 - iv) such Student Members as the Council may appoint, ex-officio;
 - v) the Executive Director or her/his delegate, ex-officer.
- b) The Chair of the Policy Development Committee and the Committee shall be responsible on behalf of the Council for:
- i) identifying public policy issues important to the planning community, and developing, communicating, and advocating the Institute's initiatives and responses regarding those issues, including:
 - ii) providing innovative leadership in developing policy and advocating solutions in response to emerging issues identified by the Council, the Committee, or the membership at large as important to planning in Ontario, and seeking to demonstrate those solutions through community applications in consultation with the District Representatives;
 - iii) monitoring public agency policy initiatives, and responding to agencies seeking the Institute's participation in and responses to those initiatives,
 - iv) responding to friendly non-government organizations seeking the Institute's cooperation with respect to public agency initiatives or emerging issues;
 - v) such other responsibilities as may be determined from time to time by the Council.
- c) In pursuit of its responsibilities, the Policy Development Committee will consult with the membership at large as it wishes, may seek information from any other party, and may recommend to the Council the contracting out of research on emerging public policy issues.
- d) All responses to proposed provincial or federal legislation developed by the Policy Development Committee shall be subject to ratification by the Council, and the Committee shall not express any positions on behalf of the Institute except as so ratified.
- e) The Policy Development Committee may establish such subcommittees and assign responsibilities to these subcommittees as it wishes in order to fulfill its responsibilities. Each subcommittee shall consist of a member of the Committee who shall chair the subcommittee, and such other corporate members of the Institute as the Committee wishes. Each subcommittee shall include, ex-officio, the Executive Director or her/his delegate.

5) The Recognition Committee shall be established as follows:

- a) The Recognition Committee shall consist of:
- i) the Director, Recognition, who shall serve as Chair for the duration of his or her term of office;
 - ii) one Full or Provisional Member appointed by the Council for a three year term, who has a part- or full-time teaching position in a degree program currently recognized in Schedule K, and who may be reappointed for one consecutive term;
 - iii) other non-student corporate members appointed by the Council for three year terms, such that including the Chair and the degree program representative there is at least one Committee member from each District, and who may be reappointed for one consecutive term;

- iv) such Student Members as the Council may appoint, ex-officio;
 - v) the Executive Director or her/his delegate, ex-officio.
- b) The Chair of the Recognition Committee and the Committee shall be responsible on behalf of the Council for:
- i) broadening public awareness and building positive recognition of planning and planners in Ontario, and of Registered Professional Planners and the Institute;
 - ii) developing and strengthening the Institute's relationships and enhancing its image with public agencies, government organizations, and the media;
 - iii) publishing a journal of the Institute, in such form as determined from time to time by the Council with the advice of the Committee;
 - iv) developing and delivering such other print or electronic communications of the Institute as the Council may from time to time assign to the Committee;
 - v) ensuring the consistency of the Institute's image as represented in its publications, communications, products, and services;
 - vi) conducting such awards competitions as are approved by the Council;
 - vii) subject to (e), recommending to the Council the contracting out of any service required to fulfill these responsibilities;
 - viii) such other responsibilities as may be determined from time to time by the Council.
- c) The Recognition Committee may establish the following subcommittees, and assign responsibilities to these subcommittees, as it wishes:
- i) a Communications Subcommittee, chaired by a Full Member who is one of the non-student corporate members appointed by the Council to the Recognition Committee as described in (a), and including, ex-officio, the Editor of the journal referred to in (b);
 - ii) such other subcommittees it considers are required to fulfill its responsibilities, each chaired by a member of the Committee.
- d) Subject to (c), the Recognition Committee may appoint to each subcommittee such corporate members as it wishes. Each subcommittee shall include, ex-officio, the Executive Director or her/his delegate.
- e) (e) The production of the journal referred to in (b) shall be contracted out to the Editor and such other persons as the Institute may determine.

6) The Student Liaison Committee shall be established as follows:

- a) The Student Liaison Committee shall consist of:
 - i) a Chair, who shall be the Student Delegate referred to in (c);
 - ii) Student Members of the Institute appointed by the Council on the recommendation of the Student Delegate for terms coincident with the term of the Student Delegate, such that there is at least one member attending each institution offering degree programs currently recognized in Schedule K;

- iii) the Director of Membership Outreach, who will function as Student Liaison Coordinator, ex-officio;
 - iv) the Executive Director or her/his delegate, ex-officio.
- b) The Student Delegate referred to in (c), the Student Liaison Coordinator, and the Student Liaison Committee shall be responsible on behalf of the Council for:
- i) encouraging and facilitating communications between the Institute, practicing planners, and students of planning;
 - ii) such other responsibilities as may be determined from time to time by the Council.
- c) There shall be a Student Delegate to Council, who shall be a Student Member of the Institute; the Student Delegate shall not be a director of the Institute, but shall be an ex-officio member of the Council.
- d) The Student Delegate shall be elected as follows:
- i) the term of office of the Student Delegate shall be one year, from the first Council meeting on or after the 1st of May following his or her election, to the first Council meeting on or after the next of 1st of May;
 - ii) the nomination and election of the Student Delegate shall be in accordance with Sections 10 and 17 of the By-law, with the following variations;
 - iii) the Nominating Committee shall not take part in the nominations;
 - iv) the Executive Director shall set a date for the close of the poll, which shall be not later than 30th of April, and any reference in the By-law to the general meeting at which elections are to take place shall be read as referring to the date for the close of the poll;
 - v) nominators must be student members;
 - vi) ballots shall be sent to student members only;
 - vii) ballots shall be accepted only at the office of the Institute up to 5:00 pm of the day set for the close of the poll;
 - viii) ballots shall be counted by the Executive Director and the Student Liaison Coordinator, without any appointment of scrutineers.

Schedule D: Standing Rules of OPPI Districts (2006 09 28)

1) Districts of OPPI

OPPI is made up of the Districts identified in *Schedule A* to the General By-law of the Ontario Professional Planners Institute.

The geographic areas of OPPI Districts are identified in *Schedule A* of the General By-law. Members are designated to a district by way of their preferred mailing address.

Districts can subdivide themselves into Sub-districts for the purpose of representation on District Executive Committees, implementation of OPPI's plans, and delivery of membership services.

