



Bylaws

Approved by members: April 10, 1997

Revised:

May 6, 1999; October 28, 2000

May 25, 2002; April 1, 2003; May 2004

May 12, 2007; May 24, 2008; May 2, 2009

May 28, 2011; May 24, 2014; May 23, 2015

May 27, 2016; May 11, 2017; May 11, 2018

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Definitions:

Act	Act respecting the New Brunswick Association of Dietitians, Assented to December 8, 1988, Chapter 75
Association	The New Brunswick Association of Dietitians
Board	The Board of Directors which is the governing body of the Association
Bylaws	The Bylaws made under the Act and the amendments thereto
Dietitian	Means a person registered under this Act to engage in the practice of dietetics and means a professional who specializes in relating the art and science of food and nutrition to health and individual lifestyles for the purpose of enhancing the quality of life.
Member	Means a member of the New Brunswick Association of Dietitians
D.C.	Dietitians of Canada and any successor(s) thereto.
N.B.A.D.	The New Brunswick Associated of Dietitians
Canadian Free Trade Agreement	The Agreement on Internal Trade (AIT) was an intergovernmental trade agreement signed by Canadian First Ministers that came into force on July 1, 1995. The purpose was to reduce and eliminate barriers to the free movement of people, goods, services and investments within Canada. On July 1, 2017, the AIT was replaced by a new trade agreement, the Canadian Free Trade Agreement (CFTA).
Regulations	The Regulations made under the Act and the amendments thereto.

BY-LAW I – MEMBERS

There shall be six (6) classes of members

- Active
- Temporary
- Courtesy
- Retired
- Honorary
- Dietetic Intern

Application for membership in any category of the Association shall be made in writing to the Registrar of N.B.A.D.

BY-LAW II ACTIVE MEMBERS

1. An Active Member shall have the requirements for membership as outlined in the Regulation I.
2. An applicant shall apply to the Registrar to become an Active Member of the Association. Upon the completion of all requirements as outlined in the Regulations, the approval of the Board and payment of prescribed fees. The applicant shall become an Active member of N.B.A.D.

Documentation required from an applicant applying for an Active Membership includes:

- Completed NBAD Application Form
 - Proof of identity
 - Official transcripts
 - Criminal records check
 - Applicable fees
 - Other documents as required by NBAD
3. Active Members of the Association Shall be entitled:
 - 3.1 to use the title Registered Dietitian or Registered Dietitian-Nutritionist
 - 3.2 to use the designation RD or RDN
 - 3.3 to vote at any meeting of the Association
 - 3.4 to hold office or be a member of a committee
 4. Courtesy membership:
 - 4.1 A courtesy registration may be granted for a minimum of 30 days to a maximum of 120 consecutive days for Dietitians who are fully registered and in good standing with other Canadian Regulatory Bodies, working within the province for a short duration provided applicant maintains professional standards according to the NBAD regulation documents
 - 4.2 An applicant shall apply to the Registrar to be granted a courtesy registration to practice dietetics with the New Brunswick Association of Dietitians.
 - 4.3 Courtesy registration will not be allowed for transfer to the general register until a complete assessment has been undertaken by the Registration committee indicating all registration requirements have been met.

5. Dietetic Intern

5.1. An applicant is eligible for registration as a dietetic intern if he or she meets both of these requirements:

5.1.1. The applicant is enrolled in a baccalaureate degree program majoring in human nutritional sciences, in a university program otherwise approved by the Association, has received a degree in such a program or has successfully completed an exam determined by NBAD to test their foundational knowledge and practice competencies against the national standards; and

5.1.2. The applicant is registered in a Canadian Accredited Dietetic Internship or is otherwise approved by the New Brunswick Association of Dietitians as meeting equivalent standards;

OR

5.1.3. (a) An Internationally educated applicant seeks licensure in NB and requires practical upgrading as mandated by the Association

(b) An applicant who has a suspended license due to complaints / disciplinary proceedings

(c) An applicant who has a suspended license after experiencing two failures of the Canadian Dietetic Registration Examination and seeks practical experience as mandated by the Association.

