

NSBOA

Constitution and By-Laws



Nova Scotia Building Officials Association

April 2016

**Nova Scotia Buildings Officials Association
CONSTITUTION and BY-LAWS**

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Nova Scotia Buildings Officials Association
CONSTITUTION and BY-LAWS

PART 1 THE CONSTITUTION

1. NAME:

The name of the society is The Nova Scotia Building Officials Association.

2. MISSION STATEMENT

To develop and maintain a dynamic professional membership through knowledge, competency, service and standards of practice.

3. OBJECTS:

The Association's motto is "***Building Safety is Public Safety***" and we support this motto with the following Objects:

- (a) To increase the knowledge, ability and competence of its members;
- (b) To maintain and where necessary improve the standards of practice in this profession;
- (c) To promote and encourage a high standard of inspection services in this profession ensuring that the essential elements of public health, life and fire safety, structural sufficiency and accessibility are in keeping with the objectives of the ***Nova Scotia Building Code***;
- (d) To promote and encourage the use and uniform interpretation of the ***Nova Scotia Building Code***;
- (e) To co-operate and share knowledge with other societies and Associations sharing similar objectives and purposes as the Nova Scotia Building Officials Association;
and
- (f) To do such lawful things as are incidental or beneficial to the attainment of the Association's objects and standard of practice.

4. SCOPE:

The activities of the Association are to be carried on in the Province of Nova Scotia. The Association also participates in many national boards and activities such as: Alliance of Canadian Building Officials; working committees of the National Research Council; standards organizations; and other agencies or associations.

PART 2 BY-LAWS

1. DEFINITIONS

In these By-laws:

- a) **"Association"** means the Nova Scotia Building Officials Association;
- b) **"Board"** means the members of the **Association** elected at the Annual General Meeting and one representative from each zone elected by the zone;
- c) **"Building Official"** means a person appointed pursuant to Section 5 of the *Building Code Act*;
- d) **"Certification"** means a designation granted to members of the **Association** from the Nova Scotia Building Code Training and Certification Board (**NSBCTCB**);
- e) **"Code"** means the Nova Scotia Building Code as adopted by the Province pursuant to the *Building Code Act*;
- f) **"Code of Ethics"** means the standards set out and approved by the **Association**;
- g) **"Executive Committee"** means the members of the **Association** elected at the Biennial General Meeting;
- h) **"Qualified Building Official"** means a person who holds a valid diploma from the **NSBCTCB**;
- i) "Members" shall mean any member of the society notwithstanding the category of membership
- j) **"Nova Scotia Building Code Training and Certification Board (NSBCTCB)"** means the Board appointed pursuant to the Building Code Act to issue Diplomas of Qualification and **Certification** to Regular Members of this **Association**;
- k) **"Zone Representative"** means a person who is a regular member of the **Association** and was elected by the zone to organize zone activities and to be that zones representative on the **Board**; and
- l) **"Registrar"** means the Registrar of Joint Stock Companies for the Province of Nova Scotia.

2. MEMBERSHIP

Persons wishing to become a member shall complete and submit a Membership application form which is attached as Appendix "A" and the membership dues determined by the *Association*.

Membership in the *Association* shall consist of the following categories:

- (a) Regular Membership
- (b) Associate Members:
- (c) Corporate Members:
- (d) Honorary Members:
- (e) Life Members:

3. BOARD

The Officers of the *Board* shall be elected at the Annual General Meeting and shall hold office for two (2) years or until their successors are elected.

Any Regular Member in good standing is eligible to hold office. A nominee for the position of President shall have been a member of the *Board* for the 2 years immediately preceding their nomination.

The *Board* shall be the governing body of the *Association*.

In general, the *Board* shall enforce the Constitution of the *Association* and shall carry out the objects of the *Association* in accordance with the "*Association's*" governance and operating policies.

All *Board* and Committee members that have access to NSBOA information shall undertake to keep that information confidential. This policy also applies to any other person acting on behalf of NSBOA who may have access to confidential information or documents of the *Association*.

The *Board* shall consist of:

- (i) President;
- (ii) 1st Vice-President
- (iii) 2nd Vice-President;
- (iv) 3rd Vice-President;
- (v) Secretary;
- (vi) Treasurer;
- (vii) Five (5) Zone Members; and
- (viii) Past President.