2) Purpose and Role of Districts

The Districts function as an integral part of OPPI and work with OPPI to accomplish the vision and key initiatives of OPPI's strategic plan. These include:

- a) Facilitating membership outreach, recruitment and processing of student and provisional members within the district.
- b) Facilitating professional practice and development needs of members through local education and networking opportunities, including those made available directly through OPPI.
- c) Providing input into OPPI's Policy Development Program and providing support through local action.
- d) Facilitating communication with district members by means of meetings, journal, web site.
- e) Providing input into OPPI's Recognition program to broaden public awareness of planning and the role of planners, and providing support through local action.

3) District Representation on OPPI Council

Each district has one representative on the OPPI Council.

The nomination and election process for District Representatives is described in the OPPI General By-law Sections 8, 9, 10. Districts Representatives are nominated through OPPI's Nomination Committee or the general membership. They are elected to sit on OPPI Council by non-student corporate members whose addressees on the membership roll of the Institute are within the geographical area of the District to be represented. The District Representative's term of office on Council is 2 years and is eligible for re-election.

If a vacancy should occur then the District Representatives position is filled for the remainder of the term of office as described in Section 8.8 of OPPI's General By-law.

4) Duties of the District Representative

The duties of the District Representative are stated in Section 12.5 of the General By-law. District

Representatives function as Chairs of the District Executive Committees providing leadership so that the vision and goals of the Institute are realized district-wide. They provide district input into the decision making process of OPPI's Council and do so knowing that decisions are made based on the common good of the entire Institute.

5) District Executive Committee

Each District has a District Executive Committee made up of the following positions:

- a) Chair-held by the District Representative who is a Full Member*
- b) Treasurer
- c) Secretary
- d) Membership Sub-Committee Chair- held by a Full Member who sits on OPPI Membership Committee. Nominees for this position are submitted to the OPPI Council for appointment.
- e) Representatives on OPPI Working Committees (as defined by OPPI Council and described in OPPI General By-law Schedule C) and special committees as needed. Nominees for these positions are submitted to the OPPI Council for appointment.
- f) Sub-district representatives (as per district need).
- g) Other District Executive positions as defined by the District to assist with the management of the operations of the District e.g. Vice Chair.
- h) Student representative, where a Recognized Planning School is located with the District.

6) Each District maintains a District Handbook, which describes the following:

- a) The process for the nomination, selection or appointment for district executive positions. This process should be criteria based to include a gender mix, diversity in planning professional experience, geographic representation, and a mix of new and returning volunteers. From time to time OPPI Council will request nominees from the Districts for district representation on OPPI Standing and Working Committees.
- b) The term of office for each position and limits on the term of service so that one term cannot exceed 3 years and can only be reappointed for one additional term (a total of 6 years of volunteer service in one position). The turnover of positions should be staggered for continuity.
- c) The process for filling a vacancy.
- d) The process for succession planning.
- e) A job description for each district executive position and their reporting obligations to the District Executive Committee.
- f) The minimum number of meetings held yearly.
- g) Management of banking transactions conducted in the name of the District.
- h) Other processes as required by the District to assist with the management of the operations of the District.

These Standing Rules shall not derogate the rights and responsibilities of the District Representatives as set forth in the OPPI General By-law. These Standing Rules and any amendments thereto shall be subject to approval by the Council of the OPPI.

Schedule E: Membership Committee Manual (2009 09 30)

Introduction

The Membership Committee maintains a membership manual which provides Membership Committee members with a consistent approach to current membership practices and standards. The manual's content is predicated on the *Ontario Professional Planners Institute Act, 1994* (the "Act"), and the OPPI By-law and Schedules as follows:

The Act states at section 5(2)(b) that OPPI Council shall pass by-laws "prescribing the academic, experience and examination requirements for the various classes of membership in the Institute."

Further to that legislative authorization, there is an OPPI General By-law, which includes section 4 (Membership Classes) and section 5 (Procedures for Membership).

Section 4 (Membership Classes) defines the different classes of membership and the requirements for entry into each. In this respect, it refers to requirements contained in certain schedules to the by-law:

- Schedule J (OPPI Examinations and Interviews)
- Schedule K (Recognition of Degrees in Planning)
- Schedule P (Relevant Planning Experience)
- Schedule Q (Records And Log Book for Provisional Members)
- Schedule U (Election to Full Membership)

Section 5 (Procedures for Membership) describes the roles of the Registrar and the Membership Committee and the District Membership Subcommittees. The Registrar administers OPPI examinations, reviews applications for completeness in the first instance, and may make recommendations to the two committees. The committees make final and binding decisions regarding the granting of memberships. Applicants for any class of membership may appeal these decisions to Council in accordance with Schedule X (Membership Appeals).

Consistency

It is essential that the Membership Committee and the District Membership Subcommittees operate in a consistent manner, and in a way that is understandable to the general membership and to the public. At one time there was a "Membership Committee Practices and Procedures" document, containing directions from Council minutes and by-laws relating to membership committees. That document was then incorporated into a Membership Committee Manual, which the Membership Committee now maintains in order to reflect current practices and standards. The Membership Committee Manual is not itself a schedule to the By-law, so that changes to it do not require amendment of the By-law. Thus, *minor up-dates* can be made regularly as determined by the Membership Committee. However, *substantive changes* to the Membership Committee Manual must be approved by Council.

The Membership Committee maintains a Membership Committee Manual, which describes the following:

- a) The composition of the Membership Committee and subcommittees;
- b) The role and mandate of the Membership Committee and subcommittees;

- c) The role of the Registrar;
- d) The handling of membership files;
- e) The membership classes;
- f) Membership resignations, reinstatements, and transfers;
- g) The nature and sequence of examinations for entrance into Full Membership;
- h) The definition of relevant planning experience;
- i) Guidance for problematic cases;
- j) Appeals.

The Membership Committee Manual and any substantive amendments thereto shall be subject to approval by the Council of the OPPI.

Schedule J: (2010 02 26)

OPPI EXAMINATIONS AND INTERVIEWS

Pursuant to the By-law, the OPPI Examinations are intended to ensure that candidates for election to membership have the level of professional accomplishment in planning that is appropriate to the class of membership being sought, in relation to:

- I. knowledge of and technical competence in the function of planning;
- II. substantive knowledge of that which is to be planned;
- III. capacity for and commitment to professional responsibility in the performance of the planning function.

1.0 EXAMINATION 'A' (The Registration Examination)

- 1.1 Examination 'A' is relevant for entry into the Member class and shall be taken by the candidate after all of the other requirements for election to the Member class have been fulfilled.
- 1.2 Each year, sittings of Examination 'A' may be routinely scheduled by the Registrar throughout Ontario based on need.
- 1.3 The examination shall focus on the commitment and the capacity of the candidate to engage in the function of planning at the level of full professional responsibility.
- 1.4 The outcome of the examination shall be reported in writing to the Membership Committee through the Registrar.
- 1.5 There is no exemption from Examination 'A'.

