

## PART 4 – COLLEGE ADMINISTRATION

### Registrar & chief executive officer

- 36** (1) In addition to the registrar's powers and duties under the Act, the PODSA, and these bylaws, the registrar is the chief executive officer of the College and holds final responsibility for all administrative and operational matters for the College.
- (2) For the purpose of section 47(3) of the Act, the registrar is authorized to refund to an applicant any application fee, or portion of such fee, paid in error with respect to the applicant's licence application.
- (3) Reports under section 101(1) of the Act must be made to the registrar.
- (4) For the purposes of section 109(1)(c) and (d) of the Act, the registrar is authorized to dispose of an administrative matter by making one or more orders as follows:
- (a) disciplinary orders described in section 270 (1) (a) or (b) and (2) of the Act;
  - (b) disciplinary orders described in section 271 (1) (a) of the Act for an amount that does not exceed the lesser of the following:
    - (i) \$25,000;
    - (ii) the amount prescribed in the regulations for this purpose, if any.

### Deputy registrars

- 37** (1) In this section, "**registrar**" includes the deputy registrar appointed under section 360(1) of the Act when acting as appointed under that subsection.
- (2) Subject to any direction from, or limits or conditions imposed by, the registrar, a deputy registrar appointed under section 360(2) of the Act is authorized to perform all duties and exercise all powers of the registrar under the Act, the PODSA, other enactments, and any policies established by the board.

**Legal counsel**

- 38** (1) The registrar or, with the prior approval of the registrar, a committee or panel of a committee, may retain legal counsel to assist the board, the registrar, a committee or panel of a committee, an advisory working group or College employees with any matter related to the conduct of the College's governance activities.
- (2) The board may retain legal counsel to assist the board with respect to any matter related to the board's ability to properly carry out its responsibilities as set out in section 344 of the Act, including without limitation any circumstances involving an internal board conflict or a board member conflict of interest.

**Fiscal year**

- 39** The fiscal year of the College commences on April 1 of each year and ends on March 31 of the following year.

**Budgets and commitments**

- 40** The board must, at least once for each fiscal year,
- (a) approve an operating budget and a capital budget and corresponding fees for the fiscal year, and
  - (b) establish contingency reserve funds and limits and conditions for the permissible uses of such funds.

**Administrative fees and special fees**

- 41** (1) A person must pay fees for reconsideration and review applications in accordance with Schedule **XX [TBD]**.
- (2) In addition to the fees required elsewhere in these bylaws and specified in Schedule **XX [TBD]**, a person must in any other circumstance specified in Schedule **XX [TBD]** pay the corresponding specified administrative fee.

- (3) The board may approve the levy of a special fee in accordance with Schedule XX [TBD] if the College has insufficient funds to enable the College to
- (a) properly conduct its governance activities in accordance with the Act, the regulations under the Act, and the performance standards established or adopted by the superintendent, or
  - (b) make a commitment for, or to pay an amount required for, an extraordinary expenditure that
    - (i) was not included in the annual budget for the fiscal year, and
    - (ii) was not reasonably foreseeable at the time the annual budget was prepared.
- (4) The board may not levy a special fee under subsection (3) that will raise a total aggregate amount that is greater than the amount required to satisfy the requirements of subsection (3).
- (5) The board may levy a special fee under subsection (3) on all or any class of licensees in a proportionate amount required to satisfy the requirements of subsection (3).

#### **Banking, borrowing and investments**

- 42** (1) The registrar may establish and maintain such accounts, in the name of the College, with a chartered bank, trust company, or credit union as the registrar determines to be necessary or appropriate from time to time.
- (2) The registrar may raise money or guarantee or secure the payment of money, in the name of the College, in any manner the board may direct or authorize from time to time, to conduct the governance activities of the College.
- (3) The registrar may invest funds of the College, in the name of the College, in a manner consistent with sections 15.1 and 15.2 of the *Trustee Act*, R.S.B.C. 1996, c. 464, and otherwise in accordance with any investment policy the board may establish from time to time.

#### **Auditor**

- 43** (1) In this section, “**auditor**” means the auditor appointed under subsection (2).

