

THE PROFESSIONAL INTERIOR DESIGNERS INSTITUTE OF MANITOBA
A BY-LAW RESPECTING COMPLAINTS AGAINST MEMBERS AND DISCIPLINARY
PROCEDURE

SECTION 1.00 DEFINITIONS

1.01 In this By-Law:

- (a) "Act" means the Professional Interior Designers Institute of Manitoba Act;
- (b) "Complaints and Ethics Committee" means the complaints committee established pursuant to Section 17 of the Act;
- (c) "Council" means the council of the Institute established under the Act;
- (d) "Institute" means the Professional Interior Designers Institute of Manitoba.
- (e) "Member" means a person whose name is entered in the Register of Members of the Institute;
- (f) "Interior Design" means representing oneself as a Professional Interior Designer while carrying out the practice of those functions which have as their object the design of interior space.

SECTION 2.00 ESTABLISHMENT OF COMPLAINTS AND ETHICS COMMITTEE

2.01 Any complaints brought against a Member shall be directed to the Chairperson of the Complaints and Ethics Committee established hereunder.

2.02 The Council of the institute shall establish a Complaints and Ethics Committee consisting of Five (5) Members appointed as follows:

- (a) the Chairperson, who shall be a Member of the Council, appointed by the Council;
- (b) two (2) Members of the Association, appointed by Council;
- (c) one (1) person, who is not a Member of the Institute, appointed by council;
- (d) one (1) person, who is not a Member of the Institute, appointed by the Member(s) of the Executive Council of the

Province of Manitoba charged with the administration of The Consumer Protection Act;
each such Member shall hold office for a period of two (2) years.

2.03 The Complaints and Ethics Committee shall review all complaints brought against a Member of the Association.

2.04 The Complaints and Ethics Committee may, in its discretion, advise Members in respect of any matter relating to the practice of Interior Design by that Member. Requests for such advice shall be directed to the Chairperson of the Complaints and Ethics Committee.

2.05 The Complaints and Ethics Committee shall meet at such times and places as the Chairperson may direct to receive and review complaints brought against any Member, or requests for advice received from any Member.

2.06 Decisions of the Complaints and Ethics Committee shall be made by a majority vote of the Members present at the meeting. The Chairperson of the Complaints and Ethics Committee shall be entitled to a second or casting vote.

2.07 The quorum for the transactions of business at a meeting of the Complaints and Ethics Committee shall be four (4) Members present in person.

2.08 Upon receiving a complaint against a Member, the Complaints and Ethics Committee may:

- (a) communicate with the complainant and the Member with a view to resolving the matter complained of;
- (b) if it, deems the complaint to be unfounded, communicate this finding to the complainant;
- (c) refer the complaint to the Investigations Chairperson.

2.09 When the Complaints and Ethics Committee is of the opinion that a Member:

- (a) has, while a Member, been convicted of an indictable offence; or
- (b) is guilty of professional misconduct or conduct unbecoming a Member; or
- (c) has demonstrated an incapacity or unfitness to practice interior Design or is suffering from an ailment which might, if the Member continues to practice, constitute a danger to the public;

the Complaints and Ethics Committee shall refer the matter to the Investigations Chairperson.

2.10 Where a complainant refuses to accept the decision of the Complaints and Ethics Committee, the Committee shall refer the matter to the Investigations Chairperson.

2.11 Where the Chairperson of the Complaints and Ethics Committee ceases to be a Member of the Council during his term of office, Council shall appoint another Chairperson in his place.

SECTION 3.00 INVESTIGATIONS

3.01 The Council shall appoint one of its Members as the Investigations Chairperson.

3.02 Upon referral of a matter from the Complaints and Ethics Committee, the investigations Chairperson shall cause a preliminary investigation be made of the matter in question.

3.03 The Investigations Chairperson may appoint any person or persons as he deems fit to conduct an investigation hereunder and any such person shall report his / her findings to the investigations Chairperson in writing.