5.2 Notifying the Association's office of Dietetic Interns:

5.2.1 Dietetic education programs in New Brunswick shall send the list of individuals who have been accepted into their internship program each year to the Association's office. This list will serve as verification that the applicant is enrolled in a dietetic education program.

5.2.2 It is the responsibility of Registered Dietitians registered with the Association to notify the Association's office of requests from applicants seeking practical dietetic experience in New Brunswick.

5.3 Documentation required from an applicant applying for dietetic intern registration includes

5.3.1 Completed NBAD Application Form

5.3.2 Proof of identity

5.3.3 Official transcripts

5.3.4 Criminal Records check

5.3.5 Applicable fees

5.3.6 Other documents as required by NBAD

5.4 In cases where individuals from outside New Brunswick seek to complete a rotation as part of their out of province Internship, the Association's office shall receive verification directly from the applicant's internship director before the applicant is registered as a Dietetic Intern.

5.5 Dietetic Interns of the Association:

5.5.1 Shall be entitled to use the title Dietetic Intern,

5.5.2 Shall be entitled to use the designation D.I.

5.5.3 Are exempted from the Association's mandatory Continuing Competence Program

5.5.4 Are not eligible to vote or hold offices on committees or the Board

5.5.5 May practice as a Dietetic Intern only under supervision of a Registered Dietitian in a practice setting

No person other than a registered dietitian holding a valid certificate shall carry on the practice of dietetics under the title of dietitian or RD as per NBAD bylaws.

BY-LAW III RETIRED OR HONORARY MEMBERS

1. Retired Members

1.1 Member who has held membership in N.B.A.D. for a minimum of 5 years and who has retired from active practice of dietetics may apply to the Registrar for Retired Member status and be approved by the Board.

1.2 The fee for Retired Member status shall be determined by the Board, and shall be not less than 1/3 of the active membership fee.

2. Honorary Members

2.1 Honorary Membership may be granted to a person in recognition of distinguished service or valuable contribution to the Dietetic Profession. Approval of Honorary Membership is by resolution of the Board and Members at an Annual Meeting.

2.2 Fees for Honorary Members shall be waived.

2.3 Members of the Association at the time of Incorporation (1958) are Charter Members. Upon retirement, Charter Members shall become Honorary Members.

3. Retired or Honorary members may attend meetings of the Association and are entitled to vote; can be committee members but not an officer or director of N.B.A.D; will receive notice of meetings, and copies of publication issued by the Association.

4. Upon being granted Honorary or Retired Membership, a member must apply to the Association to return to Active Member (see Regulation I Admission Standards – Active Members). Active Membership is required to work as a dietitian.

BY-LAW IV - TEMPORARY MEMBERS

1. Temporary Members:

1.1. Temporary Membership shall be granted, upon written application, applicants who are assessed to have potential for becoming Active Members of the New Brunswick Association of Dietitians (as outlined in Regulations) and are pursuing examination requirements to fulfill the obligations of active membership.

Documentation required from an applicant applying for a Temporary Membership includes:

- Completed NBAD Application Form
- Proof of identity
- Official transcripts
- Criminal records check
- Applicable fees
- Other documents as required by NBAD

1.2. A Temporary Member who achieves all membership requirements and whose application is undergoing credentialing and who otherwise maintains professional standards shall remain a Temporary Member until achieving full membership status.

1.3. Temporary Membership shall be granted to qualified individuals for a period of 30 days beginning from the date of acceptance as a Temporary Member. Such Temporary Membership can be renewed for additional 30 day periods up to which time the applicant's results from the first available sitting of the Canadian Dietetic Registration Examination become known.

Note that this time period differs from the Temporary Membership as described in the Act 11(3):

“Any person to whom a temporary membership registration has been issued pursuant to this section shall be entitled to practice dietetics in the Province of New Brunswick in accordance with the provisions of this Act for the time period specified in the temporary membership registration, but no such time periods shall exceed thirty consecutive days inclusive of the dates of commencement and termination thereof.”