Procedures

- 1.6 Before entry into the Member class, candidates are expected to demonstrate competence in the three broad areas identified in the preamble to this Schedule. The candidate's competencies in (i) and (ii) are the focus of Examination 'B' and are addressed in the candidate's record of Relevant Planning Experience. Thus, Examination 'A' will not focus on these competencies.
- 1.7 Upon receipt of an application for election to the Member class, the qualifications of the candidates will be reviewed by the Registrar to determine that all requirements save Examination 'A' have been fulfilled. The Registrar will then approve the candidate to sit Examination 'A'.
- 1.8 For the candidate to pass the examination, at least two of the three examination markers must agree that the candidate has satisfied the examination requirement. The Registrar will report the outcome of the examination, in writing, for inclusion in the applicant's file for consideration by the Membership Committee. In the event that the candidate fails the examination, the written report shall contain an explanation for the guidance of the candidate.

The Examination

- 1.9 The following guidelines for the examination are not meant to be rigid. However, the Council expects that these general lines of questioning will be pursued, in whatever sequence, form and manner that the Registrar may determine.

Intent of each of the groups of questions:

(a) Candidate's Specialization

The intent is to see if the candidate has a comprehensive grasp of his/her field of operation and understands its components. The candidate's understanding of the field of specialization's should not be limited to how he/she is practicing it in daily work but should demonstrate the ability to practice it in other situations. The candidate should demonstrate what "planning" means, not only within his/her specialization but in the larger context of the field.

(b) Skills/Knowledge and the Practice of Planning

The intent is to see if the candidate is knowledgeable as to tools that a person must have to be able to practice as a planner - what is it in terms of (hard) knowledge and (soft) skills that distinguishes a planner from other professionals. In particular, does the candidate understand that a planner is different from a facilitator or a coordinator and is a doer in his/her own right.

(c) Professional Responsibility and the Public Interest

The interest is to see if the candidate understands how the professional relates to the public - how they influence one another and that one is not inherently "right" and the other "wrong". The candidate should understand that the planner is not just the public's mouthpiece.

(d) Professional Responsibility and the Profession

The intent is to see if the candidate is aware of the obligation of professionalism and how this will guide his/her conduct in practicing planning. The candidate should understand the planner's responsibility to advocate a "professional" opinion. The candidate should be committed to the Institute, and seriously motivated in wanting to become a full Member of the Institute.

2.0 **EXAMINATION 'B'**

- 2.1 Every candidate for election to the Member class who is not a graduate from a recognized planning degree program (See Schedule K) must fulfill the requirements of Examination 'B'.
- 2.2 The examination shall focus on substantive knowledge of the planning function in relation to the range of planning concerns relevant to the individual candidate. The Council interprets this in general terms of 'what planners need to know'.**

** *Material that follows in this section draws on "What Planners Need to Know: CIP Recognition of Planning Degrees", PLAN CANADA 26/9 (December 1986), by Reg Lang, Ron Keeble, and Gerald Carrothers.*

The professional planner's essential knowledge can be seen to fall within four broad categories, recognizing that the four categories overlap and are integrated in education and in practice:

Process: This refers to what planning is and how it proceeds. It includes knowing how to design situationally appropriate planning processes, develop goals and objectives, gather data and do other reconnaissance, identify issues, define problems and understand how they evolved, make predications, generate and evaluate alternatives, consult affected and effecting interests, negotiate and resolve conflict, formulate courses of action with a view to their implementation, devise and operate control mechanisms, monitor and evaluate outcomes, and manage planning processes.

Content: This refers to the subject matter of planning and the phenomena with which planners engage. It includes knowledge of human settlements and the forces that shape them, problems of change and their causes and effects, specific areas of need and opportunity, and associated quality-of-life issues that fall within the purview of planners.

Context: This refers to the institutional and other settings within which planners work. It

includes knowledge of law, the economy, government, the private sector and the voluntary not-for-profit sector, organizations, ecosystems, community and culture. It also includes more subtle contexts such as temporal (historical and futures perspectives) and ideological.

Role: This refers to the ways in which responsibility, expectations and commitments are structured in regard to the planner's job. It includes knowledge of determinants of role, role options, and role conflicts along with professionalism, values and ethics.

In each of those four categories, planners require knowledge and skills across the theory-practice continuum. Theories and concepts help planners explain, understand and give meaning to phenomena, which in turn aid planners in determining how to intervene to better achieve various ends. Meaning and intervention, however, are influenced by a great deal more than theory - context is an especially important factor affecting the roles planners perform and the approaches they take.

Additionally, skills can be usefully grouped for purposes of specifying kinds of knowledge that planners require, again recognizing that the categories overlap and are integrated in education and in practice:

Conceptual skills: being able to think clearly and creatively, perceive situations and their meanings, define problems in ways that are amenable to solution, and exercise intuition and judgment.

Analytic skills: being able to take situations apart to discover their nature, functions and relationship, get to the sources of the problems, gather information and identify options.

Evaluative skills: being able to identify, value and assess the consequences of alternatives, and being able to determine the extent to which objectives have been met and plans have succeeded or failed.

Synthetic skills: being able to reduce variety to manageable proportions, recombine elements into new coherent wholes, and create integrative courses of action.

Strategic skills: being able to formulate strategies and tactics for planned change, in ways that are both technically feasible and publicly/politically acceptable, and being able to avoid having proposals fail in decision arenas.

Interactive skills: writing, speaking, graphics, interpersonal communication and group dynamics, as well as being able to deal creatively with conflict, negotiate agreement, and span boundaries in order to reduce the distance between ourselves and those with whom we communicate.

Management skills: organizing, directing and controlling planning change processes, and being able to work effectively with others in organizational settings.

Personal development skills: the capacity for maintaining one's knowledge and competence, understanding and developing individual potential, managing expectations, and achieving lifelong learning.

2.3 The requirements of Examination 'B' may be fulfilled as follows:

- (a) By successfully completing the Membership Course offered through the Institute, and by being certified for this purpose by the Course Instructor as appointed by the Council; or
- (b) By passing the written Examination 'B'; or
- (c) By passing an examination of a portfolio of professional work; or

(d) Through a combination of (c) and (b).

