

## Policy and Procedures Manual

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## **PART 1**

### **Officers of the Association**

#### **Roles of the Executive**

##### **(1) President**

###### **Introduction**

The President's function is one of initiation, motivation, co-ordination, public relations and being the official external representative of the AATA. He/she must have a solid grasp of where the Association and its separate committee structures have been, it's present position and the future directions required. He must identify the goals and objectives of the future and stimulate action by this surrounding support staff. He must ensure that there is a co-coordinated and informed plan of action involving all of the committee structures and functions. He must be prepared to serve as the official representative of the AATA and foster public relations by his involvement with outside agencies. In short, he must display confidence in himself and the Association, providing strong leadership and administration, as well as being a diplomat

###### **Administrative Functions**

- a) Ensure the stability of the committee structures and the executive contact.
- b) Review the minutes of the Annual executive and annual general meetings. Assess and develop the goals and objectives of the Association
- c) Review, revise and update the strategic plan.
- d) Establish organizational flow charts and identify the roles and functions of each member and individual committees towards the plan of action.
- e) Administrate the business of the Association:
  - a. Evaluate the implementation of the plan of action
  - b. Continually reassess the goals of the association and alter the administrative plan of action as necessary

###### **Responsibilities**

- a) Maintain a constant flow of information within the Executive and committee structure.
- b) Serve as the official voice of the AATA on matters of policy, special programs, and external activities (although other members may be delegated to perform certain tasks).
- c) Serve on various committees and agencies as an AATA official. These include:
  - a. Chairperson of the AATA Executive Committee
  - b. Chairperson of the AATA Annual General Meeting (Can be delegated at the President's discretion)
- d) Participate in the President's committee meeting and liaise with Regional Chapter Presidents
- e) Work in close conjunction with any Ad Hoc Committee
- f) Work closely with the treasurer regarding fiscal/financial issues
- g) In conjunction with Executive, maintain and update the AATA Constitution, Code of Ethics, Scope of Practice and Policy and Procedures guidelines. Be

aware and informed of CATA constitutional changes which effect the AATA constitution.

- h) Set AGM date and distribute agenda *three (3) weeks prior* to AGM.
- i) In the case there is no AATA ethics committee, the AATA President will forward all ethics complaints to the National Chair. Infractions of the right to title will be forwarded to the National Committee.
- j) Be the provincial contact for the ATT submissions and make ready all submissions to the CATA Liaison when requested.
- k) Organize Executive meetings monthly.
- l) Create and distribute agenda for executive meetings 7 days prior to meeting.
- m) Oversee the activities of the Association.
- n) Be one of three with signing authority of the Association's bank accounts and investments.
- o) At the beginning of term, make a commitment to one day reviewing files with out going President. Expenses for travel and meals will be incurred by the Association.
- p) Maintain a hard copy of all documents on disc with disc file name references.
- q) At end of term, pass over all files, supplies and equipment to incoming President.
- r) Work in an Ex-officio capacity when requested by the Executive.
- s) Oversee the Annual General Meeting Research Day.
- t) Produce the President's report to be included in the pre-AGM package
- u) Produce the AATA Annual Report to be submitted to the CATA annually.

## **(2) Vice-President**

### **Introduction**

The Vice-President's role is one of assistance, collaboration, and maintenance. He/she must also serve as a bridge being between the executive committee and members of the AATA. He must be ready to assist the President in all aspects, and have a solid grasp of Presidential roles and responsibilities. He must also act as a check and balance to the President. He must be prepared to serve as a representative of the AATA when needed, in order to develop, foster, and promote athletic therapy as a profession.

### **Administrative Functions**

- a) Provide administrative assistance to the President where needed.
- b) Assist in developing goals and objectives of the Association.
- c) Develop, foster, and establish educational opportunities, innovations, and initiatives.
- d) Develop and establish academic/research scholarship requirements and criteria.

### **Responsibilities**

- a) Work closely with the President on matters of policy, special programs, and external activities.
- b) Develop familiarity and understanding of Presidential roles, responsibilities, and mandates.
- c) In the absence or incapacitation of the President, shall assume powers and duties of the President.
- d) Assume duties as the President dictates.
- e) Provide leadership and vision on academic mandates to help promote teaching, learning, and research in the field of Athletic Therapy. Efforts are to be aimed at facilitating more academic/research scholarships, research days, and discovery of knowledge in regards to current AT research, innovations, and initiatives.
- f) Foster an open relationship with members of the AATA and the Executive committee.
- g) Serve as a liaison with Certification Candidates and the Executive committee
- h) Oversee the following committees:
  - a. Education
  - b. Marketing
  - c. Chris Fleming Memorial Award selection
- i) Serve as a liaison on various committees and agencies as an AATA official. These include:
  - d. AATA representative of the Sport Medicine Council of Alberta
  - e. Chairperson of AATA Annual Research Day
- j) Be responsible for producing the newsletter quarterly.
- k) Produce the Vice-President report to be included in the pre-AGM package.
- l) Upon completing the Vice-Presidency term:
  - f. Spend one day reviewing files with the incoming Vice-President
  - g. Create and transfer a hard copy of all computer administrative files

### **(3) Treasurer**

#### **Introduction**

The role of the Treasurer shall include the responsibility for custody of the Association's funds and securities; the keeping of full and accurate accounts of receipts, disbursements, and books belonging to the Association and the depositing of moneys and other valuable effects in the name of and to the credit of the Association.

#### **Responsibilities**

- a) **Oversee all bank accounts located at the TD bank Brentwood Branch – 3630 Brentwood Rd NW, Calgary, Alberta, T2L 6Z2**
- b) Oversee all short term and long term investments. -Investor's Group- 700 – 1333 8 St SW, Calgary, Alberta, T2R 1M6
- c) Maintain records of all transactions in proper accounting methods (receipts must be included) and forward all accounting records to the bookkeeper of the AATA – Malissa Fredine CGA 904 Haliburton Rd Edmonton, AB, T6R 2X5(780) 554-6735
- d) Make Funding applications available to the Executive and Committee Members. Receive and forward to the Executive all major funding applications for review.  
Committee Member - must apply for amounts over \$50.  
(Only the value of appropriate receipts and invoices will be paid)  
Executive Members - must apply for amounts over \$200.  
(Only the value of appropriate receipts and invoices will be paid)
- e) Maintain budget and advise Executive and committee members as to financial position on a monthly basis.
- f) Work closely with the president on the budget to be presented at the AGM
- g) Oversee fundraising endeavors on behalf of the Association.
- h) Apply for different funding sources e.g. Lotteries Foundation. -Create and add to an address of funding sources
- i) Be one of three signing authorities for the chequing account.
- j) Maintain capital budget listings.
- k) Act as the Registrar of the Association to the extent of the following duties:
  - l) Receive current member fees from the National and Provincial offices and deposit into the Associations account.
  - m) Receive membership list from the CATA and the AATA and cross reference with fees owing. Report Discrepancies to Executive.
  - n) Maintain a copy of the paid membership list in conjunction with the CATA and forward to Executive.
  - o) Receive applications for 3rd Party billing and Maintain Registrar List Refer list to Third Party Billing Committee and Executive
  - p) Date all correspondence received
  - q) At the end of every fifth year oversee a financial audit
  - r) At end of term, pass over all files, supplies and equipment to the incoming Treasurer.

- s) Be open and available to help incoming Treasurer with any questions they may have.
- t) Produce Treasurer's report to be included in the pre-AGM package

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#### **(4) Secretary**

##### **Introduction**

The Secretary is responsible for the administrative functions of the AATA and liaises with the CATA on matters of membership.

##### **Responsibilities**

- a) Record, type and distribute the minutes of the Annual General Meeting and Executive meetings and forward them to the Executive for review.
- b) Once ratified, send AGM minutes to the CATA office, and to the executive for record purposes, send a copy of the AGM minutes to the general membership according to the deadlines as stated in constitution. These should be sent to the membership *three (3) weeks prior* to the upcoming AGM.
- c) Send updated copies of all association documents to the CATA national office following the AGM
- d) Receive membership information from the Treasurer and maintain a mail out database for the Association. It is imperative that the Secretary, and Treasurer maintain close communication in regards to membership matters.
- e) Work with the following committees: - Website
- f) Monitor the Association's E-mail and forward to appropriate members of the executive and committee members.
- g) Maintain a record of all association documents approved by the membership
- h) Maintain stock and distribution of letterhead, PMTs and any necessary forms.
- i) Date all correspondence received.
- j) Make a commitment at the end of term, to spend one day reviewing files with the incoming Secretary
- k) At the end of term, hand over all the Association's files and equipment to the incoming Secretary.
- l) Create and distribute billing letter and certificate to certified members once requested.
- m) Produce Secretary report to be included in the pre-AGM package.
- n) Responsible for collection of Executive and Officer of Association reports to be distributed as part of the pre-AGM package.

**(5) Executive Committee General Mandate**

The Executive of the AATA provides provincial leadership and vision to the membership and volunteer committees through support and facilitation in an environment of accountability, integrity and focus

- a) To assist the President in the administration of the Association's constitution and by-laws
- b) Carry out the duties and responsibilities of the mandates assigned to them
- c) To approve and affect policy changes to the Association's constitution and bylaws. (The various committees or any voting member of the Association may instigate these changes).
- d) To review project proposals and establish priorities as they relate to the Association's whole plan of action.
- e) To meet collectively at least twice a year (more meetings or conference calls can be requested at the Executive's discretion).
- f) Establish and maintain an open line of communication within the committee structures.
- g) Responsible to the general membership for the activities of the Executive committee and committee programs, reported annually at the AGM

### **Specific Mandate Responsibilities**

The following mandates are to be assigned by the President in accordance with the strengths of the Executive Officers

#### **(6) Ethics Committee Liaison**

Mandate includes communication with Ethics Committee Chair concerning all matters the Executive may have with due process of investigations and follow-up action upon completion of any Ethics Committee investigation. Duties also include working with Ethics Chairperson on proposed changes to the Ethics document and introduce such proposals to the Executive for discussion.

#### **(7) Policy and Procedures**

- a) Maintain all policy and procedure documents of the AATA
- b) Ensure that all documents are kept up to date, and reflective of the operation of the Association
- c) Make all changes to Policy and procedure document following Executive meetings
- d) Ensure that the most up to date version of the P&P is distributed to the Executive, committee chairs, web page liaison and National Office within six (6) weeks following Executive meetings
- e) Communicate with committee liaisons to ensure relevance and current status of P&P documents for each committee
- f) Outline P&P changes to be published in the upcoming newsletters, according to deadlines

#### **(8) Association Documents**

- a) Ensure that all official documents of the AATA are kept current and up to date
- b) Make any changes to official documents in a timely manner following the AGM
- c) Maintain a record of previous official documents for reference
- d) Ensure that all potential constitutional changes are forwarded in the AGM package three weeks prior to the AGM
- e) Ensure that all changes made at the AGM are published in the appropriate publications
- f) Ensure that the present live version of the documents is forwarded to the web page liaison

#### **(9) Minutes**

- a) Ensure that the minutes are recorded at each meeting
- b) Minutes will include timelines and individual responsible for all actions
- c) Distribute draft copy of minutes to Executive, Committee Chairs and National Office within three (3) weeks of any Executive meeting
- d) Ensure that corrections made by Executive are forwarded to Executive prior to the meeting at which minutes will be ratified

- e) Once ratified, minutes will be circulated to the Executive within one week of ratification
- f) Ensure that any motions voted by email are recorded in the minutes of the next meeting
- g) Maintain a file of previous year's minutes for reference

**(10) Finance**

- a) Work in collaboration with the Executive, re on-going financial status of the AATA
- b) Review and verify expense claim forms submitted for AATA meetings
- c) Review and verify expense claims submitted by members of block administration expenses
- d) Review invoices
- e) Prepare budget submissions
- f) Prepare interim accounting with the Executive
- g) Prepare monthly accounts receivable listings
- h) Prepare working papers for audit in collaboration with the Executive
- i) Manage investment account
- j) Distribute and review AATA meeting budget forms with committees
- k) Report to the Executive at the Semi Annual, Annual and Pre AGM meetings
- l) Sign all cheques

\*\* An endowment and contingency fund will be set up, to be maintained by interest accrued from any and all capital investments on an ongoing basis (based on the individual annual accrued interest dates of each investment). This fund will be used for contingency purposes and special projects. This money will be held at the bank in easily accessible funds. Should this fund reach \$100,000, it will then be split to allocate 20% to capital investments, with the remainder staying in said fund.

If there is no net revenue for a fiscal year, no investments will be made and if necessary to maintain the contingency fund, monies will be taken for the deposit certificates. The concept of the endowment fund is such that the capital investment fund should be maintained.

**(11) Membership**

These strategies will be shared between the CATA and AATA until such time as the provincial organizations handle all matters regarding membership in their own provinces.

**Fees**

Membership fees shall be set for both Certified members and Certification Candidates by the membership at the AGM.

All members, certified, candidates and new candidate members, will be invoiced by the AATA for their provincial dues in December. Annual dues are due January 1 of each calendar year.