The **Board** may declare an office vacant when a director misses three consecutive meetings.

Vacancies may be filled by appointment by the **Board**.

The **Board** is responsible to:

- The development and administration of the annual budget approved at the AGM;
- The development and administration of the **Association's** Strategic Plan and Business Plan ;
- Administer the affairs of the **Association** subject to the by-laws or as directed at an AGM or Special Meeting of the **Association**;
- Not to enter into any contract or incur any debt on behalf of the **Association** unless authorized at an AGM or Special Meeting of the **Association**; and
- Assure that all necessary records, financial or program related are kept to inform the membership of the **Association**.

QUALIFICATIONS

All members of the **Board** shall be *regular members* in good standing of the **Association**.

QUORUM

50% plus 1 of the **Board** shall constitute quorum at any meeting of the **Board**.

COMMUNICATION

The **Board** shall conduct the business of the **Association**.

Written communications from the **Board** shall be provided simultaneously to all members of the **Board**. Such communication shall be an exact copy of the communication.

BOARD MEETINGS PARTICIPATION

The President may allow others to participate at the **Board** and Committee meetings. These participants do not have the right to vote.

4. MEETINGS

- (a) Regular Meetings of the **Board** shall be held, or at the call of the President. Seven (7) **Board** members shall constitute a quorum.
- (b) Special Meetings and General Meetings of the **Association** may be called by the President or by a decision of the **Board**. Twenty-five (25) Regular Members of the **Association** shall constitute a quorum at such meetings.
- (c) Annual General Meetings shall be held within one hundred twenty (120) days after the fiscal year. Twenty-five (25) Regular Members of the **Association** shall constitute a quorum at this meeting. The Annual General Meeting of the

Association shall be called and notices thereof mailed or emailed to each member not less than thirty (30) days prior to such meeting.

- (d) Unless otherwise stated, a quorum shall consist only of only Regular Members in good standing.
- (e) The Order of Business at the meetings shall be as follows:
 - (i) Call Meeting to Order;
 - (ii) Roll Call of Officers;
 - (iii) Approval of Minutes of Previous Meeting;
 - (iv) Treasurer's Report;
 - (v) Business Arising from the Minutes;
 - (vi) Communications;
 - (vii) Zone Reports;
 - (viii) Committee Reports;
 - (ix) Unfinished Business;
 - (x) Election of Officers;
 - (xi) Approval of the Budget;
 - (xii) New Business;
 - (xiii) Appointment of Auditor; and
 - (xiv) Adjournment.
- (f) Robert's Rules of Order shall govern all matters not covered by this Constitution or by these By-Laws.
- (g) Voting - All questions shall be decided by a simple majority unless otherwise provided for in these By-Laws. All Regular Members present and in good standing shall be entitled to vote. The President shall, however, normally abstain from voting except in the case of a tie.

5. DUTIES OF THE OFFICERS

- (a) **The President:**
 - (i) The President shall preside at all meetings of the **Association** and at meetings of the **Board**.
 - (ii) The President shall further the aims and objects of the **Association** by initiating and acting on matters within these areas of responsibility.
 - (iii) The President shall sign all written contracts. In the President's absence, the First Vice-President shall have this authority.
 - (iv) The President shall have general supervision of the affairs of the **Association** and shall be an ex-officio member of all Committees.

- (b) **The 1st Vice-President:**
Should the President be unable or unwilling to fulfil their duties for any reason, the 1st Vice-President shall assume all Presidential duties.
- (c) The Vice Presidents shall assist in the duties of the President and may act of behalf of the President when so authorized to do so **the President** and shall discharge the responsibilities assigned by the President.
- (d) **The Treasurer:**
- (i) Subject to 8(a), the Treasurer shall have charge of all contracts, securities and finances belonging to the **Association**.
 - (ii) The Treasurer shall receive all monies payable to the **Association** and keep the funds of the **Association** deposited in an accredited Canadian Financial Institution.
 - (iii) The Treasurer shall pay all accounts owing by the **Association**. All cheques issued by the Treasurer shall be signed by him/her and by any other signing officer of the **Association**.
 - (iv) The Treasurer shall report periodically to the **Board**, or upon the **Boards'** request. The Treasurer shall report on the receipt and disbursement of the **Association's** funds and shall prepare an Annual Report for the Annual General Meeting.
- (e) **The Secretary:**
- (i) The Secretary shall be responsible for **Association** correspondence and shall report thereon to the **Board**, in the absence of the Administrative Officer.
 - (ii) The Secretary shall give due notice of all meetings of the **Board** and of the **Association** in the absence of the Administrative Officer.
 - (iii) The Secretary shall keep the Minutes of all of the **Board**, General and Special Meetings of the **Association**.
 - (iv) The Secretary shall assume such other duties as required by the **Board**.
- (f) **Past President:**
The Past President shall chair the Nomination Committee for the election of a new **Board** at the biennial meeting.