2.4 A candidate wishing to sit the written examination, or submit a portfolio of professional work shall complete and submit the Application to Write Examination 'B' as shown in *Schedule Q* of this By-law, for authorization by the Membership Committee. The candidate must sit or submit the examination within six months of such authorization, failing which the candidate will have to reapply.

Membership Course

- 2.5 Successful completion of the Membership Course will require demonstration of substantive knowledge of the planning function in relation to the range of planning concerns identified in Section 2.2 and the focus and intent of the three questions of the written Examination 'B'. Each of the three questions will constitute a component of the course. Candidates shall demonstrate their substantive knowledge primarily on the basis of written submissions.
- 2.6 The written submissions shall be read by two examiners appointed by the Council, who shall be Members of the Institute appointed for the purpose by the Registrar. The identity of the candidate is not to be known by the examiners and an examiner who discovers the identity of the candidate is expected to declare a conflict of interest and withdraw as an examiner for that candidate. Each examiner shall complete and submit the Examination 'B' - Record of Evaluation shown below. The Course Instructor shall then certify each candidate, using the Certificate of Assessment shown below.
- 2.7 For the candidate to pass the Membership Course, the Course Instructor must award an outcome of "pass" for each component of the course.
- 2.8 If the Course Instructor awards an outcome of "pass" for two of the three components, the candidate may sit the written examination of the Examination 'B' question corresponding to the component not passed.

Written Examination

- 2.9 Administrative arrangements for sitting the invigilated exam are made through the Registrar.
- 2.10 Candidates are encouraged to consult with their Sponsoring Member during the preparation for their examination. It is the responsibility of the Sponsoring Member to provide guidance throughout the examination process. While the Sponsor is expected to ensure that the candidate is prepared to write the examination, it is not the role of the Sponsor to review a draft or final paper prior to submission.
- 2.11 The Registrar shall appoint an invigilator for each examination who shall be governed by the Guidelines for Invigilators shown below, and complete where appropriate and submit to the Institute the Record of Sitting shown below.
- 2.12 The examination shall be written in one continuous, uninterrupted four-hour period.
- 2.13 Examination 'B' may be written at any time during the year. Reading and assessment of Examination 'B' will be arranged by the Registrar.
- 2.14 Examination 'B' shall be read by two examiners who shall be Members of the Institute, appointed for the purpose by the Registrar. The identity of the candidate is not to be known by the readers and a reader who discovers the identity of the candidate is expected to declare a conflict of interest and withdraw as an examiner for that candidate.
- 2.15 Each examiner shall complete and submit the Examination 'B'. Record of Evaluation shown below. For each examination, the ~~Deputy~~ Registrar will summarize the evaluations on and

complete, the Invigilated Examination 'B' - Record of Sitting or the Take Home Examination 'B' - Record of Completion shown below, as appropriate

- 2.16 For the candidate to pass the examinations, each examiner must record the outcome of 'pass' for the examination, for an examiner to award the outcome of 'pass', the candidate must achieve a passing grade for every question. In demonstrated cases where material from unacknowledged sources is presented as being the candidate's own material (that is, in cases of plagiarism) the candidate shall be awarded the grade of 'Fail' for the examination.
- 2.17 Where an examination is not passed, the examiners will provide detailed and constructive comments to assist the candidate..
- 2.18 If the examiners agree unanimously that a candidate has passed two (and the same two) questions and has failed only one (and the same one) question, then the candidate will be allowed to rewrite that one question rather than the entire examination.
- 2.19 The examination may be rewritten at any time, upon application.
- 2.20 The question paper of Examination 'B' is presented elsewhere in Schedule J.

Portfolio of Professional Work

- 2.21 A candidate should have a substantial amount of professional experience in planning before submitting a portfolio in order to ensure that there is an appropriate body of work for review by the examiners.
- 2.22 Candidates are encouraged to consult with their Sponsoring Member during their preparation for the examination. It is the responsibility of the Sponsoring Member to provide guidance throughout the examination preparation process and to ensure that the candidate is prepared to write the examination.
- 2.23 A portfolio of professional work may contain one or more items. These may include relevant professional output prepared in an employment context, and relevant publications. Agendas and minutes of meetings are not acceptable. Authorship of any item may be sole or shared. In the case of shared items, the candidate must identify his/her own portions and the shared portions. It is important that the candidate convey his/her participation and level of responsibility regarding the material submitted.
- 2.24 A discussion paper must accompany the portfolio. The discussion paper must demonstrate how the focus and intent of each of the three_written Examination 'B' questions are addressed by the material contained in the portfolio submission. The material contained in the portfolio is intended to support the statements made in the discussion paper. For each examination question, the candidate shall identify which part of which items in the portfolio respond to the focus and intent of that question. Any portion may respond to more than one question.
- 2.25 The discussion paper should demonstrate both practical and theoretical knowledge, and ability to synthesize, and an evaluation of the candidate's perspective on his/her professional experience.
- 2.26 Only items referred to in the discussion paper will be read. Additional items not referenced are not considered as part of the portfolio submission.
- 2.27 The portfolio shall be read by two examiners who shall be Members of the Institute, appointed for the purpose by the Registrar. Examiners are expected to declare any conflict of interest.
- 2.28 Each examiner shall complete and submit the Examination 'B' Record of Evaluation shown below. For each examination, the Registrar will summarize the evaluations on, and complete, the Portfolio of Work - Record of Completion shown below.

- 2.29 For the requirements of Examination 'B' to be fulfilled through the portfolio, the two examiners must record a 'pass' for the examination. For an examiner to award the outcome of 'pass', the candidate must satisfy the focus and intent of every question.
- 2.30 If the examiners agree that a candidate has passed two (the same two) questions and failed only one (the same one) question, then the candidate will be allowed to resubmit that one question rather than the entire portfolio.
- 2.31 Where a candidate's portfolio is not passed, the examiners will provide detailed and constructive comments to assist the candidate..
- 2.32 In the case where material from unacknowledged sources is presented as being the candidate's own material, the entire portfolio will be disqualified.
- 2.33 A portfolio may be resubmitted at any time.

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EXAMINATION 'B'

The examination is a written examination consisting of three questions intended to explore different aspects of the candidate's knowledge of the substance and processes of planning. The focus of the questions is as follows:

Question 1: Awareness of the interrelationships among physical, environmental, economic, social and built design considerations in planning

Question 2: Planning Theory

Question 3: The formulation of plans and policies

The three questions are different from one another in substance and purpose and should therefore elicit different answers from the candidate. That is, while common factual information may be used for more than one question, if the substantive answers to more than one question are essentially the same, those questions will be graded as failed. The answers to all questions should reflect the candidate's conceptual understanding, theoretical knowledge, and practical experience.