**(a) New Member Application**

- i) Receive forms from Secretary
- ii) Review form for the following
  - (i) Signature of a certified member
  - (ii) Exact amount for membership fee (certified cheque or money order)
  - (iii) Communicate with one of the reference persons or certified member
  - (iv) Approval must be based on criteria for new applicant
  - (v) Inform new member of status
  - (vi) Send new member information regarding regional chapter

**(b) Reinstatements**

- i) Follow as outlined in the CATA and AATA constitutions
- ii) Review constitution for reinstatement category
- iii) Review application for reinstatement
- iv) Liaise with the Certification Committee in regards to Maintenance Status
- v) Ensure applications contain:
  - (i) Certified cheque or money order, amount verified through the National Office
  - (ii) Reinstatement letter containing sufficient information to reinstate
- vi) if application is in order, present name to Executive for ratification at next meeting
- (vii) review request for special considerations, which may include waiving of reinstatement fee, conference call (at their expense); email vote
- (viii) if application contains a special request that is not unusual, the executive member may present the request and response to the executive along with the application for reinstatement
- (ix) if the application contains a special request and possible solutions to the executive along with the application for ratification
- (x) inform the member in writing of status and any terms or conditions of the reinstatement, copy letter to the appropriate Committee Chairs, Board members and National Office

(c) Leave of Absence

Conditions

- i) A leave of absence may be granted in extenuating circumstances as follows:
  - a. For both Certification Candidates and Certified Members, the leave is granted at the discretion of the Executive Committee of the AATA. The leave of absence is granted for a term of one year. Extensions beyond one year require annual re-application.
- ii) To request a leave of absence, the member must submit a written request to the Executive Committee. The written request should describe the need for and nature of the leave of absence, as well as the expected start date and duration of the leave.
- iii) In order to qualify for a LOA, the applicant must meet the Maintenance of Certification or the Maintenance of Certification Candidacy requirements with the AATA and CATA and their applicable regional association. The Member will only be considered upon receipt of the application with full supporting documentation.
- iv) While on approved leave of absence,
  - a. Certification Candidates:
    - i. Are required to pay 50% of their annual provincial dues each fiscal year for educational or maternity/paternity/long-term disability leaves;
    - ii. Are not released from any other responsibilities or obligations to the Association;
    - iii. May not accumulate practical hours during the leave;
    - iv. If the leave is granted after any portion of the examination (written and practical) has been attempted, the Certification Candidate re-enters the examination process at the same level attained prior to commencement of the leave; and
    - v. If no portion of the examination has been attempted prior to the leave, the CC has the five year limitation extended by the length of the leave of absence.
  - b. Certified Members
    - Active Category
      - Are required to pay 50% of their annual provincial dues each fiscal year for educational or maternity/paternity/long-term disability leaves;
      - Are not released from any other responsibilities or obligations to the Association;\
      - May serve on any Association committee; and
      - Are still eligible to serve as a SAT
      - Are able to reinstate their membership to full active status prior to the end date of their full year leave. If the Member chooses so, they will be responsible for the following:
        - Repayment of provincial dues, divided by 12, then multiplied by the number of months remaining in their LOA

Categories – leaves of absence fall into three categories:

- Educational: Education LOA is a leave during which the member will be attending a full-time post secondary educational institution outside of the Association accredited program. Education leave may be granted for the period of time that is required to complete the proposed course of study. Educational institution is defined, for the purposes of this document, as a provincially (or equivalent) accredited post-secondary institution.
- Maternity/Paternity/Long-Term Disability LOA: The Association defines long-term disability as a period of time over six months. Maternity, paternity and long-term disability leaves may be allowed, if needed, for a period of up to five years  
Personal LOA – A LOA for personal reasons may be allowed for a period of up to one year. An extension will be considered by the Executive Committee upon receipt of a further written request.

**(d) Termination**

- a. see AATA Constitution
- b. present recommendations for termination to Executive for ratification
- c. inform member of status of membership and procedures for reinstatement
- d. letters to individuals terminated from membership in the association will be written by the President, and forwarded to the membership liaison, and education chairs, as well as the National Office

**(12) Communication**

**(a) Newsletter**

**(b) AGM** – responsible to work with Executive to make sure all proper documents are made available at the AGM including Committee Reports, financial statements and any constitutional amendments to be brought forward. Duties also include proper set up for the meeting, roll call for establishment of quorum and responsibilities for any electoral process during the AGM, including the explanation of due process and counting of ballots

**(c) Email etiquette**

Electronic mail services to share information, to improve communication, and to exchange ideas. Those who use electronic mail services are expected to do so responsibly, that is, to comply with provincial and federal laws, with this policy and procedure, and with normal standards of professional and personal courtesy and conduct unwarranted or unsolicited interference with others' use of email or email systems. Such uses include, but are not limited to, the use of email services to:

- i) send or forward email chain letters;
- ii) “spam” that is, to exploit list servers or similar broadcast systems for purposes beyond their intended scope to amplify the widespread distribution of unsolicited email; and “letter-bomb” that is, to resend the same email repeatedly to one or more recipients to interfere with the recipient's use of email.

What you should know about email etiquette:

Always put something in the Subject Box. Messages that arrive with no indication of source and no subject are very likely to be treated as “junk” mail. Avoid typing your messages in all capital letters because IT LOOKS LIKE YOU ARE SHOUTING. Most people find this highly irritating. Using all lowercase letters is not viewed quite so disparagingly, but many email users dislike this technique as much as all caps. Email also does not convey emotions nearly as well as face-to-face or even telephone conversations. It lacks vocal inflection, gestures, and a shared environment. Your correspondent may have difficulty telling if you are serious or kidding, happy or sad, frustrated or euphoric. Sarcasm is particularly dangerous to use in email.

For time-critical messages, starting with URGENT is a good idea (especially if you know the person gets a lot of email). If you are offering non-urgent information that requires no response from the other person, prefacing the subject line with FYI is not a bad idea. If you are referring to previous email, you should explicitly quote that document to provide context. For requests, starting with REQ: can signal that action is needed.

1. construct your copy list on a need-to-know basis. Be careful in using large distribution lists for highly focused topics

2. use formal language (with complete sentences, business letter formats and correct spelling) and a well thought out structure when communicating with senior management or customers. Remember, an email message helps to create an image of you and your company
3. avoid large attachments if at all possible. Background documents of interest to a subset of the recipients can be put on your internet.
4. be prompt in responding to action items. Acknowledge and accept action item with an email response even if you can not get to it for a while.
5. avoid email wars. Take personal conflicts offline, and handle them privately.
6. use auto response messages to notify correspondents if you are out of the office or on vacation and won't be able to read messages
7. put meaningful data in the subject field. Many users are responding to information overload with filters and rules-based agents
8. don't use email to highlight negative thoughts about senior management. It can be too easily forwarded or misaddressed.
9. Observe common practices within your organization. Every organization has a unique culture, and this also applies to email etiquette.

In summary, email is a powerful business communication tool and an effective means of gaining visibility, if it is used properly. The above guidelines should help you better realize the benefits of business email. If you have received a message as a part of a group of recipients (such as from a listserv) consider a reply to only the author rather than to the entire group. This is especially true when the author is conducting a survey or asking a question of the entire group. If the responses are of interest to the group, the original author should post a summary of the responses after a reasonable length of time.

Check your mail regularly; ignoring email message is discourteous and confusing to the sender. Inform senders when their requests cannot be accommodated.

## **STANDING COMMITTEE GENERAL GUIDELINES**

### **(13) Organizational Structure**

Standing Committees and Subcommittees of Standing Committees act on behalf and report directly to the Executive. Each standing committee and their areas of responsibility are as follows:

- a. Education: This committee focuses on the Continuing Education of the entire CATA membership. It is dedicated to the promotion of an educational framework that serves to advance the profession, and promotes the exchange of information and research between its members, the members of other professional groups, and the general public.
- b. Marketing: This committee focuses on developing marketing and sponsorship opportunities for the AATA.
- c. Insurance Billing: This committee focuses on the recognition of Athletic Therapy on individual health insurance plans. This committee currently functions with the Marketing committee.
- d. Ethics Committee: This committee serves to protect the members and the public from breaches of the code of ethics and scope of practice under which the members practice.
- e. Office of the Ombudsperson: This office handles general questions both from members and the public related to Athletic Therapy.
- f. Ad hoc Committee: At any time an ad hoc committee can be struck with a specifically mandated purpose.

### **(14) Committee Meetings**

All standing committees and subcommittees of standing committees shall, insofar as practicable, meet at times and places convenient for their members and Executive members, and within budget allocations as previously approved by the Executive. Chairpersons shall send timely notice of, agendas, staff reports, and other materials relating to, the meetings of every standing committee and subcommittee of a standing committee to all members thereof and all Executive liaison members. All Executive liaison members are encourage attending meetings, and shall be permitted to participate in discussion at all meetings of standing committees and subcommittees of standing committees. Extra copies of discussion materials shall be available to members at all standing committee meetings.

### **(15) Committee Paperwork**

A Committee Report is an official statement that is publicly available and is formally adopted by a majority vote of the committee and that is presented to the Executive in the name of the committee. It contains information obtained, information regarding the action taken, or recommendations on behalf of the committee. Therefore, if the committee was charged with obtaining information on an issue, it should report that information to the group that gave it the charge. The report should also include a description of how the committee went about carrying out its assigned task. In addition, sometimes committees are charged

with making a recommendation based on their research. If so, the committee's recommendation should be part of the report.

A report should not contain inflammatory comments regarding interpersonal and/or inter-committee conflicts.

A heading that includes the name of the committee, the name of the chairperson, the date of the report and the time period the report is covering.

The chairperson should sign it and add the word "chairperson" after his/her name. The chair's signature indicates that the committee has approved the report and directed the chairman to sign the report on their behalf.

All meeting minutes shall be reported the Executive and distributed to all members and Executive liaison no later than three (3) weeks post meeting.

Committee chairs must provide a written report for all meetings with the Executive and must be submitted three weeks prior to each combined meeting to the Executive. The Chairperson must submit an annual report three (3) weeks prior to the AGM.

#### **(16) Committee Chairs; Nomination and Appointment**

Recommendations for Chair of any of the Standing committees, with the exception of the Ethics committee and the Office of the Ombudsperson, may come to the Executive by motion from the committee. Where no recommendation is forthcoming, the Executive shall, at their discretion, appoint a chairperson. All Committee Chairs must be certified members in good standing with the AATA and CATA.

#### **(17) Committee Members; Appointment**

The chairperson of the Committee may recommend to the Executive nominees that are members in good standing to serve on his/her committee. These members will be received from a general call for applications by the committee chairperson. The Executive shall annually approve nominations, for new appointment, of voting members of the standing committees and subcommittees of standing committees. The compliment of members for each committee shall be determined by the commitments each committee is responsible for. Members of the Ethics Committee must be elected by a majority vote of the membership at the AGM.

#### **(18) Budget**

The Chairperson is responsible for submitting a proposed budget for their committee to the Executive by the AGM. Each committee will operate under the budget approved by the membership and the Executive.

#### **(19) Travel and Accommodation Expenses**

All travel and accommodation expenses and a per diem will be paid by the AATA as per the AATA expense guidelines. Then traveling to the USA, the equivalent number of US dollars will be allowed.

Any formal parties or sponsorship must be prearranged and approved by the Executive prior to attending meetings

**(20) Revision of Policy and Procedures**

Each committee is responsible for the updating of their own Committee Policies and Procedures documentation annually. All changes must be presented in a hard/soft copy format showing all appropriate traced changes proposed to the Executive three (3) weeks prior to meetings. Once policy and procedure changes have been approved by the Executive, the chairperson may forward an updated full copy of the Committee Policy and Procedures to the Executive liaison for inclusion on the website.

**(21) Legal Consultation**

Requests for legal opinion can be very expensive.

The policies and procedures must ensure efficiency and accountability.

The committees are asked to adhere to the following procedures.

- a. All committee requests for legal consultation should be submitted to the President in writing.
- b. The request should include specific questions the committee would like answered by the lawyer and the issues pertinent to the request.
- c. The legal response should be returned in writing.
- d. Face to face and/or verbal communication should be the exception and coordinated through the President
- e. Normally the Ethics Committee Chairperson and Ombudsperson are the only chairpersons who should have direct access to a legal consultant to ensure confidentiality.
- f. Financial Responsibility – All committee requests for legal consultations that pertain to the AATA policy and procedures document will be the financial responsibility of the AATA. Where a committee such as the Marketing committee that has an autonomous budget, legal requests that affect the legal position of the specific committee will be the financial responsibility of the committee in question.

g.

**(22) Financial Operating Policies and Procedures**

**(a) Annual Operating Budget**

The annual operating budget consists of three main categories;

- a. Annual Operating Budget
- b. A contingency line item in the operating budget of approximately 5% of the annual operating expenses;
- c. An annual contribution to the capital investment fund of \$10 per certified member and \$5 for certification candidates. Committees and Executive submit a proposed annual budget for the upcoming fiscal year by February 1 of each year. Executive and committees meet to discuss and finalize the annual budget for the upcoming fiscal year prior to the AATA AGM. Committees provide written reports as presented below.

**(b) Committee Reports Deadlines**

Committee reports must be submitted to the Executive by the deadlines provided below. If committees are NOT on budget, an explanation must be provided as part of the report and an action plan must be included in the report to manage the over-expenditure. All future committee expenses are frozen until such time the action plan has been submitted. Funds are released upon acceptance of the proposed action plan.

- a. 3 weeks prior to the fall full executive meeting: interim report on activities to date in preparation for the PPC meeting in November annually
- b. 8 weeks prior to the AGM: annual report circulated to the Executive for approval in preparation for circulation to the membership for the AGM

Committee Reports should be emailed to the Executive.