1.4 In the case of first failure of the Canadian Dietetic Registration Examination; temporary membership will be extended for up to 60 days or immediately upon NBAD’s receipt of the results of the CDRE; provided the candidate is registered for the next sitting of the Canadian Dietetic Registration Examination (CDRE).

For candidates who are practicing dietetics, the extension of the temporary membership is conditional upon restrictions, as mandated by the Registration Committee; which will include direct supervision by an Active Member

The temporary license with restrictions shall be indicated on the temporary membership card

1.5 In the case of second failure of the Canadian Dietetic Registration Examination; temporary membership will be suspended immediately. The member’s must be assessed by the registration committee for mandatory upgrading. Verification of completion for which must be approved before applicant can re-register for a 3rd writing of the CDRE.

Temporary Members of the Association shall be entitled:

- to use the title Registered Dietitian (Candidate) or Registered Dietitian-Nutritionist (Candidate)
- to use the designation RD (Candidate) or RDN (Candidate)
- to serve on committees

Temporary Members shall not have voting privileges, and are not eligible to be an Officer or Director of N.B.A.D.

BY-LAW V – MEMBERS IN GOOD STANDING

All Members in Good Standing:

1. Shall abide by the Legislative Act, Regulations and By-Laws of the Association.
2. Shall comply with the New Brunswick Association of Dietitians Code of Ethics. (Refer to regulation IV – Code of Ethics)
3. When voting, shall have one vote per person, in-person at a meeting of the Association, or by proxy. The instrument appointing a proxy shall be in writing under the hand of the appointer and shall be attested to by one witness. The person appointed to be a proxy shall be a Member in Good Standing and entitled to vote.
4. Shall pay the current annual registration fee or any other fee, subscription or debt due and owing to the Association.
5. Shall maintain Quality Assurance requirements as determined by the Association.

BY-LAW VI – ACTIVE MEMBER RESIGNATION AND REINSTATEMENT

1. Active Members of the Association whose fees are paid to the end of the previous fiscal year may resign in good standing by submitting written notice to the Board within the first 60 days of the current fiscal year.
2. An Active Member who resigned in good standing shall be reinstated by the Board on meeting the appropriate requirements for active membership and on payment of the appropriate fee for the current fiscal year.

BY-LAW VII – ADMISSION OF MEMBERS FROM OTHER PROVINCIAL DIETETIC BODIES

Active Members in Good Standing of other provincial dietetic regulatory bodies are eligible for membership in N.B.A.D. as outlined in the current Canadian Free Trade Agreement and any other affiliated agreements.

BY-LAW VIII – BOARD OF DIRECTORS

1. Composition of the Board

The Board shall consist of:

- President
- President – Elect
- Past President
- Secretary
- Treasurer
- One Lay-Representative who is appointed by the Lieutenant Governor-in-Council from a panel of not less than four persons nominated by N.B.A.D.
- Registrar appointed by the Board
- Two (2) Member at Large
- N.B.A.D representative of the Alliance of Canadian Dietetic Regulatory Bodies appointed by the Board

Note that the Board composition differs from the composition as outlined in the Act (7).

2. Officers of the Association

The Officers of the Association shall consist of:

- President
- President-Elect
- Treasurer

3. Terms of Office

3.1 The non–appointed members of the Board shall be elected by the general membership at the Annual meeting for a term of two years.

3.2 Automatic succession shall occur from the President-Elect to President to Past President

3.3 No elected member of the Board shall serve more than two consecutive terms in any one office.

3.4 Vacancy – Refer to Act, page 10 Section 8(2).

4. Election of Board Members

4.1 The Board shall strike an ad hoc Nominations Committee, as required.

5. Honorarium

5.1 An honorarium will be offered on a pro rata basis to the members of the NBAD Board of Directors at a rate of \$ 50 per Board member per scheduled meeting. This will be conditional upon the following: attendance at the meeting; the meeting meets quorum. There is an imposed limit of \$350 per Board member per fiscal year.