Important Note: Question 3 has two parts, A & B.

Equal emphasis should be given to each of the three questions, i.e. 1, 2, 3A and 3B. The examination is evaluated on more than the raw content of the answers -- the form and manner of organization of thought and presentation are also taken into account.

EXAMINATION ' B'

QUESTION 1: AWARENESS OF INTERRELATIONSHIPS

1) Describe your area of planning specialization. Explain how your knowledge and skills contribute to the understanding the interrelationships among physical, environmental, economic, social and built design considerations in planning. How does your area of planning specialization contribute to the total process and how does it relate to other areas of expertise within this process?

In selecting the kind of planning area, you may choose from:

- Region
- Metropolitan area
- City, town, county, or other municipal unit
- Neighbourhood

In selecting the body you are advising, you may choose from:

- Municipal Council;
- Planning board
- Highways department
- Citizen's group
- Private developer

If you feel there are any additional assumptions about this problem situation, which are necessary for your answer, please record them.

EXAMINATION 'B'

QUESTION 2: PLANNING THEORY

- 2) A number of theories strive to explain planning and provide the principles that underlie the planning process. Identify and describe two such theories, commenting on their and differences; and discuss the strengths and weaknesses of those two theories as applied in practical situations.

EXAMINATION 'B'

QUESTION 3: FORMULATING PLANS AND POLICIES

If answering from a particular Field of Interest, please indicate:

- The objectives
- The parties involved
- The constraints
- The opportunities

If your choice is a 'specific' plan or program (rather than a general plan), the following list will provides some examples of the kind of plan and program you will be describing:

- A park/recreation complex
- A transportation and/or transit plan
- An industrial park
- A major commercial development
- A pollution control program
- An economic development program
- A program for developing human resources
- A social services program
- A citizen participation program
- A planning education program
- A strategic plan with spatial components

This list is not all-inclusive. You may choose to describe for your planning area a specific plan or program not listed above.

- 3A) In the context of your training and experience in planning, describe the way in which plans and policies are formulated. Comment on the strengths and weaknesses you detect in this planning approach and on the difference between what is being done and what you think should be done.

AND

- 3B) In the context of your training and experience in planning, describe the way in which plans and policies are carried out. Comment on the strengths and weaknesses you detect in this implementation approach and on the differences between what is being done and what you think should be done.

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**CERTIFICATE OF ASSESSMENT OF PROVISIONAL MEMBERS
FOR THE MEMBERSHIP COURSE AS FULFILMENT OF EXAMINATION 'B'**

Name of Provisional Member: _____

Area of planning specialization (if any): _____

Location of Course: _____

Instructor: _____ Date of Course: _____

Please use rating scale of 1 to 5 - where 1 indicates high pass, 2 is solid pass, 3 is 'average' or 'adequate', and 4 & 5 indicate failure.

EVIDENCE OF ACCOMPLISHMENT:			
Component Number			
1	2	3A	3B

COMMAND OF SUBSTANCE:

Process				
Content				
Context				
Role				

DEMONSTRATION OF SKILLS:

Conceptual / Analytic / Evaluative / Synthetic / Strategic			
/ Interactive / Management / Development / Communication			

**ORGANIZATION OF THOUGHT
AND PRESENTATION:**

--	--	--	--

**OVERALL
ASSESSMENT:**

--	--	--	--

Certified by Course Instructor:
(Signature and Date)

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EXAMINATION 'B' - RECORD OF EVALUATION

Identification of candidate: Code # _____

Area of planning specialization: _____

Name of examiner: _____
(Signature & Date)

GUIDE FOR EXAMINER:

Please use rate scale 1 to 5 - where 1 indicates high pass, 2 is solid pass, 3 is average or adequate, and 4 & 5 indicate failure.

For the final OVERALL ASSESSMENT (lower right cell) circle **'PASS' or 'FAIL'**. The candidate must achieve 3 or better on every question to be awarded a pass overall.

Attach a separate sheet with written comments on the examination, focusing in particular on questions awarded 3 or worse. The comments will be provided to the candidate, without identification of the examiner.

Question:	No. 1	No. 2	No. 3A	No. 3B	Overall:
-----------	-------	-------	--------	--------	----------

COMMAND OF SUBSTANCE:

Process

Content

Context

Role

DEMONSTRATION OF SKILLS:

Conceptual/Analytic/
Evaluative/Synthetic/
Strategic/Interactive/
Management/Development/Communication

ORGANIZATION OF THOUGHT & PRESENTATION:

OVERALL ASSESSMENT:

CIRCLE ONE
[PASS/FAIL]

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WRITTEN EXAMINATION 'B' - RECORD OF SITTING

Name of the candidate: _____ Code # _____

Date and place of examination: _____

Candidate's area of planning specialization:

Invigilator:

(Name)

(Signature & Date)

Examiners:

Reader 1: _____ Date of reading: _____ Result: _____

Reader 2: _____ Date of reading: _____ Result: _____

NOTES:

EXAMINATION 'B' - GUIDELINES FOR INVIGILATORS

The invigilator will be provided with the official copy of the examination question paper and examination answer books, to be used by the candidate in writing the examination.

To provide assistance to the candidate in preparing for the examination, the candidate will have received a copy of the examination and evaluation guidelines at the time authorization was given by the Membership Committee to the candidate to write the examination. The candidate's copy of Examination 'B' is not to be used in the actual writing of the examination.

The candidate may either write the answers in the examination books provided or may use a typewriter or word processor. After the examinations, handwritten answer papers may be transcribed by typewriter or word processor through the agency of the invigilator, in which event it is the responsibility of the invigilator to ensure that the transcription is verbatim with no editing of text.

No notes, books, nor other supporting material may be used by the candidate in writing the examination. If a word processor is to be used by the candidate, it is the responsibility of the invigilator to provide a blank disk for the examination and to ensure that no advance materials pertaining to the examination are stored in the word processor.

*

The invigilator is asked to make final arrangements with the candidate for the time and place of the examination. The place should be private and quiet and the candidate undisturbed for the full period of the examination. Although the physical presence of the invigilator in the same room is not essential, the invigilator should be immediately available to the candidate throughout the four hours of the examination. If not present in the room throughout, the invigilator should make periodic appearances.

*

The candidate's name or other means of identification must not appear on any of the examination answer books or typewritten sheets. The books or typewritten sheets should be numbered in sequence.