## **Committees of the AATA**

### **(23) Education Committee**

#### **(a) Continuing Education Program**

The AATA Education Committee will oversee and assist in the ongoing education of both Certified members and Certification Candidates of the AATA. This will include:

- Informing members of available and upcoming courses
- Recruitment of new and informative educational courses
- Ensuring that course content is specific to the Scope of Practice of the CATA.
- Education committee will liaise with the CATA Continuing Education Committee to ensure that there is proper allotment of CEU's and that the content of courses reflects the needs and interests of AATA membership.
- Ensuring that CATA approved courses for maximum CEU's are made available whenever possible
- Education Committee must submit a proposed budget within 6 weeks of registration for an upcoming course.
- Education committee will attempt to run a minimum of one course per year for each Certified members and Certification Candidates.
- Education Committee will ensure that the allotted budget made available by the membership be used to the maximum benefit for the AATA membership.
- The Education Committee will strive to host financially profitable courses that provide funding to further education and research initiatives and awards

#### **(b) Continuing Education Calendar:**

The AATA Education Committee will produce a schedule of optional courses that may become available in the upcoming year, that will be available and updated on the AATA website. This schedule shall include a description of courses available and an indication of CATA CEU status. Options will be made available to both Certified members and Certification Candidates. New courses made available to the membership will be based on response and requests from the membership.

#### **(c) Approval Status for Courses in Continuing Education:**

The AATA Education Committee will strive to direct Certified Athletic Therapists and Certification Candidates to courses that are pertinent to the Scope of Practice of the CATA, ensuring that courses are standardized and are within a relevant time frame for Candidates exam preparation and CATA exam timelines. The AATA Education Committee will accept submission of course content for review and approval from persons wishing to make their educational opportunity available to the AATA membership. (This applies to courses that have not been

previously approved by the CATA Continuing Education Committee.) The AATA Education Committee will liaise directly with the AATA Executive Committee regarding approval of educational courses.

Education Committee should be composed of a minimum of 2 certified members and one certification candidate liaison for a minimum one year term. If the committee is only one person then all decisions must run through the AATA executive.

**(d) Course Recruitment:**

The AATA Education Committee will search for new and interesting course programming pertinent to the continuing education of the Certified members. The AATA Education Committee shall recruit and encourage the development of courses in areas that Certified Athletic Therapists may be deficient in. The AATA Education Committee shall recruit, encourage and aid in the development of courses in the areas pertinent to and necessary for the Certification Candidate prior to attempting the CATA Certification Exam. The ultimate goal of the AATA Education Committee is to provide a viable post-exam stream of educational courses that newly certified and currently certified members may take in order to acquire new skills or increase existing ones. As well, to provide a stream of relevant pre-exam educational opportunities that Certification Candidates can take to provide additional support in their exam preparation for the CATA Certification Exams.

**(e) Course Hosting**

Any course that the AATA hosts will fall into one of three categories as outlined below. Regardless of the category, all hosting bodies will read, outline and agree to all components regarding the course in the AATA Course Hosting Agreement. The Agreement must be signed by both the AATA and the Instructor/Institution involved in the course. Components of the course would include but not be limited to the notification to the membership of the course, registration of participants, instructor/institution fees, the participant fees, the number of registrants, the venue, the requirements (equipment and A/V requirements) for the venue, food and refreshment service to the course, times and dates for the venue.

1. AATA Host 100% - the AATA brings in an instructor/institution to teach a course and the AATA organizes all components of the course, agrees to a fee to the instructor/institution, confers with the instructor/institution as to the specifics surrounding the course – number of participants, times and dates for the course, venue requirements. Both parties will agree to and sign the AATA Course Hosting Agreement before any formal preparations for the course begin.

2. AATA and Instructor/Institution share hosting – the AATA and Instructor/Institution will work closely to outline the specific requirements each will have in the organization of the course. The details will be outlined, agreed upon and signed to in the AATA Course Hosting Agreement prior to any formal preparations for the course beginning. The AATA Education Committee and the Instructor/Institution will remain in close conversation regarding the preparations throughout the organization of the course to ensure a successful course.

3. AATA as a notifying avenue for a course – an Instructor/Institution is providing a course and requests the AATA notify their members of the course. The AATA will hold no obligations to the hosting of this course. An agreement will be outlined regarding the notification of the AATA membership as to the details of the course. This agreement will be signed before any notification through the AATA of the course occurs. AATA members hosting courses will be entitled to have their course posted on the “Upcoming Events” section of the AATA website and 2 e-blasts to the membership regarding their course – one at the beginning of registration and one as the course dates near. Non-AATA members will be entitled to have their course posted on the “Upcoming Events” section of the AATA website. Non-AATA members hosting courses and wanting 2 e-blasts to go out to the membership, in the same format as that for members, will be charged a \$25 fee for this service.

**(f) Funding from the AATA for Course Hosting**

Funding is available through the AATA for those members of the AATA wishing to host a course. An Application for Funding must be completed outlining the course, its specific details and the monetary need and submitted to the AATA prior to the course being available for registration. The course must be open to AATA members and be held in the province of Alberta. It is understood that aside from just providing monetary support for a course, the AATA may suggest alternate arrangements that could cut the costs for the course to be run.

**The Course Hosting Package can be found in the Appendix.**

**(g) Instructor payment**

Release of funds will be as follows: 50% of total fee will be dispensed after the deadline of minimum number of course registrants has been met. The balance of the money will be given out at the completion of the course.

**(h) Cancellation Policy**

**(i) Course Cancellation**

If a course is cancelled due to unforeseen circumstances or if minimum number of participants is not met two (2) weeks prior to the course; 100% of the registration fee will be refunded.

**(ii) Participant Cancellation**

Cancellations more than two (2) weeks prior to the course will be refunded their money **less** a fifteen percent (15%) administration fee.

Cancellations between 8 and 13 days prior to the course will be refunded fifty percent (50%) of the registration fee.

No refunds will be issued for cancellations one (1) week prior to the course.

Confirmation of registration will be provided one (1) week prior to the course.

**(g) Committee Meetings**

The Education Committee members will meet a minimum of four times per calendar year. These meetings may be via conference call or face to face.

The committee chair will report to the AATA executive once per month either via email or as part of the AATA executive monthly conference calls.

**(h) AATA Newsletter**

The Education committee shall prepare updates to be included in the four AATA newsletters. These updates will be sent via email to the AATA secretary.

**(i) AATA AGM**

The Education committee shall prepare a year end report to be part of the pre-AGM package and to be presented at the AGM.

**(j) AATA Research Day**

The Education committee will be responsible for overseeing the AATA research day, which is held the same weekend as the AGM.

The committee will be responsible for collection and selection of research papers to be presented. The committee will select a judging panel to be made up of up to five individuals selected from the following group:

- One member of the education committee
- One member of the AATA executive

- One certified member from the membership at large
- One certification candidate
- One other panel member chosen at the committee's discretion

**(k) Position Paper and Official Statements**

The AATA has a policy for the adoption of Position Papers and Official Statements. This procedure can be found in the Appendix.

## **(24) Marketing Committee**

### **Mandate**

The committee was formulated to design and develop marketing and sponsorship opportunities for the AATA. The current objectives are:

- ❖ **PROMOTION/AWARENESS**
  - To promote the AATA and the profession of Athletic Therapy to potential sponsors, exhibitors, suppliers, consumers, general public,
  - To investigate and develop public relations and special events campaigns
  - To develop relationships with major corporate charity events to increase awareness
  - To investigate and develop advertising campaigns
  - To work with the National Marketing Committee and other Regional Chapters to access sponsorship materials and contracts for use within the province of Alberta
  - To seek out sponsorship dollars to finance marketing initiatives within the province of Alberta
  - To ensure that all sponsors of the AATA, or prospective sponsors of the AATA, are aware of the AATA website, the opportunity to link to the website and have access to the membership of the AATA through advertising on the AATA website
  
- ❖ **DEVELOP/UPDATE IMAGE: SLOGAN, MOTTO, MISSION, and RELATED MATERIALS**

### **(a) Committee Composition**

The committee will consist of such members as are needed to fulfill the mandates of the committee.

All members must be members in good standing with the AATA.

All members are expected to commit to a minimum three year term

All vacated positions will be posted. Vacated positions will be

filled by applications submitted to the Marketing Committee.

Upon acceptance by the committee, the individual's name will be presented to the Executive for ratification. The Chairperson of the committee will inform the new member and all other applicants and membership of the decision

### **(b) Responsibilities of the Chairperson**

The Chairperson will:

- a. liaise with the Executive
- b. direct committee members as to specific mandates within the committee
- c. organize, plan and run meetings of the committee
- d. submit the budget of the committee to the Treasurer
- e. submit the reports of the committee to the Executive

- f. oversee the projects and mandates of the committee
- g. submit minutes from all meetings to the Executive
- h. must attend the AGM, all combined meetings and all marketing committee meetings
- i. in extenuating circumstances, and upon Executive approval, the Chair may appoint a designate to attend a meeting in his/her place
- j. will communicate with all committee members regarding all activities. The chairperson and other committee members will be a source of information, ideas and contacts.

## **(25) Insurance Billing Committee**

### **Mission Statement**

Every individual has the right to quality healthcare. Individuals should be given the opportunity to decide on their health care needs. This should not be limited by insurance plan restrictions. Our mission is to have Certified Athletic Therapists recognized at an equal level to other healthcare professionals that have licensure, on individuals Health Insurance Plans.

### **Mandate**

- Maintain open lines of communication between AATA, CATA and provincial and national insurers
- Develop awareness with human resources and major companies
- Develop and implement outcome data study and collection for research pertaining to Athletic Therapy
- Ensure effective communication on insurance issues to all AATA members

### **(a) Committee Composition**

Currently this committee will operate within the Marketing Committee. A particular member of the Marketing Committee will function to fulfill the mission statement, mandate and functions of this committee. Further members to assist this member will be enlisted as necessary. This member will liaise with the Marketing Committee Chairperson for dissemination of the information specific to insurance billing to the Executive.

## **(26) Ad Hoc Committee**

At different periods of time, the Executive can, either of their own accord or by motion of the membership, strike an Ad Hoc Committee for the purpose of investigating or pursuing a particular mandate. This committee will then be formed, design a course of action and report to the Executive as would any other committee. If in its investigation, the committee uncovers information that would necessitate the formal formation of a more permanent committee, it will approach the Executive and a motion will be put forth to the membership to form and name the committee. It will then function as a separate committee with all of the rights and responsibilities of any other AATA Committee. The Committee will be dissolved once the mandate of the committee has been fulfilled.

**(27) Ethics Committee  
Structure**

**(a) Chairperson**

The Chairperson of the Ethics Committee shall be elected by the voting membership at the AGM of the Association

The term of office of the Chairperson shall be three years. In the event that the Chairperson vacates the Chair, the Executive shall appoint a member of the Ethics Committee to serve as an interim Chairperson until the next AGM at which time a new Chairperson shall be elected

The Ethics Chairperson shall not hold any other elected office of the AATA. On the request of the Executive, the Ethics Chairperson may serve in a non-voting capacity and represent the AATA at various functions.

The position of the Ethics Chairperson will maintain an arms length relationship with any and/or all committees of the AATA

**(b) Duties of the Chairperson**

The Chairperson shall:

- a. Receive all complaints and follow the procedures outlined in this document. Details of the complaint shall be forwarded to the member(s) so named forthwith once the complaint is lodged.
- b. Instruct the subcommittees of the Ethics committee on their mandate to consider the evidence brought forth to determine whether a breach of the Code of Ethics is substantiated.
- c. Maintain a cumulative file of past investigations, the final decisions of each and subsequent disciplinary action(s). These files shall be held in strictest confidence and forwarded to the incoming Chairperson at the end of the outgoing Chairperson's term.
- d. Remove him or herself from the case at hand and ask the Executive to appoint an interim Chairperson in the event of the Chairperson perceives that he or she is in a conflict of interest or in a situation where there may be a reasonable apprehension of bias.

**(c) Committee Members**

- a. Six to nine Certified members in good standing shall form the Ethics Committee. Members of the Executive are not eligible to sit as members of the Ethics committee. The names of the members shall be brought forward by the Chairperson of the Ethics Committee to the Executive and then to the AGM of the Association for ratification by a majority vote of the voting members present.

- b. Members for the Ethics Committee should be chosen in such a way as to reflect a diversity of practice settings, geography, backgrounds, gender and experience.
- c. The term of office shall be three years.
- d. In the event that a Committee Member vacates his or her position on the Ethics Committee, the Chairperson of the Ethics committee shall, with approval of the Executive, appoint a Certified member in good standing to serve the remainder of the vacating member's term.
- e. No member shall participate in any complaint where he/she perceives that there may be a reasonable apprehension of bias or the presence of an actual, potential or apparent conflict of interest might reasonably be questioned. The Chairperson shall name another member in good standing to fill the member's place in the investigation and judging of the complaint until the complaint's conclusion.
- f. Members shall remain on committee until the conclusion of the case in which they are involved.

The policies and procedures governing the Code of Conduct of the Ethics Committee can be found in the Appendix.

## **(28) Office of the Ombudsperson**

### **Overview**

In general, the Ombudsperson is concerned with policy and procedure and general questions and complaints of the public and members of the association. It is the role of this office to ensure that policies and procedures are consistent and fairly applied. The office is primarily one of investigation and reporting on findings. It is not a policy-making office, nor is it to replace or become any of the existing bodies of the AATA. It is not intended that the office of the Ombudsperson be an automatic appeal avenue for those involved in the certification exam procedure or an ethics case, etc. The Ombudsperson reports directly to the President of the AATA.