- (2) The board must appoint an auditor for the College from time to time.
- (3) The registrar must, for each fiscal year,
  - (a) direct the auditor to conduct an audit of the College's financial statements for the fiscal year, and
  - (b) submit the College's financial statements for the fiscal year to the auditor not later than 60 days after the end of the fiscal year.
- (4) A copy of the auditor's report for a fiscal year must be included in the annual report of the board under section 398 of the Act for the fiscal year.

### **Employee conflict of interest**

- 44** (1) If a College employee believes they may have a conflict of interest in relation to a matter, or the registrar is satisfied that an employee may have such a conflict of interest, the employee must
- (a) as soon as reasonably practicable disclose the general nature of the conflict of interest to the registrar, or to a responsible supervisor the registrar may designate from time to time, and
  - (b) follow the directions issued by the registrar or responsible supervisor.
- (2) If a College employee discloses a conflict of interest, the registrar or responsible supervisor must determine if the disclosing employee should be directed to refrain from any further involvement in the matter in which they have a conflict of interest.
- (3) If the registrar or responsible supervisor determines the employee has a conflict of interest, the registrar or responsible supervisor must take such measures as are necessary and appropriate to maintain the integrity of the College's operations which without limitation may include one or more of the following:
- (a) providing a written report to the board chair regarding the conflict of interest, their assessment of it, and any measures taken to address it;
  - (b) directing the employee to refrain from having any involvement in the matter in which they may have a conflict of interest;
  - (c) directing the employee to remove themselves from any meetings in which the matter is considered;

- (d) directing the employee to refrain from attempting to exert any influence with respect to the matter on which they may have a conflict of interest.
- (4) The registrar or responsible supervisor must not presume any conflict of interest for any employee based solely on the employee's Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age.
- (5) Without limiting subsection (2), the registrar or responsible supervisor must not presume any conflict of interest for any employee who is an Indigenous person in relation to any matter involving Indigenous governing bodies, Indigenous peoples, or Indigenous practices, based solely on the employee's Indigenous identity or their general interest in Indigenous matters.
- (6) If the registrar has a conflict of interest in relation to a matter, the registrar must disclose it as soon as reasonably practicable to the deputy registrar appointed under section 360(1) of the Act, who must
- (a) determine if the registrar should be directed to refrain from any further involvement in the matter, and
  - (b) act in accordance with subsection (3).

### Notice by the College

- 45** Subject to the Act and the regulations under the Act, where the college is required to deliver a notice, order or other record by personal service
- (a) in relation to an individual, a copy of the notice, order or other record must be physically delivered to them, and
  - (b) in relation to a corporation, a copy of the notice, order or other record must be
    - (i) left with a director or officer of the corporation, or
    - (ii) delivered in the manner provided by the *Business Corporations Act* or any enactment relating to service of records in legal proceedings, using either the company's registered office or the last address provided by the college as the registered office.

**Advisory working groups**

- 46** (1) Subject to subsection (3), the registrar may from time to time
- (a) establish or disestablish one or more committees other than those required under the Act or established in these bylaws, to be known as advisory working groups, and
  - (b) issue terms of reference for each advisory working group and may amend or rescind such terms of reference.
- (2) The registrar may establish advisory working groups under subsection (1) for any purpose or function related to the conduct of the College's governance activities.
- (3) The board may direct the registrar to establish an advisory working group under subsection (1) to assist the board with respect to any matter related to the board's ability to properly carry out its responsibilities as set out in section 344 of the Act.
- (4) Except in the case of an advisory working group established on direction of the board under subsection (3), each advisory working group reports to the registrar.
- (5) Subject to any direction from the board under subsection (3), the registrar may determine the composition of an advisory working group.
- (6) Subject to the regulations under the Act and any direction from the board under subsection (3), the registrar may appoint any person other than a board member to an advisory working group, if
- (a) the registrar is satisfied the person is suitable to be a member of the advisory working group, and
  - (b) if required by the registrar, the person has signed a confidentiality agreement acceptable to the registrar.
- (7) The registrar may set the terms and conditions of an appointment under subsection (6).
- (8) The registrar may determine on a case-by-case basis whether members of an advisory working group are eligible to receive remuneration or reimbursement for travel and other expenses incurred in performing

College business, either as set out in Schedule XX [TBD] or as otherwise set by the registrar.

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CONSULTATION DRAFT