*

At the conclusion of the examination, the invigilator is asked to complete the relevant parts of the form 'Record of Sitting' and send it along with the completed examination to OPPI, retaining a copy of the answers as a precaution against loss of the original. If a handwritten examination paper has been transcribed, the original handwritten answer paper must accompany the transcription.

* * *

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PORTFOLIO OF WORK - RECORD OF COMPLETION

Name of candidate: _____ Code # _____

Candidate's area of planning specialization:

Examiners:

Reader 1: _____ Date of reading: _____ Result: _____

Reader 2: _____ Date of reading: _____ Result: _____

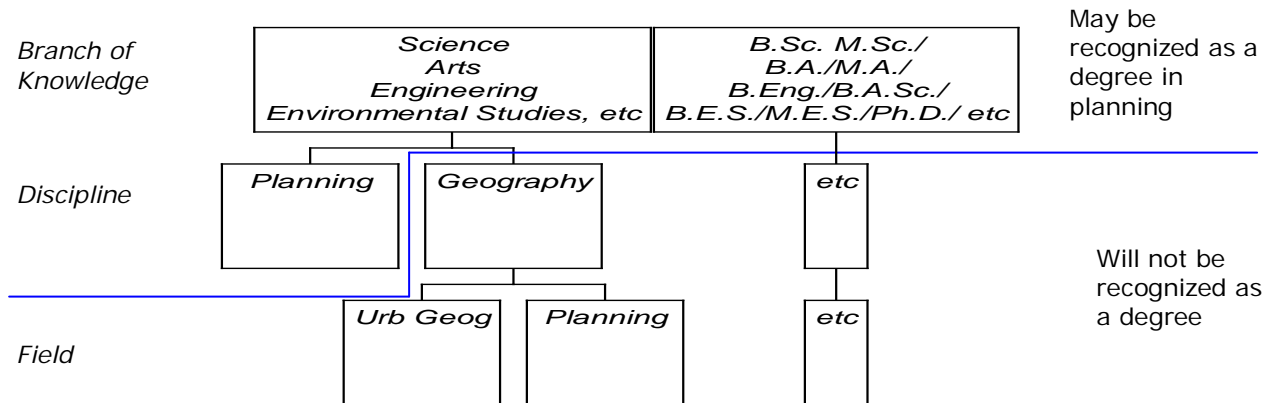
NOTES:

3.0 **ENTRANCE INTERVIEW**

- 3.1 The intent of the Entrance Interview may be satisfied as one element of an on-line application process for Provisional Member status as approved by Council.

Schedule K: Recognition of Degrees in Planning (2002 09 27)

- 1 Pursuant to the Bylaw, the Council may recognize, by class, degrees in planning awarded by post-secondary educational institutions in Ontario. The criteria for such recognition of degrees in planning shall be as follows:
 - 1.1 The degree shall be offered by a post-secondary educational institution recognized by the Government of the Province of Ontario.
 - 1.2 The degree shall be in the discipline of planning, defined in this bylaw as “the planning of the scientific, aesthetic and orderly disposition of land, resources, facilities and services, with a view to securing physical, economic and social efficiency, a sound environment, health and well-being.”
 - 1.3 The word “planning” or the equivalent in French shall appear in the title of the degree or parenthetically in identify the discipline of planning within the designated branch of knowledge (Science, Arts, Engineering, Environmental Studies, etc.) and shall not be subordinate to another discipline within that branch of knowledge.



- 1.4 A bachelor’s degree in planning shall require at least four years of full-time study (or equivalent) in the normal case; a master’s degree in planning shall require at least two years of full-time study (or equivalent) in the normal case.
- 1.5 The program offering the degree shall be a recognizable administrative unit within the educational institution, in the direct charge of an individual whose substantive qualifications are in planning and who is officially designated by the educational institution as the responsible executive academic officer of the unit having authority on academic matters at least equivalent of that of a department chair.
- 1.6 The program shall include at least three full-time teaching positions occupied by full Members of OPPI. Two or more full Members of OPPI holding part-time teaching appointments in the planning program may be deemed to be the equivalent of one of the full-time teaching positions.
- 2 Each year, on the basis of current information obtained from the university in respect of the arrangements for the offering of each recognized degree, the Council shall determine whether to renew recognition for the forthcoming academic year.
- 3 The Council recognizes by class the following degrees in planning, awarded during the

years noted by post-secondary educational institutions in Ontario:

University of Guelph Master of Science in Rural Planning & Development (Canadian)	1983-*
University of Ottawa Master of Planning/Maîtrise en planification	1977-1983
Queen's University Master of Urban and Regional Planning	1973-*
Ryerson University Bachelor of Applied Arts (Urban Planning) Bachelor of Applied Arts (Urban & Regional Planning) Bachelor of Urban and Regional Planning	1973-1977 1978-2001 2002*
University of Toronto Diploma in Town and Regional Planning Master of Science in Planning Ph.D. (Urban & Regional Planning)	1952-1975 1963-* 1976-1982
University of Waterloo Bachelor of Environmental Studies (Urban & Regional Planning) Master of Arts (Regional Planning & Resource Development) Master of Environmental Studies (Planning) Ph.D. (Regional Planning & Resource Development)	1968-* 1968-* 1999-* 1968-*
University of Windsor Bachelor of Arts (Honours Planning)	1990-2004
York University Master in Environmental Studies	1970-*
<ul style="list-style-type: none"> = current year <p><i>[Note: Other appropriate wording may appear in parentheses; not all M.E.S. degrees are 'recognized' planning degrees – to be designated as such the transcript for degrees obtained during and after 1988 must contain the entry "OPPI Eligible."]</i></p>	

- 4** A Canadian degree in planning that is recognized as a class by an Affiliate of the Canadian Institute of Planners and by the Council of the CIP will be recognized by the OPPI Council to be a degree in planning, in consideration of individual applications for membership.
- 5** For degrees obtained from post-secondary educational institutions outside Canada, the OPPI Council shall, with the advice of the Membership Committee, exercise its discretion in determining whether to recognize to be a degree in planning the degree held by the individual applicant for membership.

