

N.B.A.R.E.A./A.E.I.N.B.

New Brunswick Association of Real Estate Appraisers

Association des évaluateurs immobiliers du Nouveau-Brunswick

TERMS OF REFERENCE

COMMITTEE: **COMPLAINTS COMMITTEE**

APPROVED: **April 20, 1994**

REVISED: **October 5, 2000**

COMMITTEE MEMBER QUALIFICATIONS: Must be a member of NBAREA in good standing and shall not be a member of the Discipline Committee or Standards Committee.

COMPOSITION: The Complaints Committee shall consist of three members appointed by the Board of Directors, one of whom shall be a member of the Board of Directors and named chairperson. The Board shall name two alternate members to the Complaints Committee to be called upon by the chairperson to act as necessary.

TERM OF OFFICE: The members of the Complaints Committee shall hold office for a period of two years. One half of the Committee members will retire each year but any member of the Committee may be eligible for reappointment. A list containing the names of the suggested Committee Members will be submitted to the Board of Directors for approval at its first meeting immediately following the Annual General Meeting.

QUORUM: Three members of the Complaints Committee shall constitute a quorum.

DUTIES OF THE CHAIR:

1. The Chair is to provide the Executive Director with a detailed list of Committee Members within 14 days following the Annual General Meeting and the list must be available for approval by the Board of Directors at their May meeting.
2. The Chair will call meetings of the Committee as required.
3. The Chair (or appointee) will prepare and submit to the Executive Director an article (a paragraph or two) directed to the membership to be published in the newsletter of the Association. The Executive Director will notify the Chair 14 days in advance of the article being required.
4. The Chair will prepare and submit to the Executive Director no later than 15 days in advance of the Annual General Meeting, a detailed written report outlining the Committee's activity during the past year. The Chair (or appointee) is to be present at the Annual General Meeting to provide the report and the Executive Director shall be advised of the presenter accordingly, 15 days prior to the Annual General Meeting.
5. The Chair will prepare and submit to the Executive Director no later than 15 days in advance of each Board of Directors Meeting, a detailed written report outlining the Committee's recent activity.

DUTIES OF THE COMMITTEE:

Pursuant to the Act to Incorporate the New Brunswick Association of Real Estate Appraisers:

- 20(1) There shall be a Complaints Committee composed of:
 - a) one member of the Board who shall be chairperson, and
 - b) two other members of the Association appointed by the Board.
- 20(2) The Board shall name two alternate members to the Complaints Committee to be called upon by the chairperson to act as necessary.
- 20(3) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.
- 20(4) Three members of the Complaints Committee constitute a quorum.
- 21(1) Upon receipt of a complaint in writing filed with the Registrar, or a resolution from the Board under subsection 22(6) referring a matter to the Complaints Committee for investigation, the Committee shall consider and investigate the conduct or competence of any member of the Association, but no action shall be taken by the Committee under subsection (3) unless;
 - a) the member whose conduct or competence is being investigated has been given a copy of the complaint or resolution and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member may wish to make concerning the matter; and

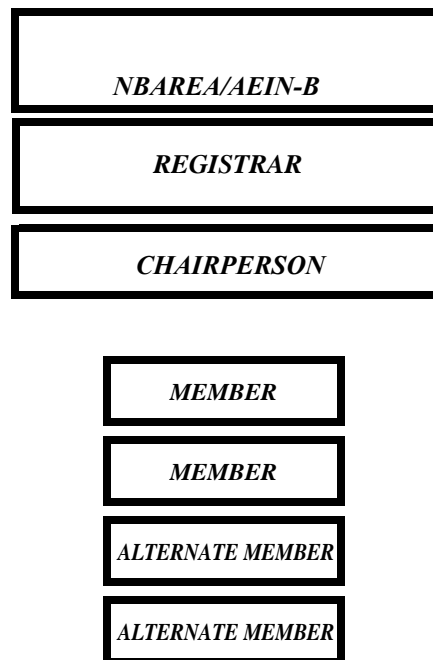
- b) the Committee has examined or has made every reasonable effort to examine available records and other documents relating to the complaint.
- 21(2) The Committee is not required to hold a hearing or give any member an opportunity to make oral submissions before making a decision or giving directions under this section; however, a member complained against may, in the discretion of the Committee be requested to appear before it to respond to the complaint.
- 21(3) The Committee, in accordance with the information it receives, may
- a) direct that the matter be referred, in whole or in part, to the Discipline Committee,
 - b) direct that the matter not be referred to the Discipline Committee, or
 - c) take such action as it considers appropriate in the circumstances to resolve the complaint as long as such action is not inconsistent with the Act or the Bylaws.
- 21(4) For the purpose of subsection (5), the Committee shall give its decision in writing to the Registrar, including the reasons for its decision.
- 21(5) The Registrar shall deliver or send to the complainant, the member complained against and the Board, a copy of the written decision and reasons of the Committee.
- 21(6) A complainant who is not satisfied with the disposition of the complaint by the Committee may apply to the Board for a review of the treatment of the complaint, which the Board may refer to the Discipline Committee under subsection 22(6).

DUTIES OF THE COMMITTEE:

1. The Complaints Committee will become familiar with and adhere to the policies and procedures as developed on November 24, 1999 by the Association's solicitor, David Norman, QC and attached hereto.
2. The Registrar shall attend the meetings of the Complaints Committee and record the proceedings of each as well as prepare all other correspondence on behalf of the Committee. The minutes of the meeting shall be forwarded to the Committee Members no later than 14 days after the date of the meeting.
3. The Committee will review its terms of reference, establish its short and long term action plans and provide suggestions, changes and intentions to the Executive Director no later than June 30th annually. The Executive Director will forward the information to the Board of Directors for approval.
4. The Complaints Committee is to prepare and deliver each year no later than June 30th, a detailed budget for the Committee for the upcoming year.

5. All Committee members must submit to the NBAREA within 30 days of incurrence, any expense claims, complete with receipts, for travel, meals etc., incurred while on Committee business. All expense claims must be submitted to the Association Office prior to the end of the fiscal year, December 31st. Expense claims submitted after the 31st of December will not be reimbursed.
6. The Complaints Committee will accept and proceed with the directions provided by the Board of Directors, Act, Bylaws and Strategic Plan of the Association in a timely manner unless the directions are contrary to the provisions for the Committee as per the *Act to Incorporate the New Brunswick Association of Real Estate Appraisers*.
7. The Committee will become familiar with the Association's flowcharts / time-line calendars attached hereto and will adhere to them accordingly.
8. The files of the Committee shall be maintained at the Association Office and will be the responsibility of the Registrar.

FLOW CHART - COMPLAINTS COMMITTEE



TIME-LINE CALENDER - COMPLAINTS COMMITTEE

JANUARY	FEBRUARY	MARCH
		1. Prepare and deliver to the Executive Director a report 15 days prior to the AGM.
APRIL	MAY	JUNE
<ol style="list-style-type: none"> 1. Review Terms of Reference, with short and long term goals. 2. The Chair is to provide the Executive Director with a detailed list of Committee members 14 days after AGM. 3. Prepare and deliver to the Executive Director, a newsletter article for the Association Newsletter. 4. Deliver the annual report to the membership at the AGM. 		<ol style="list-style-type: none"> 1. Deadline for Annual Terms of Reference, with short and long term goals are to be delivered to the Board of Directors. 2. Deliver to the Executive Director a detailed budget request for the upcoming fiscal year by June 30th.
JULY	AUGUST	SEPTEMBER
	1. Terms of Reference to be reviewed and approved by the Board of Directors.	
OCTOBER	NOVEMBER	DECEMBER