### **Terms of Reference**

The Office of the Ombudsperson shall be independent of all existing administrative structures of the AATA and shall have the following functions:

1. To investigate, at the request of any member of the AATA, or upon the Ombudsperson's own initiative, any issues and/or any grievances that may arise against the AATA or against any of the officers of the AATA. Upon receipt of a complaint, the Ombudsperson will notify the President of the AATA of the complaint, appoint an independent researcher, and estimate timelines of the investigation. Said investigation will be carried out in strictest confidence. Each and every item brought to the attention of the Ombudsperson shall be investigated to his/her best ability, and a pursuant report will be presented to both the complainant and the Executive of the AATA.
2. To serve as a referral base for members should there be a lack of understanding regarding the appropriate committee or individual to whom the concern or complaint should be presented.
3. To bring findings and recommendations to the attention of the Executive by the most expeditious means possible. Once recommendations have been brought forward, the Ombudsperson is removed from the situation, and it is the responsibility of the Executive to react and respond according to their best judgment. Although not bound by the recommendations of the Ombudsperson, the Executive is wise to follow said recommendations.
4. It shall be the special concern of the Ombudsperson that:  
Decisions affecting members of the AATA are made with reasonable promptness.  
Procedures used to reach decisions are adequate and that the criteria and rules on which the decision is based are appropriate.  
Any gaps and inadequacies in existing AATA policy and procedure, discovered during the investigation of complaints or concerns are brought to the attention of the Executive. It is not the function of the Office of the

Ombudsperson to devise new rules or procedures, but rather to make recommendations for their formulation and/or improvements.

All reasonable requests for information pertinent to the functions and purposes of the office will be honored. The Ombudsperson will appoint an independent researcher to investigate such inquiries and provide a report back to the Ombudsperson. The Ombudsperson will then review the information and provide details of the complaint, copies of the investigation and its findings, together with his/her recommendation to the Executive

5. The Ombudsperson shall have access to all such official files and required information in order to fulfill the function of the office. Requests by the Ombudsperson for information must receive priority from every member of the AATA

6. Although authorized to function in the widest possible context and with a minimum of constraints, the Ombudsperson shall not:

Exercise authority beyond the legal authority of the AATA

Make policy or replace established policy or procedures, although all of these may be investigated or questioned and recommendations made for their improvement and efficient functioning.

Release any information regarding personal records unless written permission has been received from the affected individuals to release this information.

Set aside the request of those seeking help that their anonymity be maintained, even though wide latitude has been granted in making known any findings and recommendations.

7. Operations of the Office

Files and records of any inquiries, complaints, findings and recommendations shall be maintained and shall be accessible only to the Ombudsperson and the President of the AATA.

While exceptions may be made by the Ombudsperson with respect to matters of major importance, the office will normally function on a first come, first served basis.

The Ombudsperson is required to make an annual report to the membership at the AGM, through the Executive. The Ombudsperson shall (except in extenuating circumstances) be present at the annual general meeting of the AATA and available to answer questions put by members about his/her report so long as the rules of the office are not compromised. This report will outline the number of times the Office of the Ombudsperson was contacted during that one-year-period, as well as the issues being brought to the attention of the Office.

The Ombudsperson is required to report to the president each and every complaint brought to the office of the Ombudsperson.

The Ombudsperson shall be determined by a vote of the membership at the AGM and their term of office shall be three (3) years.

The Ombudsperson shall not hold any other elected office of the AATA.

On the request of the Executive, the Ombudsperson may serve in a non-

voting capacity and represent the AATA at various functions. The Office of the Ombudsperson will maintain an arms length relationship with any and/or all committees of the AATA.

The Ombudsperson may be requested by the Executive to attend meetings of the Executive, especially in the situation where the creation or modification of major policy or procedure is anticipated, as a result of an investigation of the Office of the Ombudsperson. It is not intended that the Ombudsperson automatically be in attendance at Executive meetings. The Ombudsperson shall have unrestricted access to all AATA authorities, committee and Executive members and office staff.

### **Authority**

The President of the AATA shall inform all committee chairs, committee members, Executive members, Office staff, other Officers of the Association and those individuals over whom the Executive has authority of the authority of the Ombudsperson to seek information from them. The President shall instruct the above individuals to treat request from the Ombudsperson with the highest possible priority.

### **Conflict of Interest**

It is imperative that the Office of the Ombudsperson remains neutral and free of conflict of interest. Should the Ombudsperson at any time feel that inability to remain unbiased in an investigation, or feel that they may not be the appropriate individuals to investigate a claim, he/she must notify the Executive requesting release from the investigation in question. The Executive will then appoint a temporary Ombudsperson to investigate that specific case.

**Other**

**(29) Professional Liability Insurance**

Professional liability insurance must be purchased by each Certified Athletic Therapist in order to maintain their certified status. This insurance must be carried for the entire twelve (12) month period (see 5.3.4.3 – Maintenance of Certification in the CATA manual)

**(30) Maintenance of Certification**

Members of the AATA must maintain their Certification as per the CATA guidelines and the AATA Constitution in order to maintain their membership with the AATA in good standing.

**(31) Travel**

All members of the AATA traveling on AATA business should make every attempt to travel by the most economical method available. Emergency Travel – for the purposes of this document, EMERGENCY shall be defined as death, hospitalization or illness of a relative. For this purpose, a relative shall be defined as mother, father, brother, sister, wife, husband, common-law spouse, child or foster child, grandchild, guardian, in-laws, and/or other defined individual at the discretion of the Executive. In the case of emergency travel for an Executive, committee member, AATA employee, or examiner attending AATA meetings and/or a AATA required function, the AATA will cover 100% of the cost of the return transportation for the individual.

**(32) Expense Claims**

All members submitting expense claims to the AATA must follow these guidelines:

- a. Expense reports will be submitted within twenty-one (21) days of the activity date listed on the claim form
- b. Forms will be submitted by one of the following avenues:
  - a. E-mailed with receipts to follow (no money will be paid until receipts are received by Treasurer)
  - b. Postal system
  - c. Fax
  - d. Any other means at the expense of the submitter

Any expense not listed on the claim form must be pre-approved by the Executive. All costs incurred for submission of the form will be the responsibility of the individual. Expense claim forms can be obtained through the website or treasurer.

**(33) Logo**

The Association name, logo, trademark, and/or insignia may not be used in any testimonial and/or endorsement for a service, product, program, publication or facility by an individual member or group of members of

the association without the express written consent of the Executive (See the Code of Ethics Document)

**(34) Web Page**

The AATA web page was developed completely in the spring of 2007. It shall be maintained by the Secretary of the Executive. The web address is [www.aata.ca](http://www.aata.ca)

**(35) Adjudicator**

The Executive may request the presence of an adjudicator to preside over the AGM of the AATA. The Adjudicator:

- a. must be familiar with Robert's Rules of Order
- b. may be a member in good standing of the AATA
- c. will not have a vote, unless he/she is a certified members in good standing of the AATA, in which case he/she shall retain their right to vote

If possible, the Executive should seek out an adjudicator local to the site of the AGM.

**(36) Publications**

Newsletter – the newsletter is published through the AATA electronically and the editor of this newsletter is the Secretary of the Executive. The Newsletter will be published six times a year. All submissions to the newsletter must be made in accordance to published timelines, which are determined by the newsletter editor. The content to advertising ratio will be approximately 4:1 in the AATA newsletter.

**(37) Calendar**

A calendar will be published by the AATA when funds allow or a sponsor is available.

Appendix

**Policy and Procedures for Travel Expenses**

*October 2004*

**A funding application is to be filled out prior to any travel.**

If an executive or committee member must incur travel to fulfill their duties to the Association, the Association will reimburse according to the following guidelines.

- 1) Meals will be reimbursed for receipt value up to \$38.35/full day/person.
- 2) Travel expense by personal vehicle will be reimbursed to the value of \$0.32/km.
- 3) Travel expenses by air when personal vehicle is not applicable; will be made in full to the receipt value of one return coach ticket.
- 4) Hotel expenses will be paid in full to the maximum of \$80/night (unless otherwise authorized). If two members are traveling together and are of the same sex, it is expected that they will room together to decrease costs.

## AATA Education Committee Course Hosting Package

**Course Hosting:** Any course that the AATA hosts will fall into one of three categories as outlined below. Regardless of the category, all courses will read, outline and agree to all components regarding the course in the AATA Course Hosting Agreement. The Agreement must be signed by both the AATA and the Instructor/Institution involved in the course.

1. AATA Host 100% - the AATA brings in an instructor/institution to teach a course and the AATA organizes all components of the course, agrees to a fee to the instructor/institution, confers with the instructor/institution as to the specifics surrounding the course – number of participants, times and dates for the course, venue requirements. Both parties will agree to and sign the AATA Course Hosting Agreement before any formal preparations for the course begin.
2. AATA and Instructor/Institution share hosting – the AATA and Instructor/Institution will work closely to outline the specific requirements each will have in the organization of the course. The details will be outlined, agreed upon and signed to in the AATA Course Hosting Agreement prior to any formal preparations for the course beginning. The AATA Education Committee and the Instructor/Institution will remain in close conversation regarding the preparations throughout the organization of the course to ensure a successful course.
3. AATA as a notifying avenue for a course – an Instructor/Institution is providing a course and requests the AATA notify their members of the course. The AATA will hold no obligations to the hosting of this course. An agreement will be outlined regarding the notification of the AATA membership as to the details of the course. This agreement will be signed before any notification through the AATA of the course occurs.

**Course Submission Deadline:** 4-6 months prior to course date.

**Course Description:** The Education Committee accepts the request of a continuing education course related to the following descriptions:

1. A topic that Certified Therapists may be deficient in.
2. A course offered for Certification Candidates to assist or prep the member for the upcoming CATA exam.
3. A course for Certified or Candidate members to acquire or improve existing skills.
4. A new topic presented to educate and raise awareness to the membership.

**Course Registration:** A course registration deadline of 1 month before the course date will be set. A confirmation of registration will be sent to the instructor 1 week prior to

the course date. A minimum and maximum number of registrants must be submitted with course recommendation. All registrations will be submitted to the AATA education committee.

**Course Advertisement:** The AATA will send one e-blast to the membership 2-3 months prior to the course date, along with a posting in the Events section of the AATA website. If the instructor would like additional advertisement, a fee of \$10 per advertisement will be charged to the instructor.

**Continuing Education Credit:** As directed by CATA Continuing Education Committee approved course. If the course does not have pre-approved CEU's, the Education Committee along with the Executive Committee will discuss the approval of the educational course.

**Course Location:** The AATA will help provide a course location based on the preference of the instructor. If the instructor has no preference as to what city the course will be hosted in, the AATA will choose a location based on course popularity, request, and demand. The fee of the room will be included in the Course fee.

**Course Fee:** The course fee will be based on the coverage of:

1. Instructors travel, accommodation, food expenses.
2. Instructor payment
3. Course room rental fee.
4. Supplies required for the course.
5. AATA educational fee

**Instructor Payment:** 50% of total fee will be dispensed after the deadline of minimum number of course registrants has been met. The balance of the money will be given out at the completion of the course.

**Cancellation Policy:** Section 11.1.6 of the AATA Policy and Procedures Manual

**Course Cancellation:**

If a course is cancelled due to unforeseen circumstances or if minimum number of participants is not met two (2) weeks prior to the course; 100% of the registration fee will be refunded.

**Participant Cancellation**

Cancellations more than two (2) weeks prior to the course will be refunded their money less a fifteen percent (15%) administration fee.

Cancellations between 8 and 12 days prior to the course will be refunded fifty percent (50%) of the registration fee.

No refunds will be issued for cancellations one (1) week prior to the course.

Confirmation of registration will be provided one (1) week prior to the course.

**ATA Education Committee**  
**Course Hosting Registration Form**

Course Name: \_\_\_\_\_

Course Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Instructor Name: \_\_\_\_\_

Instructor Credentials: \_\_\_\_\_

Address:

\_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Suggested Course Date: \_\_\_\_\_

Suggested # of registrants: \_\_\_\_\_ Suggested Course Fee: \_\_\_\_\_

Course Location: \_\_\_\_\_ Course CEU: \_\_\_\_\_

Instructor requirements (Travel, Accommodations, AV rental, etc):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please e-mail request to [educationchair@ata.ca](mailto:educationchair@ata.ca). The education committee will contact you regarding your course request and discuss a potential date to host the course.

## **AATA Position Paper and Official Statement Disclaimer**

The AATA publishes position papers and official statements as a service to promote the awareness within the profession. The information contained in the position papers and official statements is neither exhaustive nor exclusive to all circumstances or individuals. The relevance and implementation of these recommendations may be affected by institutional human resource guidelines, provincial or federal statutes, other rules or regulations, and regional environmental conditions. The AATA advises all members to carefully and independently consider each recommendation prior to adoption and/or implementation. The position papers and official statements should not be relied upon as independent basis for care, but resources available to members and the general public. The AATA takes great care in adopting position papers and official statements and reserves the right to rescind or modify its position papers and official statements at any time.

### Process for Adoption of Position Papers and Official Statements

1. Any member of the AATA or general public may initiate the process by approaching the AATA Education Committee. A copy of the position paper or official statement should be forwarded to the Education Committee with a letter detailing the author of the paper or statement and the member or person putting forth the application (if different from the author).
2. The Education Committee will consider the paper and if deemed acceptable will forward it to the Executive. The Executive will consider the paper or statement. If accepted by the Executive the paper or statement will be forwarded to the other Committee Chairs of the AATA for their opinions.
3. If accepted by the Executive and Committee Chairs the paper or statement will be forwarded to the membership in the AGM package of the next year for consideration by the membership. At the AGM, the member or person who put forth the application may speak to the paper or statement before a vote to accept or rescind the paper or statement is conducted.
4. If the paper or statement is accepted by the membership it will be made available to the entire membership and the public on the AATA website. A paper or statement will be considered accepted by the membership upon a majority vote.
5. In the event that the Executive or Committee Chairs deem that legal advice regarding a paper or statement should be consulted prior to a final decision being made, this will be undertaken.
6. Only papers or statements that have had the approval of the Executive, Committee Chairs and legal council, if necessary, will be forwarded to the AATA membership for their approval.
7. If at a future date, the AATA becomes aware that a paper or statement is in need of modification or rescinding, they will immediately remove it from the website and make further consultation on the paper or statement. It will only reappear on

- the website once it has been modified and approved by the membership of the AATA.
8. Any member wishing to have a paper or statement currently accepted by the AATA revisited for modification or rescinding, will make an application to the Executive regarding the paper or statement and outline their issues for the application. All supporting documentation, at least in referenced format, must accompany the application.