Schedule L: Recognition of Degrees Related to Planning (2002 09 27)

- 1** Pursuant to the By-law, the Council may recognize, by class, degrees in a field related to planning awarded by post-secondary educational institutions in Ontario. For those post-secondary educational institutions formally applying for recognition of their degree programs as a degree related to planning under this schedule, the criteria for such recognition shall be as follows:

 - 1.1 The degree shall be offered by a post-secondary educational institution recognized by the Government of the Province of Ontario.
 - 1.2 A significant portion of the degree program shall relate to the discipline of planning, defined in this By-law as "the planning of the scientific, aesthetic and orderly disposition of land resources, facilities and services, with a view to securing physical, economic and social efficiency, a sound environment, health and well-being."
 - 1.3 A bachelor's degree shall require at least four years of full-time study (or equivalent) in the normal case; a master's degree shall require at least two years of full-time study (or equivalent) in the normal case.

- 2** Under this schedule, the Council may develop a procedure for receiving formal applications from qualified post-secondary educational institutions for recognition of their degree programs related to planning, for obtaining current information from the post-secondary educational institution on the arrangements for offering of recognized degrees, and may establish time periods for the renewal of recognition.

- 3** The Council may grant, modify or withdraw recognition at any time.

- 4** The Council recognizes the following degrees in fields related to planning offered by the following post-secondary educational institutions:

 - 4.1 (None currently recognized)

- 5** In accordance with these By-law and without further reference to this Schedule, the Council, with the advice of the Membership Committee, will continue to exercise its discretion in determining whether to recognize to be a degree in a field related to planning a degree held by an individual applicant for membership, where the degree is awarded by an Ontario post-secondary institution and is not recognized in this Schedule, or is awarded by a post-secondary institution outside Ontario or Canada.

* * *

Schedule P: Relevant Planning Experience (2008 06 06)

1.1 Definition

Under the By-law, "planning" means "the planning of the scientific, aesthetic and orderly disposition of land, resources, facilities and services, with a view to securing physical, economic and social efficiency, a sound environmental, health and well-being."

1.2 Interpretation of the Definition

To help in interpretation:

- (a) "disposition" means "arrangement", "allocation" or "manner of utilization".
- (b) "land" includes waters, and does not include the interior layout of buildings unless this is a part of a system of public spaces.
- (c) "resources" means natural resources and cultural heritage.
- (d) "facilities" means community facilities such as schools, hospitals, roads, shopping centres, utilities, etc.
- (e) "services" means community services such as health, social, and police services, recreations, etc.
- (f) the reference to "securing physical, economic and social efficiency, a sound environment, health and well-being" does not mean that relevant planning experience has to encompass all of these items but it must encompass at least one and, as necessary, have regard for others.

1.3 The Activity of "Planning"

The act of planning is a multi-stage process leading to proposals for the future disposition of land, resources, etc.

Significant elements of this process include: determining objectives, carrying out surveys and research, undertaking analysis of survey research, considering options, and preparing recommendations for action, including both the development of policy and the means of its implementation. Anyone involved in planning must have an understanding of this overall process. By way of contrast, planning is not coordinating, facilitating, or administering, although these may be part, but not the major part, of the activity.

The end product of the action must impact, on a case-specific basis, on land, resources, facilities or services.

1.4 Planning Experience

(a) Type of Work

Any activity to be credited as relevant planning experience must clearly contribute to, or be a substantive part of, the planning process as referred to in 1.3. The activity must include one or more of:

- research and analysis
- policy formulation
- design and layout
- review of development proposals/policies
- development of implementation strategies

The work must clearly affect the disposition of land, resources, etc., as opposed to work that produces background information that a planner may use.

Job titles and the name of the department, agency, etc. in which a person is employed, neither qualify nor disqualify a person's work.

Also recognized as relevant planning experience:

The teaching of planning as set out in 1.3 in a post secondary institution program. In this regard, research and consulting work is regarded as part of teaching experience.

(b) Level of Responsibility

To be recognized, the experience must be conducted at a level that requires:

- initiative and judgement
- responsibility and accountability

(c) "Planning" as a Proportion of Total Work

To obtain relevant planning experience, a person must be devoting at least 50% of his/her time to same, so that planning is his/her chief endeavour and not a side line of some other activity. All or a portion of the person's total work experience may be considered to be acceptable for validation as Relevant Planning Experience.

1.5 Range of Experience

Additional to obtaining experience that meets the requirements of 1.4, the Provisional member should have experience in at least two types of planning work. Two types of planning work may be obtained within the same job, with at least one third of the time being spent in the second type of planning work. In determining what constitutes different types of experience, the following table will be used as a guide:

Scale	Process	Subject Matter
Building Group/ Subdivision/ Major Park	Research & Analysis	Comprehensive Land Use
Neighbourhood or District	Policy Formulation	Housing
Municipality	Design & Layout	Commercial
Metropolitan Area	Review of development proposals/policies	Recreation
Regional	Preparation of implementation	Natural Resources
Supra-Regional		Hospitals Social Services

Using this table as a guide, but not being limited to the categories contained therein, one type of experience is regarded as being sufficiently different from another when two of the three categories are different.

2. Procedures

- 2.1 Relevant Planning Experience shall be carried out under the sponsorship of a Full Member of CIP who is prepared to sponsor the Provisional member and certify that the Log Book record accurately reflects the content and nature of the work and that the work does indeed constitute relevant planning experience in planning as defined in this schedule. The sponsoring Member may also be the supervisor or responsible officer for the work.
- 2.2 Experience acquired by the Provisional member shall be recorded for the Log Book at intervals of six months for the first year, and annually thereafter unless a change in position or type of work occurs. Log Books are required until such time as a candidate has accumulated the minimum number of months as per *Section 4* of this By-law or for an additional period of experience as required by the Membership Committee.
- 2.3 If a Provisional member ceases to be engaged in Relevant Planning Experience for more than twelve months, the Provisional member must apply to the Membership Committee for transferral to a Non-Practicing member status. If a Provisional member has failed to log Relevant Planning Experience for a period of twelve consecutive months, and has not been granted Non-Practicing member status, the Provisional member shall cease to hold membership in the Institute.
- 2.4 The record of Relevant Planning Experience, to be placed in the Log Book, shall contain the following information:
 1. Name of the Provisional member.
 2. Title of the position held.
 3. Name of the Sponsoring CIP Member.
 4. Name, address and telephone number of supervisor or responsible officer.
 5. The period of the recorded experience.
 6. Description of the experience for the period, indicating the specific nature of the activities carried out and the degree of individual responsibility for the work.
 7. Confirmation and certification of the experience for the period, by the sponsoring CIP Member and the supervisor of the work (or responsible superior

officer).

8. Endorsement of the experience for the period, by the District Membership Subcommittee.
9. Validation of the experience for the period, by the Membership Committee.

