



GENERAL REGULATIONS



Fédération québécoise
des massothérapeutes
agréés
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CHAPTER 1 ▪ GENERAL CONSIDERATIONS

Article 1. Name

The Fédération is commonly known as the “Fédération québécoise des massothérapeutes agréés.”

Article 2. Mission

The mission of the Fédération québécoise des massothérapeutes agréés consists of qualifying and supporting massage therapists in their professional practice as well as informing and protecting the public.

Article 3. Head office

The head office of the Fédération is located in the judicial district of Montreal, in any location determined by the board of directors.

Article 4. Certified massage therapist

Depending on the professional context, the certified massage therapist effectively mobilizes and uses an integrated knowledge, know-how and interpersonal skill set that, in accordance with competency-based training, is consistent with the highest quality standards required by the Fédération québécoise des massothérapeutes agréés.

Article 5. Specific definitions

- a) the Fédération: Fédération québécoise des massothérapeutes agréés;
- b) the board: the board of directors;
- c) the law: the Companies Act, Part III.

Article 6. Interpretation

For the general definition of terms, the Fédération refers to the Interpretation Act. The masculine gender is used in this document without discrimination and for the sole purpose of concision.

CHAPTER 2 ▪ MEMBERS

Article 7. Categories

The Fédération has five (5) membership categories:

- active member;
- honorary member;
- inactive member;
- student member;
- supporting member.

Article 8. Active member

The title “active member” designates any person working in massage therapy who meets the membership requirements of the Fédération and who is not temporarily struck off the roll, suspended or permanently dismissed, as ordered by the board of directors or as ordered by the disciplinary committee and ratified by the board of directors.

Article 9. Student member

The title “student member” designates any person who is studying massage therapy at a school accredited by the Fédération and who meets the membership requirements of the Fédération.

Article 10. Honorary member

The title “honorary member” designates any person who has been of service to the Fédération through his work or donations or who supports the mission and objectives of the Fédération. Honorary members are appointed by the board of directors. If applicable, they retain their rights and privileges as active members.

Article 11. Supporting member

The title “supporting member” designates any person intent on promoting or supporting the mission and objectives of the Fédération.

Article 12. Inactive member

The title “inactive member” designates any active member of the Fédération who meets the admission requirements determined by the board and who chooses to take a temporary leave from massage therapy practice for a period of up to two (2) years. While the member does not lose his gains in terms of training during this period, he shall not enjoy the same privileges and services as active members. If the leave period extends beyond the maximum two years, the member’s file will be closed. Barring exceptional circumstances, a member who has been inactive may not request inactive status again for a period of 36 consecutive months subsequent to the two-year inactive period. During these 36 months, he must be a practicing and active member of the Fédération.

Article 13. Admission

Current and new members must meet the following requirements:

- a) must be a person referred to in article 7;
- b) must complete the application forms for membership with the Fédération;
- c) must comply with the regulations of the Fédération;
- d) must comply with the membership criteria set out by the board;
- e) must pay membership dues based on their membership category and on the rates established by the Fédération;
- f) must not be temporarily or permanently struck off the roll by the Fédération;
- g) must not be struck off the roll of other professional associations recognized by law or otherwise;
- h) must not sit on the board of directors of an association in competition with the Fédération;
- i) must not be in conflict of interest with the Fédération, either directly or indirectly;
- j) regardless of the circumstances, must not be found guilty of an act or omission described in the Criminal Code (Revised Statutes of Canada (1985), chapter C-46) as a violation, or of any violations described in section 183 of the Criminal Code or in any of the laws therein, where the facts pertaining to his guilt relate to the practice of massage therapy.

Article 14. Striking off the membership roll

Any member who fails or refuses to comply with the code of ethics or with any other regulation ratified by the board of directors may be temporarily or permanently struck off the membership roll by a resolution of the board of directors or a decision taken by the disciplinary committee. This decision shall be final and without appeal.

CHAPTER 3 ▪ CODES AND REGULATIONS

Article 15. Code and regulation

By resolution, the board shall establish:

- a code of ethics;
 - general regulations;
 - a professional inspection regulation.
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CHAPTER 4 ▪ MEMBERSHIP DUES

Article 16. Annual dues

By resolution, the board of directors shall determine the annual membership dues paid to the Fédération based on the membership category. These dues are subsequently submitted to members for approval at the annual general assembly.