**Code of Conduct  
for the Ethics Committee of the AATA**

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**ALBERTA ATHLETIC THERAPISTS ASSOCIATION  
ETHICS COMMITTEE PROFESSIONAL CODE OF CONDUCT**

**Interpretation**

1(1) In this document

- (a) “AATA” means the Association or the Alberta Athletic Therapists Association;
- (b) “alternative complaint resolution process” means a process to help the complainant, the Association and the investigated person settle a complaint;
- (c) “Alternative Complaint Resolution Officer” or “ACR Officer” means the Alternative Complaint Resolution Officer or ACR Officer established under Division 2;
- (d) “Annual General Meeting” means the annual general meeting of the Association held within 120 days of the fiscal year end (December 31).
- (e) “Appeal Subcommittee” means an Appeal Subcommittee established under Part 1;
- (f) “Association” means the Alberta Athletic Therapists Association;
- (g) “Association Policy and Procedures Manual” means the Association Policy and Procedures Manual posted on the Association website, [www.aata.ca](http://www.aata.ca), as amended;
- (h) “Board of Directors” means the Board of Directors of the Association;
- (i) “CATA” means the Canadian Athletic Therapists Association;
- (j) “Central Region” means the cities of Red Deer and Calgary and the part of the province that is located between the cities of Red Deer and Calgary.
- (k) “Certified Member” means a member with the Association who has passed the CATA certification exam and is a registered Certified Athletic Therapist in good standing with both the CATA and the Association;
- (l) “chair” means the person selected by the Ethics Chairperson to act as the Chairperson of a Ethics subcommittee;
- (m) “competence” means the combined knowledge, skills, attitudes and judgment required to provide professional athletic therapy services;
- (n) “Complaint Review Committee” means a complaints review committee established under Part 1;

- (o) “conduct” includes an act or omission;
- (p) “document” includes recorded information in written, photographic, magnetic, electronic or other form;
- (q) “Ethics Chairperson” means the Ethics Chairperson established under Part 1;
- (r) “Ethics Committee” means the Ethics Committee established under Part 1;
- (s) “Ethics Complaints Director” means the Ethics Complaints Director established under Part 1;
- (t) “Ethics subcommittees” or “subcommittee” means the Investigative Subcommittee, Judicial Subcommittee, Appeal Subcommittee, Complaint Review Committee and the Alternative Complaint Resolution Officer;
- (u) “Executive” means the elected President, Vice President and Secretary Treasurer of the Association;
- (v) “former member” means a person who has been but no longer is a Certified Member of the Association;
- (w) “incapacitated” means suffering from physical, mental or emotional condition or disorder or an addiction to alcohol or drugs as defined in the *Pharmacy and Drug Act* or other chemicals that impairs the ability to provide professional athletic therapy services;
- (x) “Investigative Subcommittee” means an investigator or Investigative Subcommittee established under Part 1;
- (y) “investigated person” means a person with respect to whom
  - (i) a complaint has been made under Part 2,
  - (ii) information has been treated as a complaint in accordance with section 11(1) or,
  - (iii) a notice has been given under section 12(1);and the proceedings with respect to the complaint, information or notice have not been concluded;
- (z) “Judicial Subcommittee” means a Judicial Committee established under Part 1;
- (aa) “North Region” means the part of the province that is located between the northern Alberta boarder and Red Deer.

- (bb) “ratified settlement” means a settlement ratified under section 17(2);
- (cc) “records of hearing” means the records described in section 34(2);
- (dd) “records of appeal hearing” means the records described in section 42(2);
- (ee) “South Region” means the part of the province that is located south of the city of Calgary to the southern Alberta boarder.
- (ff) “special meeting” means the special meeting established under section 14(1);
- (gg) “unprofessional conduct” means one or more of the following, whether or not it is disgraceful or dishonourable:
  - (i) displaying a lack of knowledge or a lack of skill or judgment in the provision of professional athletic therapy services;
  - (ii) contravention of the AATA Code of Ethics, the Association Policy and Procedures Manual or the CATA Code of Ethics;
  - (iii) contravention of another enactment that applies to the athletic therapy profession;
  - (iv) representing or holding out that a person was a Certified Member in good standing while the person’s membership was suspended or cancelled;
  - (v) representing or holding out that a person’s membership is not subject to conditions when it is, or misrepresenting the conditions;
  - (vi) failure or refusal to,
    - (A) comply with an agreement that is part of a ratified settlement, or
    - (B) comply with a request of or co-operate with an Investigative Subcommittee;
  - (vii) contravening an order under Part 2;
  - (viii) conduct that harms the integrity of the athletic therapy profession.

## **PART 1**

### **Ethics Committees**

#### **Structure**

##### **Ethics Chairperson**

- 2 (1) The Ethics Chairperson shall be elected by the voting membership at the Annual General Meeting of the Association.
- (2) The term of office of the Ethics Chairperson shall be three (3) years.
- (3) In the event that the Ethics Chairperson vacates their position, the Executive shall appoint a member of the Ethics Committee to serve as an interim Ethics Chairperson until the next Annual General Meeting at which time a new Ethics Chairperson shall be elected.
- (4) The Ethics Chairperson shall not hold any other elected office of the Association or with the CATA with the exception of the CATA ethics committee.
- (5) On the request of the Executive, the Ethics Chairperson may serve in a non-voting capacity and represent the Association at various functions.
- (6) The position of the Ethics Chairperson will maintain an independent relationship with any and/or all committees of the Association.

##### **Duties of the Ethics Chairperson**

- 3(1) The Ethics Chairperson shall:
  - (a) receive all complaints and follow the procedures outlined in this document.
  - (b) instruct the subcommittees of the Ethics Committee on their mandate to consider the evidence brought forth to determine whether unprofessional conduct is substantiated.
  - (c) maintain a cumulative file of past investigations, the final decisions of each and subsequent disciplinary action(s) and forward these files to the incoming Ethics Chairperson at the end of the outgoing Ethics Chairperson's term.
  - (d) remove him or herself from any complaint proceeding in which the Ethics Chairperson perceives that he or she is in a conflict of interest or in a situation where there may be a reasonable apprehension of bias.

- (e) in the event that the Ethics Chairperson removes him or herself from a complaint proceeding, due to conflict or a reasonable apprehension of bias, the Executive shall appoint an interim Ethics Chairperson to act in his or her place.
- (f) have no vote in the Ethics subcommittee's decisions
- (g) report to authorities, if in the process of investigation, the Ethics Chairperson is made aware of unlawful activity.
- (h) report or refer the case to the CATA ethics committee if there are interests of national concern involved with the complaint.

### **Selection of Ethics Committee Members**

- 4(1) Nine (9) Certified Members in good standing shall form the Ethics Committee.
  - (2) Members of the Executive are not eligible to sit as members of the Ethics Committee.
  - (3) The province will be broken up into three (3) regions; South Region, Central Region and North Region. The chair will ensure that each region will be represented by at least one (1) committee member of the nine (9) member Ethics Committee.
  - (4) Vacancies on the Ethics Committee will be advertised in the annual Association newsletter and any Certified Member in good standing with the Association is eligible to sit on the Ethics Committee. All eligible members who wish to be considered for the Ethics Committee shall submit their applications to the Ethics Chairperson at least thirty (30) days prior to the Annual General Meeting.
  - (5) Eligible members will be chosen by the Ethics Chairperson in such a way as to reflect a diversity of practice settings, region of practice, backgrounds, gender and experience.
  - (6) The names of the members selected by the Ethics Chairperson shall be brought forward by the Ethics Chairperson to the Executive, the Executive will present the members selected at the Annual General Meeting for ratification by a majority vote of the voting members present.
  - (7) The term of office shall be three years.
  - (8) Membership on the Ethics Committee shall be structured so there is an approval of three (3) new members to the Ethics Committee each year.
  - (9) In the event that an Ethics Committee member vacates his or her position on the Ethics Committee, the Ethics Chairperson shall, with approval of the Executive, appoint a Certified Member in good standing to serve the remainder of the vacating member's term.

- (10) No Ethics Committee member shall participate in any complaint where he or she perceives that there may be a reasonable apprehension of bias or the presence of an actual, potential or apparent conflict of interest. In the event that there is a reasonable apprehension of bias or the presence of an actual, potential or apparent conflict, the Ethics Chairperson shall name another member in good standing to fill the member's place in the complaint proceeding until the proceeding's conclusion.
- (11) Ethics Committee members shall remain on the Ethics Committee until the conclusion of the complaint proceeding in which they are involved regardless of the expiration of their term.
- (12) No member of the Ethics Committee can sit on more than one Ethics subcommittee for the same complaint.
- (13) No member of the Ethics Committee can sit on any other provincial committee.
- (14) No member of the Ethics Committee can sit on a national committee with the exception of the CATA ethics committee.

**Selection of the Investigative Subcommittee and Ethics Complaints Director**

- 5(1) Subject to section 5(2), the Ethics Chairperson shall select from the nine (9) available Ethics Committee members, one (1) member who shall act as an investigator and form the Investigative Subcommittee.
- (2) The investigator can request the Ethics Chairperson to assign one (1) other Ethics Committee member to co-investigate a complaint. The Ethics Chairperson shall name one (1) of the two (2) Investigative Subcommittee members to act as chair of the Investigative Subcommittee.
- (3) The Investigative Subcommittee shall investigate a complaint to determine if there is sufficient evidence to indicate that unprofessional conduct has occurred.
- (4) Any member of the Ethics Committee named to an Investigative Subcommittee who feels that he or she is in a conflict of interest or in a situation where there may be a reasonable apprehension of bias shall ask to be removed from the complaint in question. In such a case, the Ethics Chairperson shall select another member from the Ethics Committee to sit on the Investigative Subcommittee.
- (5) The Ethics Chairperson shall select from the nine (9) available Ethics Committee members, one (1) member who shall act the Ethics Complaints Director.
- (6) The Ethics Complaints Directors shall lead or present evidence on behalf of the Association at a formal hearing or appeal of the complaint.
- (7) The Ethics Complaints Director selected shall be exclusive of those members who act on the Investigative, Judicial or Appeal subcommittees for the complaint.

- (8) Any member of the Ethics Committee named as an Ethics Complaints Director who feels that he or she is in a conflict of interest or in a situation where there may be a reasonable apprehension of bias shall ask to be removed from the complaint in question. In such a case, the Ethics Chairperson shall select another member from the Ethics Committee to sit as the Ethics Complaints Director.

#### **Selection of Judicial Subcommittee**

- 6(1) If the Ethics Chairperson determines that there is sufficient evidence to refer the complaint to a Judicial Subcommittee for a hearing, the Ethics Chairperson shall select from the remaining available Ethics Committee members, three (3) members who shall act as a Judicial Subcommittee.
- (2) The three (3) Ethics Committee members selected to the Judicial Subcommittee shall be exclusive of those members who acted as the Investigative Subcommittee for the complaint.
- (3) The Judicial Subcommittee shall upon hearing the evidence presented decide whether unprofessional conduct has occurred. If the Judicial Subcommittee determines that unprofessional conduct has occurred, the Judicial Subcommittee may make one or more of the orders listed in section 32(1).
- (4) The Ethics Chairperson shall name one (1) of the three (3) members to act as chair of the Judicial Subcommittee.
- (5) Any member of the Ethics Committee named to the Judicial Subcommittee who feels that he or she is in a conflict of interest or in a situation where there may be a reasonable apprehension of bias shall ask to be removed for the complaint in question. In such a case, the Ethics Chairperson shall select another member from the Ethics Committee to sit on the Judicial Subcommittee.

#### **Selection of the Appeal Subcommittee**

- 7(1) Should an Appeal be initiated, the Ethics Chairperson shall select from the remaining available Ethics Committee members, three (3) members who shall act as an Appeal Subcommittee.
- (2) The three (3) Ethics Committee members selected to the Appeal Subcommittee shall be exclusive of those members who acted in either the Investigative Subcommittee or the Judicial Subcommittee for the complaint.
- (3) The Ethics Committee Chairperson shall name one (1) of the three (3) members to be the chair of the Appeal Subcommittee
- (4) The members of the Appeal Subcommittee upon hearing the evidence presented at the appeal may make one or more orders under section 41(1).

- (5) In a case where there are not enough members of the Ethics Committee left to fill the Appeal Subcommittee, the Ethics Chairperson shall appoint a Certified Member to the Appeal Subcommittee from the following population:
  - (a) past member of the Association Board of Directors,
  - (b) past Ethics Committee Chairperson, or
  - (c) Certified Member in good standing with the Association for over three (3) years.
- (6) Any member of the Ethics Committee named to the Appeal Committee who feels that he or she is in a conflict of interest or in a situation where there may be a reasonable apprehension of bias shall ask to be removed for the complaint in question. In such a case, the Ethics Chairperson shall select another member from the Ethics Committee or population listed above, to sit on the Appeal Subcommittee.