6. ZONES and THEIR ACTIVITIES

- (a) The five (5) Zone Members represented on the **Board** shall be elected to represent the following regional areas of the Province:
- (i) Zone 1: Antigonish, Pictou, Colchester, Cumberland, Guysborough Counties, and the District of Hants East;
 - (ii) Zone 2: Halifax Regional Municipality;
 - (iii) Zone 3: Queens, Shelburne, Yarmouth and Digby Counties;
 - (iv) Zone 4: Annapolis, Kings, Lunenburg Counties; and the District of Hants West; and
 - (v) Zone 5: Cape Breton Regional Municipality, Inverness, Richmond and Victoria Counties.
- (b) The Zone shall:
- (i) Elect from its members a Chairperson, who shall be a Building Official. This person shall be a member of the **Board**; and the zone may elect:
 - (ii) A Treasurer; and
 - (iii) A Secretary.
- (c) The Chairperson of the Zone shall be responsible for calling and conducting meetings of the members of the Zone for the purpose of carrying out the objects of the **Association**.
- (d) Officers of the Zone shall be elected at the Zone's biennial Meeting and hold office for two years or until their successor is elected. Any regular member in good standing is eligible to hold office within a zone.
- (e) Zones shall have no authority to commit the **Association** at large.

7. COMMITTEES

- (a) The Board may appoint the following committees:
- i. Education;
 - ii. Resolutions;
 - iii. Membership;
 - iv. Awards & Bursary
 - v Ethics; and
 - vi any other Committee as may be necessary to carry out the affairs of the **Association**.

The Board in accordance with the by-laws may appoint individual Chairpersons for

each of these Committees.

The Chair of a committee shall be responsible for there being a productive and worthwhile endeavour of the committee.

Committee Reports shall be prepared for presentation at the AGM or Special meeting of the **Association**

- (b) The Education Committee shall is responsible for the development and administration of the Professional Studies Program for the **Association**
- (c) The Resolutions Committee shall be responsible for any resolution given Notice of Motion at a meeting of the **Association**.
- (d) The Bursary Committee is responsible for the administration of the **Association's** annual bursary.
- (e) The Ethics Committee shall be responsible for administering and upholding the **Association's Code of Ethics**, and shall act in accordance with the mandate of the **Code of Ethics**.
- (f) The Awards Committee is responsible for nominating the recipients of the **Association's** Helena Whyte Award and any other awards issued the **Association**.
- (g) The Membership Committee is responsible for reviewing all application for regular membership and where applicable recommending the applicant for membership in the **Association**.

8. **AUDIT**

The **Association's** books shall be audited by an auditor appointed by the **Board**. The Auditor shall file a Report within 6 months of year end, and this report shall be affixed to the Treasurer's Annual Report.

9. **SEAL and LOGO**

The Seal of the **Association** shall not be affixed to any instrument, except by authority of a resolution, whether previous notice thereto has been given or not, and in the presence of such officers of the **Association** as may be prescribed for and by any such resolution. If the resolution is silent as to which officers may witness the affixing of the seal, then the seal may be affixed in the presence of:

- (a) two members of the **Board** and the Secretary, or
- (b) the President of the **Association** and the Secretary, or
- (c) the President of the **Association** and the Treasurer.

Witnesses shall evidence their presence by subscribing their signature to the sealed instrument.

LOGO

The logo of the **Association** is as it appears on the cover of this document and can be reproduced in black or white or in full colour. However such reproduction may only be done by any regular member or zone with the written consent of the **Board**.