Membership dues are not refundable.

Membership dues are payable on or before March 31 of each year. Once a membership file is closed, the candidate wishing to renew his membership must defray the administrative costs set by the board as well as full membership dues for the year in progress

By resolution, the board of directors may establish special terms of payment.

CHAPTER 5 ▪ ANNUAL GENERAL ASSEMBLY

Article 17. Composition

The annual general assembly is made up of active members of the Fédération. Members in other categories are entitled to attend with the right to speak but without the right to vote.

Article 18. Powers vested in the annual general assembly

At the annual general assembly, members shall:

- elect members of the board of directors;
- receive reports from the chair of the board as well as committees and the executive director of the Fédération;

- rule on all issues in accordance with the powers vested in the assembly by these articles of association;
- ratify any amendments made by the board to the regulations and the code of ethics;
- receive the auditor's financial statements and his report;
- appoint auditors of accounts;
- advise directors on the policy directions of the Fédération.

Article 19. Annual General Assembly

Every year the Fédération shall hold an annual general assembly of members, with the board of directors determining the location, content and date of the assembly. The assembly must be held within 120 days of the end of the Fédération's financial year.

Article 20. Special general assembly

At any time, the chair or the board may call a special general assembly and determine the time and date thereof.

However, where at least 10% of active members file a written request to hold a special general assembly and forward it to the head offices of the Fédération, the board of directors must call a special general assembly within 21 business days of the request date. Such a request must specify the items on the agenda and only these items may be discussed.

Article 21. Notice of assembly

Written notice of an annual general assembly or a special general assembly must be forwarded to each member at least ten (10) business days prior to the date of the assembly. The notice must include the agenda for the assembly and any relevant documentation. Accidental failure to forward the notice to one or more members or non-receipt of this notice by any person will not render invalid resolutions adopted at this meeting. A member's presence at an assembly will be understood to mean that he has been notified.

Article 22. Quorum

The quorum shall be constituted of persons in attendance.

Article 23. Right to vote

Only active members hold the right to vote, and each holds one vote. Votes shall be held by a show of hands unless three (3) members with the right to vote or the chair of the assembly require that a vote be held by secret ballot, or unless these articles of association expressly stipulate that such a vote be held.

In the event that a vote is held by secret ballot, the chair of the assembly shall appoint two (2) scrutineers from among the persons in attendance who do not hold the right to vote. All voting is supervised by the chair. Proxy voting is not allowed.

Unless otherwise indicated by law, questions submitted to the assembly of members shall be decided by a simple majority of valid votes cast.

Article 24. Casting vote

In the event of a tie in the vote, the chair of the assembly shall not have a casting vote.

Article 25. Chairmanship and secretariat of the assembly and of voting

The chairmanship and secretariat of the assembly shall be assumed by persons recommended by the board and approved by the general assembly.

The election chairmanship and secretariat shall be assumed by members of the board of directors' nominating committee.

Article 26. Assembly procedures

The assembly chairmanship is responsible for the conduct and procedures of the assembly.

CHAPTER 6 ■ BOARD OF DIRECTORS

Article 27. Composition

The board of directors shall be made up of seven (7) members.

Article 28. Powers

The board has the power and the obligation to administer all of the affairs of the Fédération, provided that it complies with the laws in force in Quebec as well as the code of ethics and regulations of the Fédération.

Article 29. Officers

The officers shall be the chair, deputy chair, secretary-treasurer and the executive director. Their roles and duties shall be determined by the board.

Article 30. Eligibility

Only active members are eligible to sit on the board of directors. In order to ensure a better representation of the professional environments and complementary skills, the board may fill two (2) vacant seat with people from outside the organization who have an interest in massage therapy and who have competencies that complement those of other board members. These two people hold the right to vote.

Any member of the board of directors is eligible for re-election. Only active members who have not been sanctioned, who have been struck off the membership roll by the disciplinary committee or who do not have a file under review are eligible to sit on the board of directors.

Article 31. Election procedure

On an annual basis, the nomination committee, made up of three (3) members of the board not running for election, has a mandate to review contributions by board members and to recommend a list of persons to fill the director seats up for election each year.