#### **Selection of Complaint Review Committee**

- 8(1) The Ethics Chairperson shall select three (3) Certified Members to sit on the Complaint Review Committee.
- (2) The Complaints Review Committee shall upon hearing evidence make one or more of the orders under sections 17(2) or 25(5).
- (3) Vacancies on the Complaint Review Committee will be advertised in the annual Association newsletter and any Certified Member in good standing with the Association is eligible to sit on the Complaints Review Committee. All eligible members who wish to be considered for the Complaints Review Committee shall submit their applications to the Ethics Chairperson at least thirty (30) days prior to the Annual General Meeting.
- (4) Eligible members will be chosen by the Ethics Chairperson in such a way as to reflect a diversity of practice settings, region of practice, backgrounds, gender and experience.
- (5) The names of the members selected by the Ethics Chairperson shall be brought forward by the Ethics Chairperson to the Executive, the Executive will then present the members selected at the Annual General Meeting for ratification by a majority vote of the voting members present.
- (6) The term of office shall be three (3) years.
- (7) Membership on the Complaints Review Committee shall be structured so there is an approval of one (1) new member to the Complaints Review Committee each year. This will occur at the Association's Annual General Meeting.

- (8) In the event that a Complaints Review Committee member vacates his or her position on the Complaints Review Committee, the Ethics Chairperson shall, with approval of the Executive, shall appoint a Certified Member in good standing to serve the remainder of the vacating member's term.
- (9) No Complaints Review Committee member shall participate in any complaint where he or she perceives that there may be a reasonable apprehension of bias or the presence of an actual, potential or apparent conflict of interest. In the event that there is a reasonable apprehension of bias or the presence of an actual, potential or apparent conflict, the Ethics Chairperson shall name another member in good standing to fill the member's place in the complaints review proceeding until the proceeding's conclusion.
- (10) Complaints Review Committee members shall remain on the Complaints Review Committee until the conclusion of the complaint review proceeding in which they are involved regardless of the expiration of their term.
- (11) No member of the Complaints Review Committee can sit on an Investigative Subcommittee, Judicial Subcommittee or Appeals Subcommittee.
- (12) No member of the Complaints Review Committee can sit on any other provincial committee.
- (13) No member of the Complaints Review Committee can sit on a national committee with the exception of the CATA ethics committee.
- (14) The Ethics Committee Chairperson shall name one (1) of the three (3) members to be the chair of the Complaints Review Committee.

## **PART 2**

### **Professional Conduct**

#### **Division 1**

#### **Complaints Process**

#### **Making a Complaint**

- 9(1) A person who makes a complaint to the Association regarding a Certified Member or a former member must do so in writing to the Ethics Chairperson and must sign and date the written complaint.
- (2) A complaint under section 9(1) is not affected by the person whom the complaint is made ceasing to be a regulated member before the proceedings with respect to the complaint are completed.

- (3) Despite section 9(2), a complaint cannot be made about a former member if two (2) years have elapsed since the person became a former member.
- (4) If information or a notice of non-compliance is treated as a complaint under section 11(1) and acted on under section 10(2), the information or notice of non-compliance is deemed to be a complaint.
- (5) A complaint must be lodged within two (2) years from the date on which the act or event, for which the complaint is based upon, took place.

### **Acting on a Complaint**

- 10(1) Within 30 days after being given a complaint or treating information as a complaint, the Ethics Chairperson must give notice to the complainant of the action taken with respect to it.
  - (2) The Ethics Committee Chairperson:
    - (a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,
    - (b) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,
    - (c) may make a referral to an alternative complaint resolution process under Division 2,
    - (d) may appoint an Investigative Subcommittee to conduct an investigation,
    - (e) if satisfied the complaint is trivial or vexatious, may dismiss the complaint, and
    - (f) if satisfied that there is insufficient or no evidence of unprofessional conduct, may dismiss the complaint.
  - (3) If the Ethics Chairperson dismisses the complaint, the Ethics Chairperson must, within 30 days, give notice to the complainant of the dismissal and the right to apply for review by the Complaint Review Committee as in section 25 (1).

### **Aware of Unprofessional Conduct**

- 11(1) Despite receiving a complaint under section 9(1), but subject to section 9(3), if the Ethics Chairperson has reasonable grounds to believe that the conduct of a Certified Member or former member constitutes unprofessional conduct, is given notice under section 12(1), is given information orally or is aware of non-compliance with an order under Part 2, the Ethics Chairperson may treat the information, notice or non-compliance as a complaint and act on it under section 10(2).

### **Termination by Employer**

- 12(1) If the employment of a Certified Member is terminated or suspended or the Certified Member resigns because of conduct, that in the opinion of the employer, is unprofessional, the employer must give notice of that conduct to the Ethics Chairperson.
- (2) On being given notice under subsection (1), the Ethics Chairperson must:
- (a) treat the employer as a complainant,
  - (b) despite not receiving a complaint under section 9(1), treat the notice as a complaint in accordance with section 11(1), and
  - (c) notify the employer and the Certified Member accordingly.
- (3) For purposes of this section, “employment” includes being engaged to provide professional athletic therapy services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer.

### **Joinder of Related Matters**

- 13(1) If the Ethics Chairperson receives a complaint, and
- (a) the complaint is against more than one person, and
  - (b) the complaint is a result of, or occurred out of, the same event or act,
- the Ethics Chairperson may order that all of the individuals whom the complaint relates to, be joined together so that the investigation and hearing of each individual may proceed together.
- (2) All complaints proceeding pursuant to subsection (1), will be, to the extent possible,
- (a) conducted pursuant to the procedures and processes set out in this document, and
  - (b) will adhere to the “doctrine of fairness.
- (3) Any orders or decision that results from an investigation or hearing of a group, shall be issued separately to each investigated person and shall be reflective of the evidence and the culpability of investigated person whom the order is directed to, and not the group as a whole.
- (4) An appeal of any order or decision that that was rendered out of a group investigation or hearing, must be made by the person whom the order is directed to and must be made pursuant to Division 5; an appeal by a group will not be heard.

### **Interim Suspension**

- 14(1) If a complaint that is reported is particularly serious in nature, and the Ethics Chairperson feels the investigated person is a danger to the public, the Ethics Chairperson shall convene a special meeting of the Executive, which shall include three (3) Ethics Committee members and the investigated person and/or their counsel or agent.
  - (2) The Ethics Chairperson shall provide the investigated person, in writing, with the particulars of the complaint and the date, time and place of the special meeting.
  - (3) Service shall be by personal service, courier, fax or registered mail.
  - (4) The special meeting shall be conducted in person.
  - (5) If the Executive and the three (3) Ethics Committee members unanimously agree that the investigated person is a danger to the public, the investigated person will be temporarily suspended prior to an investigation and hearing.
  - (6) Cases of immediate suspension include:
    - (a) allegations of sexual abuse or harassment of clients and/or staff,
    - (b) gross misconduct causing bodily harm,
    - (c) sex offences,
    - (d) violent criminal acts,
    - (e) a developing physical or psychological disorder that renders the investigated person incapacitated as diagnosed by a medical professional,
    - (f) any other action that would risk the safety of the general public.
  - (7) The Ethics Chairperson, must within five (5) days of the conclusion of the special meeting provide the investigated person with a written decision of the Executive and the Ethics Committee members. The written decision should describe the findings of the Executive and the Ethics Committee members and state any order made under subsection (5).
  - (8) Any interim suspension order issued under subsection (5) shall remain in place until completion of the proceedings under Part 2. In the event that there has been an interim suspension order issued the Association shall be required to complete a formal investigation and hearing under Part 2 within forty five (45) days after the date of service of the written decision.
  - (9) The Ethics Chairperson may, on written request of the investigated person extend the period referred to in subsection (8) for one or more additional periods.

- (10) In cases of an interim suspension for section (6)(e) reinstatement will be considered by the Ethics Committee and Executive upon receiving confirmation from a medical professional that the investigated person is fit to provide professional services as an athletic therapist.

## **Division 2 Alternative Complaint Resolution**

### **Process**

- 15(1) The Ethics Chairperson may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process at any time before the commencement of a hearing by a Judicial Subcommittee.
- (2) If the Ethics Chairperson makes a referral under subsection (1), the Ethics Chairperson shall select one (1) of the nine (9) members of the Ethics Committee to act as the Alternative Complaint Resolution Officer (“ACR Officer”).
- (3) The ACR Officer selected cannot have been a member of the Investigative Subcommittee or Judicial Subcommittee selected to investigate or hear the complaint.
- (4) The role of the ACR Officer is to participate in, or conduct the alternative complainant resolution process with a view to resolving the complaint in a manner that is acceptable to the complainant and the investigated person.
- (5) The ACR Officer who conducts an alternative complaint resolution process must be impartial and must act impartially.
- (6) The method or process used in the alternative complainant resolution process shall be determined by the ACR Officer selected.
- (7) The ACR Officer who conducts an alternative complaint resolution process may assist in settling a complaint, but if
- (a) in the opinion of the ACR Officer a settlement is not likely to occur, or
  - (b) the Complaint Review Committee does not ratify the settlement under section 17(2),
- the ACR Officer must notify the Ethics Chairperson.
- (8) If during the alternative complaint resolution process information is introduced that causes the ACR Officer conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the ACR

Officer must notify the Ethics Chairperson and the Ethics Chairperson must decide whether the alternative complaint resolution process may continue or whether the matter must continue under subsection (9).

- (9) On being notified under subsection (7) or subsection 17(7)(b) or on deciding under subsection (8) to process a matter under this subsection, the Ethics Chairperson must:
- (a) if an investigation has not been commenced, commence an investigation under Division 3,
  - (b) if an investigation has been commenced but no report from the Investigative Subcommittee has been made, refer the complaint back to the Investigative Subcommittee, if available, or appoint another Investigative Subcommittee to complete the investigation regarding the complaint and make a report,
  - (c) dismiss the complaint, or
  - (d) in all other cases, refer the matter to a Judicial Subcommittee for a hearing.

### **Evidence**

- 16(1) An ACR Officer who conducts an alternative complaint resolution process must keep any records relating to the process separate from the Ethics Committee records except for a ratified settlement.
- (2) Any document prepared or generated for the purpose of an alternative complaint resolution process belongs to the person who prepared or generated the document.
- (3) Except for information described in section 15(8) or that is part of a ratified settlement, any communication and evidence arising from anything said, evidence of anything said or evidence of an admission or communication made in the course of an alternative complaint resolution process is confidential and not admissible in any proceeding under this document or any other document or enactment that applies to the profession of athletic therapy
- (a) without the written consent of the investigated person and the complainant, and
  - (b) in the case of written evidence, without the written consent of the person who prepared the written evidence, the investigated person and the complainant.

### **Settlement**

- 17(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the ACR Officer conducting the alternative complaint resolution process must report the settlement to the Complaint Review Committee.

- (2) The Complaint Review Committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),
  - (a) ratify the settlement,
  - (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or
  - (c) refuse to ratify the settlement.
- (3) The Complaint Review Committee must notify the Ethics Chairperson of its actions under subsection (2).
- (4) On being aware that a ratified settlement is not complied with, the Ethics Chairperson may:
  - (a) treat it as information and act on it under section 10(2), or
  - (b) treat it as a complaint and refer it to a Judicial Subcommittee for a hearing.
- (5) If the Ethics Chairperson makes a referral under subsection 4(b), the information is deemed to be a complaint and the Ethics Chairperson must notify the complainant and the investigated person.
- (6) The Ethics Committee must retain a copy of the ratified settlement and must release information related to the complaint, investigated person and ratified settlement as required by this document, the Association Policy and Procedures Manual or any other enactment that applies to the profession of athletic therapy and,
  - (a) may publish, in accordance with this document and the Association Policy and Procedures Manual, information respecting the complaint and a ratified settlement, and
  - (b) may reveal the identity of the investigated person or the complainant, or both, if it is authorized to do so by the ratified settlement.
- (7) Subject to subsections (4) and (6), if a ratified settlement,
  - (a) relates to all matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this document may be taken with respect to those matters, or
  - (b) relates to only part of the matters complained of or that arose during the alternative complaint resolution process, the ACR Officer who conducted the alternative complaint resolution process must notify the Ethics Chairperson of

the matters that do not form part of the ratified settlement and the Ethics Chairperson must act on it under section 15(9).

### **Division 3 Investigation**

#### **Notice of Investigation**

- 18(1) If an investigation is to be conducted under Division 3, the Ethics Chairperson shall notify the investigated person, that he or she is the subject of an investigation by the Ethics Committee.
- (2) The notice shall include the name, fax number and address of the investigator or chair of the Investigative Subcommittee selected to investigate the complaint and shall include a complete summary of the allegations.
- (3) The Ethics Chairperson will also notify the complainant that an investigation has been initiated and provide the complainant with the name, fax number and address of the investigator or chair of the Investigative Subcommittee selected to investigate the complaint.

#### **Investigation Scope**

- 19(1) An Investigative Subcommittee selected by the Ethics Chairperson shall investigate a complaint.
- (2) In the course of an investigation under subsection (1) an Investigative Subcommittee may investigate matters related to the conduct of the investigated person that could give rise to a finding of unprofessional conduct.

#### **Investigation Powers**

- 20(1) The Ethics Chairperson shall forward all materials relevant to the complaint to the members of the Investigative Subcommittee.
- (2) The Investigative Subcommittee,
  - (a) may at any reasonable time,
    - (i) require any person, to answer any relevant questions, and
    - (ii) require any person to give the Investigative Subcommittee any, document, record or thing relevant to the investigation that the person possesses or that is under the control of that person.
- (3) The Investigative Subcommittee may copy and keep copies of anything given under subsection (2).