10. AMENDMENTS TO THE ASSOCIATION'S BY-LAWS

- (a) The **Association** may make additional By-laws and may repeal or amend any of its By-laws by a resolution passed in the manner prescribed by the by-laws.
- (b) Notice of intention to make, repeal or amend any By-law shall be given at a meeting of the **Association** previous to that at which the proposed addition to or change in the By-laws is to be considered or by thirty (30) days written notice given to the members of the **Association**.

Such additions to and changes in the By-laws shall be filed with the Registrar.

11. INSPECTION

The Books and Accounts of the **Association** shall be kept by the Treasurer and shall be produced upon an order of the **Board**.

12. CODE OF ETHICS

- (a) All members of the **Association** shall be subject to the **Code of Ethics**.
- (b) All members, voting or otherwise, of the **Association**, agree to abide by the **Association's Code of Ethics**. The **Code of Ethics** contains the following parts:

PART A:	STANDARDS
PART B:	COMMITTEE
PART C:	DISCIPLINE
PART D:	APPEALS

PART 3 CODE OF ETHICS

PART A: STANDARDS

I. STANDARDS

The Standards for Ethics, Professional Conduct, Professional Practice and Professional Advertising Practice are embodied in the following **Code of Ethics**.

CODE OF ETHICS

Fundamental Principles

1. The inspection of buildings is an important learned profession. The members of the profession recognize that their work has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by the Building Official require honesty, impartiality, fairness and equity, and must be dedicated to the protection and enhancement of the public's safety, health and welfare;
2. A Building Official shall recognize that the **Code of Ethics** of the **Association** is founded upon integrity, ability and loyalty to service in the advancement of the essential elements of public health, life and fire safety, structural sufficiency and accessibility in the examination of all buildings;
3. A Building Official shall only administer and enforce the provisions of the Building Code Act and Regulations within the scope for which they hold a valid diploma from the **NSBCTCB**.

Relations with Public

All Members:

4. Shall uphold their duty to the public as paramount;
5. Shall endeavour to enhance the public's interest and appreciation in their profession;
6. Shall express interpretations and or opinions regarding public health, life and fire safety, structural sufficiency and accessibility matters only on the basis of adequate knowledge and competence;
7. Shall perform all assignments in a professional manner in accordance with all laws and regulations of the Province of Nova Scotia including all applicable municipal bylaws;
8. Shall prepare a report on all assignments, such report shall include: the purpose of the assignment, a description of the property , the date and time of the assignment, any special considerations and any special documentation or information supplied by others involved in this assignment;

Relations with Employers and Clients

All Members:

9. Shall act for their employer or client as a faithful agent or trustee and shall act with fairness and justice between their employer or client;

10. Shall not accept compensation, financial or otherwise, from more than one interested party to the same service or for service pertaining to the same work without the consent of all interested parties;
11. Shall not disclose confidential information without the consent of their employer or client;
12. Shall not undertake any assignments which may create a conflict of interest with their employer or client without the full knowledge of their employer or client;
13. Shall present clearly to their employer or clients the consequences to be expected if their professional judgment regarding public health, life and fire safety and opinion regarding structural sufficiency matters are overruled by other authorities in matters pertaining to work for which they are responsible;
14. Shall refrain from unprofessional conduct or from actions which they considers to be contrary to the public good even if they are expected or directed by their employer or client to act in such a manner;
15. Shall not expect or direct an employee or subordinate to act in a manner that their or the employee or subordinate considers to be unprofessional or contrary to the public good;

Relations with Profession

All Members:

16. Shall continue professional development throughout their careers and shall provide opportunities for the professional development of others under their supervision;
17. Shall collaborate in increasing the effectiveness of their profession by communicating information and experience with other Building Officials and other professions involved in public health and safety;
18. Shall endeavour at all times to improve the competence, status and dignity of their profession;
19. Shall not advertise in any brochure, business card, letterhead, yellow pages radio, internet and television ads or any print or electronic medium holding out that they are members of this **Association** unless the member holds a "**Certification**" designation.
20. Shall not advertise their work or merit in a self laudatory manner and they shall avoid all conduct or practice likely to discredit or do injury to the dignity and honour of their profession;