Personal resumes and job descriptions will not be considered for validation. Provisional members must use the Log-on-Line portal of the Institute website for submitting Relevant Planning Experience.

- 2.5 Validation of Relevant Planning Experience, by the Membership Committee, will be based on the endorsement of the experience by the respective District Membership Subcommittee.
- 2.6 Relevant Planning Experience shall normally be logged while a Provisional member. A minimum of twelve months of Relevant Planning Experience shall be required to be logged as a Provisional member where applicants have been granted credit for past planning experience.
- 2.7 Experience gained while an undergraduate student shall not be accepted toward fulfillment of the requirement of Relevant Planning Experience.
- 2.8 Experience gained while a graduate student may be considered for validation where the student is enrolled on a full-time basis and provided that the experience was gained during a work term for which no academic credit was gained. Planning work completed on research projects for which the student was being paid and was not receiving academic credit may be considered for validation. Research or field-work undertaken in the completion of a Master's thesis or a Ph.D. dissertation shall not be considered for validation toward fulfillment of the requirement of Relevant Planning Experience. Any eligible period of experience shall be submitted for consideration for validation at the time of application for Provisional member status.
- 2.9 Individuals who are part-time students and are concurrently employed in planning should apply for Provisional Membership. Provisional members who return to full-time post-secondary studies should apply for Non-Practicing member status or retain their Provisional member status should they wish to maintain the right to have any eligible work experience completed while a full-time student considered for validation toward fulfillment of the requirement of Relevant Planning Experience.
- 2.10 Experience gained while a Public Associate shall not be eligible for validation as Relevant Planning Experience.
- 2.11 Candidates may submit records of Relevant Planning Experience gained prior to their application for Provisional Membership. Provided that the submission otherwise complies with and fulfils the intent of this schedule and is submitted in a format prescribed by the Institute in conjunction with the application for membership, these records will be considered for validation.
- 2.12 A Provisional member may wish to engage in Relevant Planning Experience for which there is no identifiable supervisor or responsible superior officer. In such a case, before embarking on the experience, the Provisional member should consult with the District Membership Subcommittee, which shall determine whether the certification by the sponsoring Member alone will constitute adequate evidence of experience.

* * *

Schedule Q: Records And Log Book For Provisional Members (2002 09 27)

Pursuant to the By-law the record for each Provisional Member shall contain the following:

- Record of certification of academic credentials;
- Record of Entrance Interview for entry into Provisional membership, if applicable;
- Record and validation of Relevant Planning Experience, a.k.a. Log Book;
- Record of successfully fulfilling the Membership Examination requirement, i.e. Examination 'B', if applicable;
- Records of application/approval for advancement toward Full membership;
- Record of passing the Registration Oral Interview, i.e. Examination 'A', for entry into the Full Member class.
- Authorization to sit the Final Registration Interview

Sign-off sheet for Provisional member Log

See Schedule P of OPPI By-Law 1-86 for details

Name of Provisional member	
Title of position held	
Organization or Firm	
Supervisor	
Supervisor's address	
Supervisor's telephone	Supervisor's e-mail
Sponsoring member	
Sponsoring member's address	
Sponsoring member's telephone	Sponsoring member's e-mail
Period covered by the log submitted <div style="text-align: center;">to</div>	
I certify that the log submitted to OPPI represents a true record of my planning experience	
Signature of Provisional member	Date
I confirm that I have read the log and that it accurately represents the Provisional member's work experience	
Signature of supervisor	Date
I confirm that I have read the log and that the work described constitutes relevant planning experience	
Signature of sponsoring member	Date
OPPI will accept logs through its Log-on-Line service only. Once you have submitted your log(s), please fax your sign-off sheet at 416.483.7830 or email it to admin@ontarioplanners.on.ca .	

Schedule U: Election to Full Membership (2002 09 27)

Pursuant to By-law the Council will apply the following criteria in deciding whether the qualifications for membership in an organization of planners are equivalent to those to be a full Member of the OPPI:

- 1) Formal post-secondary educational qualifications are required for membership, counterpart to the degree requirements of the OPPI; and
- 2) Prior to entry into full membership, there is a probationary period of membership calling for educational and experiential advancement, counterpart to Provisional Membership in the OPPI; and
- 3) Examinations are required for advancement in membership, counterpart to the OPPI Examinations; and
- 4) There are requirements of professional planning experience for entry into membership and advancement to full membership, counterpart to the OPPI requirements of Relevant Planning Experience.

It is the obligation of the applicant to provide documentary evidence, satisfactory to the Council, that the membership requirements of the organization identified for the purpose of application under the By-law meet the criteria as set forth above and that those requirements were fulfilled by the applicant.

To be approved to sit Examination 'A' for entry into the Member class, an applicant under the By-law meets the criteria as set forth above and that those requirements were fulfilled by the applicant.

* * *

Schedule X: Membership Appeals (1995 12 01)

1. Candidates for election to any class of membership of OPPI may appeal to the Council through any of the following processes:

- failure of an Entrance Interview held by a District Membership Subcommittee;
- failure of Examination 'B' or 'A';
- any unfavourable action of the Membership Committee or of the Registrar acting under the authority of the Membership Committee.

An appeal of any of these processes must be received by OPPI within 90 days of the date on which OPPI notified the candidate of the examination failure or action under appeal.

2. Following receipt of appeal, the President will constitute an appeal panel consisting of three members of the Council to:

- conduct a new interview, in case of Entrance Interview ;
- reevaluate the examination or portfolio, in case of Examination 'B';
- conduct a new examination, in the case of Examination 'A';
- redetermine the action, in case of an action of the Membership Committee or Registrar.

3. If an applicant's appeal is accompanied by correspondence complaining or commenting on the actions of participants in the process under appeal, the Registrar will ensure that those participants have the opportunity of reviewing and commenting on the applicant's correspondence, for inclusion in the applicant's file for the information of the appeal panel. However, the appeal panel will not conduct an inquiry into or make any judgement on the action of the participants.

4. The appeal panel will consist of:

- the President,
- the/a District Representative of the candidate's District,
- one other member of the Council.

However, any member of the Council who was a participant in the process under appeal, or who was a member of the Membership Committee at the time that it dealt with the matter, can not sit on the panel. The President may vary the above membership if necessary to meet this requirement or to avoid any real or perceived individual conflict of interest.

5. The appeal panel will recommend a decision to the Council, and the Council may either confirm or vary the panels' recommendation. The decision of the Council will be final. The Registrar will be responsible for communicating the decision to the candidate, and entering it in the records of the Membership Committee.