### **Proceedings Delayed**

- 21(1) If during the investigation the Ethics Chairperson refers the complainant and the investigated person to an alternative complaint resolution process in accordance with Division 2, the investigation and hearing must not proceed unless the Ethics Chairperson is notified as described in section 15(7) or makes a decision under section 15(8).

### **Investigation Process**

- 22(1) The investigated person is entitled to make brief written submissions to the Investigative Subcommittee in response to the complaint.
  - (2) The written submissions will be reviewed by the Investigative Subcommittee and will be used in their investigation of the complaint.
  - (3) The written submissions must be submitted by personal service, courier, or registered mail, within twenty (20) days of receiving the notice under section 18(1) from the Ethics Chairperson.
  - (4) If the Investigative Subcommittee does not receive the written submissions by personal service, courier, fax or registered mail within the twenty (20) day period, the written submission will not be used in the investigation.
  - (5) The investigated person is entitled, at their own expense to use legal counsel or an agent to assist them during the investigation.
  - (6) The Investigative Subcommittee shall complete its investigation in a manner which is sensitive to time, but which does not compromise thoroughness.

### **Report of Investigation**

- 23(1) When an Investigative Subcommittee concludes an investigation, the investigator or chair of the Investigative Subcommittee must make a report within a reasonable time and must submit the report to the Ethics Chairperson.
  - (2) The report prepared under subsection (1) must,
    - (a) contain all findings and determinations made by the Investigative Subcommittee, and
    - (b) contain a decision by the Investigative Subcommittee, as to whether there is sufficient evidence to indicate that unprofessional conduct has occurred.
  - (3) If, on reviewing a report made under this section, the Ethics Chairperson determines that the report is not complete or that the investigation was not properly conducted, the Ethics Chairperson must direct the Investigative Subcommittee, or appoint another Investigative Subcommittee, to undertake further investigation and make a report and submit it to the Ethics Chairperson.

- (4) If, on reviewing a report prepared under this section or section 25(5)(b), the Ethics Chairperson determines that the investigation is concluded, the Ethics Chairperson must
  - (a) refer the matter to a Judicial Subcommittee for a hearing, or
  - (b) dismiss the complaint, if in the decision of the Ethics Chairperson,
    - (i) the complaint is trivial or vexatious, or
    - (ii) there is insufficient evidence or no evidence to support unprofessional conduct.
- (5) Despite subsection 4(a), if the Judicial Subcommittee has not commenced a hearing and the Ethics Chairperson learns of new evidence that causes the Ethics Chairperson to be of the opinion that the complaint is trivial or vexatious or there is insufficient evidence or no evidence of unprofessional conduct, the Ethics Chairperson may withdraw the complaint from the Judicial Subcommittee and dismiss the complaint.

#### **Notification of Action Taken**

- 24(1) If a complaint is dismissed under section 23(4)(b) the Ethics Chairperson must notify the complainant and the investigated person in writing of the action taken and
  - (a) must give reasons, and
  - (b) notify the complainant in writing the right to apply to the Complaint Review Committee under section 25(1).
- (2) If the Ethics Chairperson refers the complaint to a hearing, the Ethics Chairperson shall notify the complainant and the investigated person, in writing, that the complaint has been referred to a hearing.
- (3) If the Ethics Chairperson refers the complaint to hearing, in addition to the notice provided in subsection (2), the Ethics Chairperson shall also provide the investigated person and the AATA Complaints Director with:
  - (a) a summary of the findings of the Investigative Subcommittee,
  - (b) any evidence received by the Investigative Subcommittee,
  - (c) the report prepared by the Investigative Subcommittee, and
  - (d) any submissions, statements or correspondence received by the Investigative Subcommittee during the investigation.

- (4) Service of this section shall be by personal service, courier, fax or registered mail.

### **Review of Dismissal of Complaint**

- 25(1) A complainant may apply, in writing with reasons, to the Ethics Chairperson for a review of the dismissal of a complaint within thirty (30) days after being notified of the dismissal under section 10(2) or 24(1).
- (2) On receipt of an application under subsection (1) the Ethics Chairperson must notify the investigated person and give a copy of the application to the Complaint Review Committee along with a copy of the report made under section 23(1).
- (3) Within sixty (60) days after receipt of the application and report under subsection (2), the Complaint Review Committee must commence a review of the report and the decision to dismiss the complaint.
- (4) The Complaint Review Committee may determine whether the submissions to it with respect to a review under subsection (3) by the complainant and the investigated person must be written, oral or both.
- (5) The Complaint Review Committee, on complying with subsection (3), must:
  - (a) refer the matter to a Judicial Subcommittee for a hearing,
  - (b) direct the Ethics Chairperson to conduct or appoint an Investigative Subcommittee to conduct a further investigation and to prepare a report on the further investigation and submit it to the Complaint Review Committee for its consideration before action under clause (a) or (c),
  - (c) confirm that the complaint is trivial or vexatious, or there is insufficient or no evidence of unprofessional.
- (6) The Complaint Review Committee must give the complainant and the investigated person written notification, with reasons, of any action taken under subsection (5).

### **Early Admission**

- 26(1) At any time after a complaint has been made but before a Judicial Subcommittee has made a decision as to whether unprofessional conduct has occurred, an investigated person may submit a written admission to the Ethics Chairperson.
- (2) The admission must be in writing and must be signed and dated by the investigated person and must be served by personal service, courier, fax or registered mail to the Ethics Chairperson.
- (3) An admission under subsection (1) may not be acted on unless it is accepted in whole or in part by a Judicial Subcommittee,

- (a) if an admission is received by the Ethics Chairperson, after a Judicial Subcommittee has been selected to hear the complaint, the Ethics Chairperson shall deliver the admission to the chair of the Judicial Subcommittee selected, the Judicial Subcommittee will then review and determine whether the admission is accepted in whole or in part.
  - (b) if an admission is received by the Ethics Chairperson prior to the selection of a Judicial Subcommittee, then the Ethics Chairperson will appoint a Judicial Subcommittee to review the admission and determine whether the admission is accepted in whole or in part.
- (4) If an admission under subsection (1) is accepted in whole or in part by a Judicial Subcommittee, any investigation of the complaint and any alternative complaint resolution process with respect to the complaint are suspended, and the Judicial Subcommittee shall hold a hearing to decide:
  - (a) whether the admission amounts to unprofessional conduct, and
  - (b) whether any orders are to be made under section 32(1).
- (5) Despite subsection (4), if an admission under subsection (1) does not relate to all matters complained of or investigated, the remaining matters may be submitted to the Ethics Chairperson to be treated as information under section 11(1).
- (6) If a hearing is to take place under subsection (4), the chair of the Judicial Subcommittee must:
  - (a) notify the investigated person, in writing, of the date, time and location of the hearing,
  - (b) provide the investigated person with an address or fax number where service can be affected on the chair of the Judicial Subcommittee, and
  - (c) notify the investigated person, in writing, of their right to submit a further written statement prior to the hearing date.
- (7) The date selected for the hearing under subsection (4) is within the complete discretion of the Judicial Subcommittee but shall allow for a reasonable period of time for the investigated person to prepare and submit a written statement prior to the hearing date.
- (8) The investigated person's written statement, written admission and any oral submissions made by the investigated person at the hearing will be used by the Judicial Subcommittee in deciding whether,
  - (a) there has been unprofessional conduct, and

- (b) whether any orders are to be made under section 32(1).
- (9) The investigated person's written statement must be received by the chair of the Judicial Subcommittee at least seven (7) days prior to the hearing date, if the written statement is not received at least seven (7) days prior to the hearing date it will not be used at the hearing.
- (10) The written statement may be served on the chair of the Judicial Subcommittee by personal service, fax, courier or registered mail.
- (11) The investigated person is entitled to attend at the hearing either in person or by telephone and make oral submissions to the Judicial Subcommittee.
- (12) The investigated person is entitled, at their own expense to use legal counsel or an agent to assist them during the hearing.
- (13) At the conclusion of the hearing under subsection (4), the Judicial Subcommittee shall prepare a written decision setting forth:
  - (a) whether or not there has been a finding of unprofessional conduct, and
  - (b) if there has been a finding of unprofessional conduct,
    - (i) a summary of the findings;
    - (ii) a summary of the evidence supporting the decision;
    - (iii) any order(s) that have been made under section 32(1).
- (14) After the decision has been prepared under subsection (13) the Judicial Subcommittee will serve a copy of the decision on the investigated person, the complainant, the Ethics Chairperson and the Executive.
- (15) Service under subsection (14) shall be by personal service, courier, fax or registered mail.

#### **Division 4 Hearings**

##### **Notice**

- 27(1) Within ninety (90) days after serving the notice of a hearing under section 24(2), the Ethics Chairperson must set a date for a hearing with respect to the complaint unless,
  - (a) the Ethics Chairperson dismisses the complaint under section 23(5) , or
  - (b) the Ethics Chairperson and the investigated person agree to an extension.

(2) The Ethics Chairperson must:

- (a) at least sixty (60) days before the hearing date select a Judicial Subcommittee and a chair of the Judicial Subcommittee to preside at the hearing,
- (b) at least sixty (60) days before the hearing date provide the chair of the Judicial Subcommittee with a copy of the documents listed in section 24(3), and
- (c) at least forty five (45) days before the hearing, serve the investigated person with a notice to attend.
  - (i) the notice to attend shall be served on the investigated person by personal service, courier, fax or registered mail.

### **Type of Hearing**

28(1) The Judicial Subcommittee selected to preside over the hearing shall have regard to,

- (a) the seriousness of the allegations made,
- (b) the possible order(s) which the investigated person might reasonably be expected to receive,
- (c) whether conducting the formal hearing in a certain manner will unreasonably increase costs and delays, and
- (d) any other matter or circumstance that they feel ought reasonably to be considered,

decide the manner in which the hearing will be conducted.

(2) Without limiting the generality of subsection (1), a hearing may be conducted in any of the following manners:

- (a) in person,
- (b) by telephone conference call,
- (c) by written communications and submissions,
- (d) by any combination of (a), (b), or (c) above

(3) All hearings in person will be public unless the Judicial Subcommittee selected to hear the matter specifies otherwise. If a hearing or part of the hearing is held in private, the Judicial Subcommittee must state the reason why and must include the reason in the record.

- (4) Even if a hearing in person is held in private,
  - (a) the investigated person and the investigated person's counsel may attend,
  - (b) the complainant may attend unless the Judicial Subcommittee directs otherwise,
  - (c) the Ethics Chairperson, AATA Complaints director or counsel for the Association and the Judicial Subcommittee may attend.
- (5) Even if a hearing in person is open to the public, a witness, except for the investigated person, may be excluded from the hearing until the witness has given evidence and has been released or dismissed from the hearing.
- (6) After the Judicial Subcommittee has decided the manner in which the hearing will be conducted, the chair will notify in writing, the Ethics Chairperson of the choice of hearing.
- (7) After receiving written notification under subsection (6) the Ethics Chairperson shall serve the investigated person with a notice to attend, the notice to attend shall include:
  - (a) the date, time and place of the hearing,
  - (b) the type of hearing selected,
  - (c) particulars of the hearing,
  - (d) the name of the chair of the Judicial Subcommittee selected, and
  - (e) an address or fax number that can be used to serve the Judicial Subcommittee .
- (8) The investigated person shall be entitled to be represented by counsel or an agent at the hearing.
- (9) The Association shall be represented by the Ethics Complaint Director or counsel, for the Association shall be entitled to use counsel at the hearing.
- (10) If, the Judicial Subcommittee is also advised by counsel at the hearing, the Judicial Subcommittee's counsel shall not be the same counsel used by the Association to lead or present evidence on behalf of the Association at the hearing.
- (11) Evidence may be given before the Judicial Subcommittee in any manner that it considers appropriate, and it is not bound by the rules of law respecting evidence applicable to judicial hearings.

- (12) The chair of the Judicial Subcommittee presiding over a hearing shall keep a written record of the hearing.
- (13) All hearings, regardless of their form or manner, shall be conducted in accordance with the “doctrine of fairness”.

### **Decisions in Absence**

- 29(1) In the event that the investigated person does not respond to or appear at a hearing and there is proof of service of the notice to attend, the Judicial Subcommittee may proceed with the hearing in the absence of the investigated person and may act or decide on the matter being heard in the absence of the investigated person.

### **Evidence at Hearing**

- 30(1) The investigated person and the Ethics Complaints Director, or their counsel or agent, shall have the right to submit further written argument or documentary evidence for use at a hearing under section 28(1).
- (2) Any written argument or documentary evidence that is to be used at a hearing under section 28(1) must be served at least fourteen (14) days before the hearing.
- (3) Written argument or documentary evidence submitted by the investigated person shall be served on both the chair of the Judicial Subcommittee and the Ethics Complaints Director, written argument or documentary evidence submitted by Ethics Complaints Director shall be served on both the chair of the Judicial Subcommittee and the investigated person.
- (4) Service under subsections (3) shall be by personal service, courier, fax or registered mail.
- (5) Written argument or documentary evidence that has not been served at least fourteen (14) days before the hearing shall not be used at the hearing.
- (6) The documents provided under section 24(3) and 27(2)(b) and any additional written argument or documentary evidence that is submitted under this section shall be used by the Judicial Subcommittee at the hearing in making its decision(s).
- (7) If the type of hearing selected by the Judicial Subcommittee is either a hearing in person or a hearing by telephone conference, the investigated person and the Ethics Complaints Director, may in addition to written argument and documentary evidence submitted, make oral submissions at the hearing and any such submission shall be used by the Judicial Subcommittee in making its decision(s).