21. Shall not attempt to supplant another Building Official in an engagement after definite commitment has been made toward the others employment;
22. Shall not exert undue influence or offer, solicit or accept compensation for the purposes of affecting negotiations for an agreement;
23. Shall not compete with another member of the **Association** for work by under bidding, through reducing their normal fees after having been informed of the fees named by the other;
24. Shall not use the advantage of a salaried position to compete unfairly with another member of the **Association**;
25. Shall advise the discipline committee of any practice by another member of their profession which they believe to be contrary to the **Code of Ethics**;

Relations with Association

All Members:

26. Shall co-operate with the Nova Scotia Building Officials Association and its officers in all matters, including, but not limited, to the investigation, censure, discipline, or dismissal of members, voting or otherwise, who, by their conduct, prejudice their professional status or the reputation of the **Association**; and
27. Shall conduct their activities in a manner that will reflect credit upon himself, the profession and the **Association**.

PART B: ETHICS COMMITTEE

I. ETHICS COMMITTEE - STRUCTURE AND MANDATE

1. The Ethics Committee shall consist of at least three (3) members of the **Association**, of whom one shall be a member of the **Board**, and two shall be other Regular Members.
2. The Ethics Committee shall consider all matters relating to the conduct of, and inspection reports prepared by members of the **Association**, except where a municipality or other governmental authority has jurisdiction.
3. The Ethics shall consider those matters brought before it, either through written

applications by members, or from other sources, and shall recommend a suitable course of action, except where a municipality or other governmental authority has jurisdiction.

4. There shall be a signed complaint submitted to the Ethics Committee before this committee can take action respecting any Ethics/Inspection Review matter.
5. Notwithstanding Section (4) above the Ethics Committee may investigate any matter within its jurisdiction on its own initiative.

II. ETHICS COMMITTEE - RESPONSIBILITIES

1. The responsibilities and procedure of the Ethics Committee shall be any or all of the following, as applicable:
 - (a) To receive and review signed complaints from any source and initiate action on any matter it deems necessary.
 - (b) Where an investigation is deemed necessary, the accused shall be advised by registered mail before the investigation is begun.
 - (c) To request copies of inspection reports that are being questioned or complained against.
 - (d) Where deemed necessary, to request copies of inspection reports which may have been done on the same property by other inspectors.
 - (e) To request, if available and deemed necessary, written proceedings of any hearings, arbitrations or court reports.
 - (f) To study the material and decide if further investigation is warranted.
 - (g) Where necessary, to appoint a local investigating sub-committee to consider the materials that have been submitted in connection with the complaint.
 - (h) To receive the report from the investigating sub-committee.
 - (i) To consider and study all reports and materials and take appropriate action.
 - (j) To hold as confidential the contents of all reports and documents received by the Ethics Committee and/or its sub-committee.
2. (a) Where conflict exists, members of the Ethics Committee and/or its sub-committee shall abstain from any direct or indirect involvement or interest in any case being dealt

with by the Committee or its sub-committee.

- (b) If further investigation is warranted, the investigated member shall be contacted by the Ethics Committee, in accordance with Part C - Discipline.
 - (c) The failure of any member to comply with the written request from the Ethics Committee in connection with a complaint shall result in disciplinary action being taken by the Committee based on the information available to the Committee.
 - (d) Reports of appointed investigating sub-committees must be made only to the Ethics Committee.
3. If it comes to the attention of the Committee or any Committee member that the subject matter under consideration, investigation or review, is subject to litigation, all action here under shall be postponed until such time as all litigation has been completed.

PART C: DISCIPLINE

If the determination of the Ethics Committee is that the **Code of Ethics** has been contravened by a member of the **Association**, that member shall be subject to the following applicable disciplinary action(s):

1. Admonishment - This is written warning calling the attention of the member to the violation. Admonishment is not entered into the member's record. It is not published or made known to the membership or the general public. An admonishment is given by the Ethics Committee if the nature of the infraction so warrants; however, a written report to the **Board** is required.
Additional disciplinary action of an educational nature may be required, where, in the opinion of the Ethics Committee, the type of violation indicates this to be necessary or desirable.
2. Reprimand - This is a serious written warning calling the attention of the member to the violation. A reprimand is entered into the member's record for a period of two years after official notification of the reprimand has been given. It is not published or made known to the membership or the general public. A reprimand is given by the Ethics Committee; however, a written report to the **Board** is required.
Additional disciplinary action of an educational nature may be required, where, in the opinion of the Ethics Committee, the type of violation indicates this to be necessary or desirable.
3. Censure - This is a formal written expression of criticism and disapproval of the violation and is given by the **Board**. A censure is entered into the member's permanent record.