BY-LAW IX – DUTIES OF BOARD OF DIRECTORS

1. The duties of the Board include adopting a governance structure to best add value to the Association in fulfilling its mandate, with functions reflecting the following priorities:

1.1 Ensure members of the Association are competent and practice in a safe and ethical manner

1.2 To provide effective strategic direction and oversight using a hybrid model of governance

1.3 To ensure that a comprehensive enterprise risk management system is in place

2. In addition, the Board shall carry out the duties described in the current Policy and Procedure Manual as amended from time to time, and shall respect such duties in adopting the governance structure described in section 1 hereof.

BY-LAW X – REGISTRAR

1. The Registrar is appointed by the Board and is a non-voting member of the Board.

2. The Registrar shall be responsible for maintaining a register in which shall be entered the names and addresses of all dietitians who qualify to be registered as described in the Act.

3. The Registrar shall maintain an up-to-date list of all members.

4. The Registrar shall issue to every member of the Association in accordance with Act, Regulations and By-Laws of the Association, a certificate of registration for a specified time period together with any conditions, limitations or restrictions. The certificate of registration may be issued in digital or electronic form with appropriate verification of authenticity by the Registrar.

5. If requested, the Registrar shall open the register to inspection.

6. The Registrar shall:

6.1 Issue a certificate of membership in the appropriate classification upon written application, receipt of the prescribed fee and satisfactory proof of eligibility for membership. The certificate of registration may be issued in digital or electronic form with appropriate verification of authenticity by the Registrar.

6.2 Refer application to Registration Committee if he/she has doubts, on reasonable grounds, about whether the applicant fulfils the registration requirements and notify the applicant of the referral.

6.3 Refuse membership if applicant is not eligible and provide details of appeal process.

7. Any member whose registration or right to practice dietetics is suspended must deliver, without delay, the certificate to the Registrar.

8. The Registrar shall suspend any member who is not in accordance with the Act, Regulations and By-Laws of the Association. At the direction of the Board, the Registrar shall notify this person in writing of the suspension.

9. Additional duties as per job description.
10. In keeping with the governance model adopted by the Association, the Registrar shall participate in the financial management of the operational aspects of the Association. In so doing, the Registrar shall:
 - 10.1 Operate within the annual budget.
 - 10.2 Assist in preparing the annual operations budget detailing credible projections.
 - 10.3 Inform the Board at regular Board meetings an update on current expenses in context of the budget.
 - 10.4 Spend allocated funds in a fiscally responsible manner in accordance with Board financial policies.
 - 10.5 Be delegated as one of four signing officers for the Association

BY-LAW XI – MEETINGS

1. An Annual Meeting shall be held each year within 60 days after the end of the fiscal year at a time and place to be fixed by the Board.
2. A General Meeting may be held in order to conduct Association business on a date to be determined by the Board.
3. A “Special” Meeting of the Association may be called by ten (10) Active Members who file a signed request with the President. The request must state the objectives of the meeting. The President is required to call such a meeting.
4. Notice in writing of a general meeting shall be sent to each Member, not less than thirty days prior to the date fixed for the meeting. Notice shall include time, place, pre-planned motions and sufficient information for Members to form a reasoned judgment. Notice of each meeting of Members must remind the Member that the Member has the right to vote in person or by proxy.

BY-LAW XII – QUORUMS

1. General/Special/Annual Meeting
 - 1.1 A quorum for a meeting of members of N.B.A.D. shall consist of 10% of the active membership, present at the meeting in person or by proxy.
 - 1.2 A quorum for a decision on a resolution at a meeting of members of N.B.A.D. shall consist of a majority of the members registered at the meeting and the declared proxy votes.
2. Board of Directors
 - 2.1 A quorum of the Board shall be three (3) in number.

BY-LAW XIII – COMMITTEES

Committees may be established by the Board as required. The terms of reference of the committees will be documented.