3.04 Upon receipt of the report prepared hereunder, the investigations Chairperson may:

- (a) decide that no further action be taken;
- (b) direct that an inquiry be held by the Discipline Committee;

and shall notify the complainant and the Member who was the subject of the investigation, in writing, by registered or certified mail, or personal service, of his / her decision.

3.05 A complainant may, within Fifteen (15) days of the receipt of the notice that the Investigations Chairperson has decided that no further action be taken, appeal the decision to the Discipline Committee by filing a notice of appeal with the Registrar of the Institute. Such notice of appeal should be sent by registered or certified mail or personal service.

3.06 The Investigations Chairperson may, at his/her discretion, direct that a Member be suspended from practice pending or following the completion of an investigation. Such suspension shall remain in effect until lifted by Council or a court.

SECTION 4.00 DISCIPLINE COMMITTEE

4.01 The Council shall establish a Discipline Committee consisting of:

- (a) Four (4) active practising Members of the institute, one of whom shall be appointed Chairperson of the Committee;
- (b) One (1) person appointed by the Members of the Executive Council of the Province of Manitoba charged with the administration of The Consumer Protection Act.

4.02 Members of the Discipline Committee shall hold office for a period of two (2) years. If any Member of the Discipline Committee appointed by Council ceases to be an active practising Member of the Institute during this period, Council shall appoint another Member in his/her place.

4.03 The Discipline Committee shall hold such meetings at such times and at such places as are required.

4.04 Upon receiving an appeal from the decision of the investigations Chairperson, the Discipline Committee shall review the recommendation of the Complaints and Ethics Committee and the report of the preliminary investigation and may order that:

- (a) no further action be taken;
- (b) an inquiry be held at such time, date and place in the City of Winnipeg as the Committee shall direct.

4.05 The decision of the Discipline Committee under paragraph 4.04 hereof shall be communicated to the complainant and to the Member who is the subject of the matter considered by registered or certified and where the decision is that an inquiry be held, such notice shall be sent not less than thirty-one (31) days prior to the date of the inquiry.

4.06 Any inquiry held pursuant to paragraphs 3.04 or 4.04 hereof shall be held in private, unless the Member who is the subject of the inquiry applies to the Council to have a public hearing.

4.07 The Discipline Committee shall conduct any hearing hereunder in accordance with the Act and such other rules of procedure as it may determine.

4.08 The Discipline Committee shall preserve a record of all evidence, reports or other material on which it acted for a period of five (5) years from the date of the receipt of the evidence or the filing of the documents.

4.09 The Discipline Committee may, after an inquiry, find that a Member has been guilty of professional misconduct, conduct unbecoming a Member or that a Member has demonstrated an unfitness to practice interior Design or that a Member is suffering from an ailment which might, if the Member continues to practice, constitute a danger. To the, public, and may, by a resolution of the majority of its Members:

- (a) cause the name of the Member to be removed from the Register of Members and any Roster;
- (b) suspend the Member for a period not in excess of two (2) years;
- (c) reprimand the Member;
- (d) permit the Member to practice upon such terms and conditions as it deems appropriate.

4.10 The decision of the Discipline Committee shall be embodied in a written order and served on the Member whose conduct was complained of and upon the complainant, by registered or certified mail, postage prepaid, or personal service.

4.11 The decision of the Discipline Committee may be appealed to Council in accordance with the provisions of the Act.

SECTION 5.00 GENERAL

5.01 Council shall reimburse any expenses incurred by the Complaints and Ethics Committee, the Investigations Chairperson, the investigator appointed pursuant to paragraph 3.03 hereof, or of the Discipline Committee, in the course of carrying out their duties hereunder.

5.02 Council may award costs against any Member and may reimburse the costs of any Member who has been the subject of an unwarranted complaint.

5.03 The procedures set forth in this By-law are in addition to and not in substitution for the procedures specified in the Act. In case of any inconsistency between these provisions and those contained in the Act, the provisions of the Act shall prevail.

5.04 No person acting pursuant to the provisions of the By-law shall communicate any information received by that person as a consequence thereof to any other person, except as expressly permitted hereunder or in the Act.

5.05 Council may, in its discretion, publish the decision of the Discipline Committee.

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