### **Decisions and Records**

- 31(1) The Judicial Subcommittee selected may decide that the conduct of an investigated person does or does not constitute unprofessional conduct.

- (2) If the Judicial Subcommittee decides that the conduct of an investigated person constitutes unprofessional conduct, the Judicial Subcommittee may request the Ethics Chairperson to provide it with a copy of any previous decision(s) of unprofessional conduct, with respect to the investigated person. The Judicial Subcommittee may take into consideration previous violations in determining any orders made under section 32(1).

### **Orders**

- 32(1) If the Judicial Subcommittee decides that the conduct of an investigated person constitutes unprofessional conduct, the Judicial Subcommittee may make one or more of the following orders:
- (a) caution the investigated person;
  - (b) reprimand the investigated person;
  - (c) impose conditions on the investigative person's practice, including conditions that the investigated person:
    - (i) practice under supervision,
    - (ii) practice with one or more Certified Members,
    - (iii) not practice until the investigated person has successfully completed a specific course of studies or obtained supervised practical experience of a type described in the order,
    - (iv) report on specific matters to the Ethics Chairperson, Judicial Subcommittee or an individual specified in the order;
  - (d) direct the investigated person to satisfy the Ethics Chairperson, Judicial Subcommittee or an individual specified in the order that the investigated person is not incapacitated and suspend the investigated persons Association membership until the Ethics Chairperson, Judicial Subcommittee or the individual specified is so satisfied;
  - (e) require the investigated person to take counseling or a treatment program that in its opinion is appropriate;
  - (f) direct that within the time set by the order the investigated person must pass a specific course of study, obtain supervised practical experience of a type described in the order or satisfy the Ethics Chairperson, Judicial Subcommittee or individual specified in the order as to the investigated person's competence in the profession of athletic therapy.

- (g) suspend the Association membership of the investigated person for a stated period or until:
    - (i) the investigated person has successfully completed a specific course or obtained supervised practical experience of a type described in the order,
    - (ii) the Ethics Chairperson, Judicial Subcommittee or individual specified in the order is satisfied as to the competence of the investigated person in the profession of athletic therapy.
  - (h) cancel the Association membership of investigated person;
  - (i) if, in the opinion of the Judicial Subcommittee, the investigated person's fees for professional services were improper or inappropriate or the professional services were improperly rendered or required the complainant to undergo remedial treatment, the Judicial Subcommittee may direct the investigated person to waive, reduce or repay a fee for professional services provided by the investigated person;
  - (j) direct, subject to any section of this document or the Association Policy and Procedures Manual, that the investigated person pay within the time set in the order all or part of the expense of, cost of and fees related to the investigation or hearing or both, including but not restricted to:
    - (i) legal expenses and legal fees for legal services provided to the Association, Ethics Chairperson or Judicial Subcommittee,
    - (ii) the cost of creating a record of the proceeding and serving notices and documents, and
    - (iii) any other expenses of the Association directly attributable to the investigation or hearing or both;
  - (k) direct that the investigated person pay to the Association within a time set in the order a fine not exceeding \$10,000.00;
  - (l) any order that the Judicial Subcommittee considers appropriate for the protection of the public.
- (2) A fine or expense ordered to be paid under section 32(1) or section 41(2) are a debt due to the Association and may be recovered by the Association by an action in debt.

### **Stay and Enforcement of Orders**

- 33(1) The Executive may, in any order made under section 32(1) stay the order or a portion of the order.

- (2) If the Executive decides to stay an order or a portion of an order under section 32(1), the Executive shall within ten (10) days of the written decision, provide the investigated person and the Ethics Chairperson with written notification of the conditions of the stay.
- (3) If the Executive is satisfied that a person has not complied with an order under section 32(1) or section 41(1), the Executive may:
  - (a) suspend the Association membership of the investigated person until the order is complied with, or
  - (b) in the case of a non-payment of a fine describe section 32(1)(k) or expenses described in section 32(1)(j) or section 41(2), suspend the Association membership of the investigated person until the fine or expenses are paid in full or the Ethics Chairperson is satisfied that they are being paid in accordance with the agreement entered into with the investigated person.

### **Written Decisions**

- 34(1) The Judicial Subcommittee must, within a reasonable period of time after the conclusion of a hearing before it, make a written decision on the matter in which it,
  - (a) describes each finding made by it,
  - (b) states the reason for each finding made by it, and
  - (c) states any order made under section 32(1).
- (2) The Judicial Subcommittee must forward to the Ethics Chairperson and the Executive
  - (a) the written decision described in subsection (1), and
  - (b) the records of the hearing, consisting of all evidence presented before it, including
    - (i) any record of testimony,
    - (ii) the written record made by the chair of the Judicial Subcommittee,
    - (iii) the Investigative Subcommittee report, and
    - (iv) any written argument or documentary evidence present before it.
- (3) The Ethics Chairperson must, on receiving the decision and the records described in subsection (2), serve a copy of the decision on the
  - (a) complainant and the investigated person, and

- (b) notify the investigated person of the right to appeal the decision of the Judicial Subcommittee.
- (4) Service of the decision on the investigated person shall be by personal service, courier, fax or registered mail.

### **Examination of Record**

- 35(1) The investigated person may examine the records of the hearing and, on paying the reasonable cost of copying and delivering the records, receive a copy of it.

## **Division 5 Appeals**

### **Staying an Appeal**

- 36(1) A decision of a Judicial Subcommittee remains in effect pending appeal to an Appeal Subcommittee unless the Executive, on written application, stays the decision pending the appeal.
- (2) The investigated person may make a written submission to the Executive with respect to an application under subsection (1).

### **Commencing an Appeal**

- 37(1) An investigated person or the Ethics Complaints Director, may commence an appeal to an Appeals Subcommittee of a decision by a written notice of appeal that,
  - (a) identifies the appealed decision, and
  - (b) states the reason for the appeal.
- (2) A notice of appeal must be given to the Ethics Chairperson within thirty (30) days after the date on which the decision of the Judicial Subcommittee was served on the investigated person.
- (3) The Ethics Chairperson must, upon being given a notice of appeal,
  - (a) select an Appeal Subcommittee,
  - (b) give a copy of the notice of appeal to the Appeal Subcommittee,
  - (c) make a copy of the decision and records of the hearing available to each member of the Appeal Subcommittee,

- (d) select a date, time and place that the Appeals Subcommittee will hear the appeal,
  - (e) ensure that the investigated person, the complainant, and the Ethics Complaints Director receive notice of the hearing of the appeal, and the notice shall include the date, time and place which the Appeals Subcommittee will hear the appeal and a copy of the records of the hearing,
  - (f) service under subsection 3(e) shall be, by personal service, courier, fax or registered mail.
- (4) The chair of the Appeal Subcommittee, at least twenty (20) days before the appeal hearing, must provide the investigated person, the complainant and the Ethics Complaints Director, in writing, with notice of the manner in which the appeal hearing will be conducted. All appeal hearings shall either be conducted in person or by telephone conference.

### **Scheduling an Appeal**

38(1) The Ethics Chairperson must,

- (a) if conditions have been imposed on the practice of the investigated person under section 32(1)(c)(i),(ii),(iii) or (iv) or if the membership or practice of the investigated person has been suspended or cancelled under section 32(1)(g) or (h), schedule the appeal within forty five (45) days after the date of service of the notice of appeal, and
  - (b) in all other cases, schedule the appeal within ninety (90) days after the date of service of the notice of appeal
- (2) The Ethics Chairperson may, on written request of the investigated person or the chair of the Appeals Subcommittee, extend the periods referred to in subsection (1) for one or more additional periods, but
- (a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and
  - (b) in a case to which subsection (1)(b) applies, no extension may be granted without the consent of the investigated person and the chair of the Appeals Subcommittee.

### **Process and Evidence on Appeal**

39(1) The investigated person and the Ethics Complaints Director, or their counsel or agent shall have the right to submit a brief written argument for use at an appeal hearing.

- (2) Any brief written argument that is to be used at an appeal hearing must be served at least fourteen (14) days before the hearing.

- (3) A written argument submitted by the investigated person shall be served on both the chair of the Appeal Subcommittee and the Ethics Complaints Director. A written argument submitted by the Ethics Complaints Director shall be served on both the chair of the Appeal Subcommittee and the investigated person.
- (4) Service of a written argument under subsection (3) shall be by personal service, courier, fax or registered mail.
- (5) A written argument that has not been served at least fourteen (14) days before the appeal shall not be used at the appeal hearing.
- (6) The decision, the records of the hearing and any written argument submitted under this section shall be used by the Appeal Subcommittee at the appeal hearing in making its decision(s).
- (7) All appeal hearings must be conducted in person or by telephone conference, and the investigated person and the Ethics Complaints Director, or their counsel or agent may, in addition to written argument submitted, make oral submissions at the hearing and any such submissions shall be used by the Judicial Subcommittee in making its decision(s).
- (8) The chair of the Appeal Subcommittee shall make a written record of the appeal hearing.

### **Powers on Appeal**

- 40(1) Subject to subsection (2)(b), an appeal to the Appeal Subcommittee must be based on the records of the hearing and the decision of the Judicial Subcommittee.
- (2) The Appeal Subcommittee on an appeal may,
  - (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting, but no adjournment may be granted without the consent of the investigated person if that person's practice or Association membership is suspended or cancelled,
  - (b) on hearing an application for leave to introduce new evidence, direct the Judicial Subcommittee that held the hearing to hear the new evidence and to reconsider its decision and quash, confirm or vary the decision, and
  - (c) draw inferences of fact and make a determination or finding that, in its opinion, should have been made by the Judicial Subcommittee.

### **Orders on Appeal**

- 41(1) The Appeal Subcommittee must, within thirty (30) days from the date of the conclusion of the appeal hearing before it, make a decision and, by order, do one or more of the following:
- (a) make any finding that, in its opinion, should have been made by the Judicial Subcommittee
  - (b) quash, confirm or vary any finding or order of the hearing tribunal or substitute or make a finding or order of its own,
  - (c) refer the matter back to the Judicial Subcommittee to receive additional evidence for further consideration;
  - (d) refer the matter back to the Ethics Chairperson to schedule it for rehearing before another Judicial Subcommittee composed of persons who were not members of the Judicial Subcommittee that heard the matter, to rehear the matter.
- (2) Subject to anything contained in this document or the Association Policy and Procedures Manual, the Appeal Subcommittee may direct the investigated person to pay, within the time set by the Appeal Subcommittee, in addition to expenses, costs, and fees referred to in section 32(1)(j), all or part of the expenses of, costs of and fees related to the appeal; including
- (a) legal expenses and legal fees provided to the Association and the Ethics Chairperson,
  - (b) the cost of creating a record of the proceedings and serving notices and documents, and
  - (c) any other expenses of the Association directly attributable to the appeal.
- (3) A fine or expense ordered or directed to be paid under this section are a debt due to the Association and may be recovered by the Association by an action in debt.
- (4) Subject to section 43(1), a decision or order of the Appeal Subcommittee is final.

#### **Written Decision on Appeal**

- 42(1) The Appeal Subcommittee must, within thirty (30) days from the date of the conclusion of an appeal hearing before it, make a written decision on the matter in which it,
- (a) describes each finding made by it,
  - (b) states the reason for each finding made by it, and

- (c) states any order made under section 41(1).
- (2) The Appeal Subcommittee must forward to the Ethics Chairperson and the Executive,
  - (a) the written decision described in subsection (1), and
  - (b) the records of the appeal hearing, consisting of all evidence presented before it, including any record of testimony, the written record made by the chair of the Appeal Subcommittee, and any written argument present before it.
- (3) The Ethics Chairperson must, on receiving the decision described in subsection (2), serve a copy of the decision on the complainant, the investigated person and the Ethics Complaints Director.
- (4) Service under subsection (3) shall be by personal service, courier, fax or registered mail.

#### **Application to Vary Appeal Order**

- 43(1) If the time for filing an appeal under this Part has passed or due to a change in circumstances an order under this Part is impossible to carry out, the person to whom the order is directed or the Ethics Chairperson may apply to the Executive for a variation of the order.

### **PART 3 Other Matters**

#### **Enforcement of Orders**

- 44(1) Subject to provisions of this document and the Association Policy and Procedures Manual, any order granted or issued under this document is effective from the date that notice of the decision or order is served on the person to whom the order is directed.
- (2) Subject to provisions of this document and the Association Policy and Procedures Manual, enforcement of all orders granted under this document shall be the responsibility of the Executive.

#### **Public Disclosure of Disciplinary Action**

- 45(1) After a person's time for filing an appeal has expired and an order has been issued and served on the person to whom the order is directed, the Ethics Chairperson shall within a reasonable period of time, publish in the Association's newsletter the person's name, a summary of the findings and the final order(s) imposed.
- (2) The Ethics Chairperson will notify the CATA national office by written report as to any suspensions of members.

- (3) The Ethics Chairperson in association with the CATA national office will notify the person's insurance company as to any suspensions from the Association.
- (4) Depending on the nature of the unprofessional conduct, the Ethics Chairperson will send a written report of the unprofessional conduct to any other professional organization that the person is responsible to.
- (5) Depending on the nature of the complaint, certain complaints will be reported by the Ethics Chairperson to law enforcement agencies. This may be done anywhere in the complaint or investigation process if the complaint is criminal in nature.

**Amendments to the Professional Code of Conduct**

- 46(1) Changes to the AATA Professional Code of Conduct will be approved by majority vote of the Executive upon the recommendation of the Ethics Committee.
- (2) Changes will be presented to the general membership via the Association Newsletter/Website and in the Ethics Committee annual report to the Annual General Meeting.