BY-LAW XIV – FINANCE

1. Fiscal Year

1.1 The fiscal year of the Association shall end on the thirty-first (31) day of March.

2. Fees

2.1 Each member shall pay an annual fee to be determined from time to time by the Board and approved by the membership.

2.2 The annual fee shall be applicable to the year commencing on April 1 and ending on March 31 and shall be payable on or before the 31st day of March, immediately preceding that year.

2.3 The amount of the annual fee shall be as follows:

- a) for the registration year 2018-2019: \$345.00
- b) for the registration year 2019-2020: \$375.00
- c) for the registration year 2020-2021: \$395.00

2.4 A member who fails to pay the prescribed annual fee by March 31 will be suspended by the registrar (Act – section 22(4)). The suspension of the registration of any member remains in effect until the member complies with the Act, section 23(a) to (d).

2.5 A member who has been suspended due to nonpayment of fees shall pay a reinstatement fee as determined by the Board.

3. Expenses

3.1 The cost of clerical work, programs, projects, publicity and other expenses approved by the Board shall be paid from the funds of the Association.

4. Cheques

4.1 All cheques shall be signed by any two of following four officers: President, President – Elect, Treasurer or the Registrar

5. Accounting Firm

5.1 An accounting firm shall be appointed each year by the Board. The firm shall review the financial statements of the Association prior to the Annual Meeting. The treasurer presents the firm's report to the membership at the Annual Meeting.

6. List of Fees

6.1 NBAD will maintain and update a List of Fees detailing all fees which will be charged by the Association.

The List of Fees will be available upon request by any member of the Association or upon enquiry from the public.

BY-LAW XV - REVISION OF BY-LAWS

By-laws may be repealed, amended or re-enacted by a two-thirds vote of the members present in person, by proxy or by mail, at the Annual Meeting or General Meeting called for this purpose. Written notice shall be sent to each member at least thirty (30) days prior to the meeting.

BY-LAW XVI – CONDUCT OF MEETINGS

1. Rules of Order

1.1 Bourinot’s Rules of Order shall constitute the parliamentary authority of the Association in all matters not covered by the Act, By-laws or Regulations.

2. Virtual Attendance

2.1 A member or any other person entitled to attend a meeting of the Association or of the Board of Directors or of a committee of the Association or of a committee of the Board of Directors may participate in the meeting by means of telephone, videoconference, web conference or other communication facilities that permit all persons participating in the meeting to hear each other and a person participating in such a meeting by those means shall be deemed for the purposes of the Act and these By-Laws to be present in person at the meeting.

2.2 For purposes of voting at an Annual General Meeting, a General Meeting, or a Special Meeting by members who participate in the meeting by virtual means in accordance with section 2.1 hereof, a designate of NBAD shall verify the membership status of such members, and that due process is followed (as per NBAD Bylaws and policies and procedures).

BY-LAW XVII – INDEMNIFICATION AND INSURANCE

1. Every director and every officer of the Association and their heirs, executors, administrators and other legal personal representatives shall, when required, be indemnified and saved harmless by the Association from and against:

1.1 Any liability and all costs, charges and expenses that one sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against any such persons for or in respect of anything done or permitted by such a person in respect of the execution of the duties of that person’s office; and

1.2 All other costs, charges and expenses sustained or incurred by such a person in respect of the affairs of the Association; provided that no director or officer of the Association shall be indemnified by the Association in respect of any liability, costs, charges or expenses that such person sustains or incurs in or about any action, suit or other proceeding as a result of having been adjudged to be in breach of any duty or responsibility imposed upon that person under the Act, or under any other statute unless:

1.3 The person acted honestly and in good faith with a view to the best interests of the Association; and

1.4 In the case of a criminal or administrative action that is enforced by a monetary penalty the person had reasonable grounds for believing that the person’s conduct was lawful.

2. The Association must purchase and maintain such insurance as the Board may from time to time to determine for the benefit of its directors and officers, except insurance against a liability, costs, charge or expense incurred by a director or officer as a result of a contravention of the Act.

BY-LAW XVIII – REGISTER OF MEMBERS

The Registrar shall maintain a register in which shall be entered the name of every person accepted for membership under the Act.

The Board shall keep a register called the Corporation Register.