The censure may be published and made known to the membership or the general public or both.

Additional disciplinary action of an education nature, recommend by the Ethics Committee and approved by the **Board**, may be required where the type of violation indicates this to be necessary or desirable.

4. **Suspension** - This is a temporary revocation of the rights and privileges of membership in the **Association**, and is given by the **Board**. It commences 72 hours following the dispatch by registered mail of the order of suspension and ends upon expiry of the period of time stipulated therein. A suspension shall not exceed two years, and during the suspension period, the member may not hold out as an affiliate of the **Association** in any manner.

Immediately upon receipt of notice of suspension, a suspended member shall transmit their membership certificate, membership card and any other evidence of membership to the **Association** to be held for the period of such suspension.

At expiration of the period of suspension, and subject to any additional education requirements having been fulfilled, the suspended member shall automatically be restored to previous membership status and the evidence of the membership shall be returned to him/her.

Although a suspended member is not entitled to the rights and privileges of membership and may not refer to any affiliation with the **Association**, the member remains a member for all other purposes, including payment of dues, and any failure to conform to the **Association's** Constitution or **Code of Ethics** shall be grounds for further disciplinary action.

A suspension shall be published and made known to the membership and the general public.

5. **Expulsion** - This is a complete termination of membership or any affiliation with the **Association**, and is given by the **Board**. It becomes effective 72 hours following dispatch of notice of the expulsion, by registered mail, to the member.

Immediately upon receipt of such notice, the member so expelled must return to the **Association** the membership certificate, membership card, and any other evidence of membership in the **Association**. All reference to membership in or affiliation with the **Association** must immediately cease.

Expulsion shall be published and made known to the membership and the general public.

6. **FAILURE TO COMPLY** - The failure of any member to comply with a written disciplinary order of the **Board**, unless notice of appeal is given in accordance with the provisions made for same, may, in the discretion of the **Board**, result in expulsion.

7. **Admonishment and Reprimand** are made by the Ethics Committee.

8. Censure, Suspension and Expulsion are made only by the **Board**.

PART D: APPEALS

1. **Admonishment** - In the case of admonishment, appeal must be in person or in writing and must be presented at the next meeting of the Ethics Committee immediately following receipt of the notice of appeal. There is no appeal beyond this committee.
2. **Reprimand** - In the case of reprimand, appeal must be in person or in writing and must be presented at the next meeting of the Ethics Committee immediately following receipt of the notice of appeal. There is no appeal beyond this committee.
3. **Censure and Suspension** - If any of these actions are recommended by the Ethics Committee, the accused shall have the right to appeal to this Committee. The appeal may be in writing or in person, and it must be presented at the next Committee meeting, occurring between 30 and 60 days following receipt of written notice of the recommendation to discipline.

If, following the appeal, the decision of the Ethics Committee is sustained, an appropriate recommendation shall be made to the **Board**. If the **Board** imposes censure, suspension or expulsion, the accused shall have the right to appeal to the **Board**. The appeal may be in writing or in person and it must be presented at the next **Board** meeting, occurring between 30 and 60 days following confirmation of the Ethics Committee recommendation.

4. Expulsion - All of the above mentioned proceeding of Censure and Suspension apply, except the accused may appeal only to the **Board**.
5. Notice of Appeal - All notices of appeal, and the grounds on which the appeal is being made, must be filed by registered mail to the Nova Scotia Building Officials **Association** within thirty days of receipt of the notice.
6. The identity of the accused shall be known only by the members of the committee engaged in the process of investigation, appeal and administrative procedure.
7. In all cases where an appeal is permitted, the accused shall have the right to attend and make written or oral submissions or appeal the decision of the committee. All expenses are the responsibility of the accused.

PART 4 APPROVAL AND SIGNING OF BY-LAWS

This constitution and by-laws of the *Association* were approved at the duly called Annual General Meeting of April 5, 2016

Witness and sealed by the Association this 10th day of May, 2016

Michael McKenzie
President

Timothy Leslie
Past President
Witness