No more than 30 days prior to the annual general assembly, the committee must issue a written list of the persons it is recommending for director seats in the following year.

No less than 21 days prior to the annual general assembly, the board must report to members concerning the nominations it has retained. Only active members are eligible to sit on the board of directors. In order to ensure a better representation of the professional environments and complementary skills, the board may fill two (2) vacant seats with people from

outside the organization who have an interest in massage therapy and who have competencies that complement those of other board members. These two people hold the right to vote.

Any member of the board of directors is eligible for re-election. Only active members who have not been sanctioned, who have been struck off the membership roll by the disciplinary committee or who do not have a file under review are eligible to sit on the board of directors.

A member in good standing may be nominated provided that his candidacy is forwarded to the head office of the Fédération at least ten (10) days prior to the annual general assembly and supported by three (3) active members in good standing.

Persons recommended by the board shall be automatically elected if they are the only persons nominated. If there are more candidates than seats available, the annual general assembly

shall elect new directors by secret ballot. Seats shall be filled by candidates who receive the largest number of votes. Any ballot with more marks than seats to fill shall be rejected.

Article 32. Duration of the mandate

A director's mandate shall span a period of two (2) years and the number of mandates is limited to three (3). The board shall be renewed on an alternating basis every year. The rotating mechanism for electing directors shall operate as follows: directors' seats are numbered from 1 to 7. Seats 1, 3, 5 and 7 are up for election in odd-numbered years, while seats 2, 4 and 6 are up for election in even-numbered years. A director's mandate shall begin at the end of the annual general assembly during which he is elected.

A member who completes three (3) consecutive mandates as a director may not seek re-election for a period of two (2) years.

Article 33. Vacant seats

By resolution of the board, any vacancy on the board may be filled for the duration of the mandate not completed by the person vacating his seat. In the event that there are several seats to fill on the board, the person elected with the most votes shall hold the seat with the longest mandate. In the meantime, the board may validly continue to perform its duties provided that the quorum remains in force at each meeting.

Article 34. Resignation

Any member of the board of directors may resign by forwarding written notice to the board of directors of the Fédération, at which point the resignation becomes effective.

Article 35. Dismissal

A director shall be automatically dismissed from the board and will lose his seat if he:

- a) loses active member status with the Fédération, except where the director is from outside the organization;
- b) is absent at more than two (2) consecutive meetings of the board of directors or three (3) meetings during the financial year;
- c) resigns from the board;
- d) no longer meets the requirements listed in the article on admission, except where the person is from outside the organization;
- e) is dismissed by two thirds (2/3) of active members voting at a special general assembly on the matter.

- f) is under protective supervision;
- g) is deceased;
- h) has a file under review or is found guilty of violating the code of ethics by the disciplinary committee;
- i) is the director of a massage therapy school or sits on the board of directors of such as school;
- j) sits on the board of directors of another massage therapy association or an association that includes massage therapy.

Article 36. Remuneration

Members of the board of directors shall receive a director's fee for attending regular and special board meetings as well as the annual general assembly. In addition, they may be remunerated for work on various dossiers, committees and representations related to the board of directors, up to a maximum of ten hours per financial year, for a total of \$210 per year.

However, in the performance of their duties, members sitting on the disciplinary committee shall not have their remuneration hours limited.

Article 37. Frequency

Directors shall meet as often as necessary, with a minimum of four (4) meetings per year.

Article 38. Meetings of the board of directors

Meetings of the board of directors shall be called by the secretary or the chair, as directed by the chair or following a written request from at least two directors. Meetings shall be held at the head offices of the Fédération or at any other location determined by the chair or the board.

Article 39. Notice of meeting

The notice of meeting for a board of directors' meeting shall be given in writing, by telephone or by any other computer-assisted or electronic means. The notice of meeting must be given at least 24 hours in advance. The presence of a director at a meeting shall be understood to mean that he has received notice, except where he is attending to argue that he was not notified.

Article 40. Quorum and vote

The quorum shall be made up of four (4) directors. Decisions shall be made by a majority of votes, and the chair shall not hold a casting vote. In the event of an equality of votes, the status quo shall prevail.

Article 41. Chair and secretary of the assembly

Meetings of the board of directors shall be chaired by the executive director of the Fédération. Directors are also free to appoint someone from among themselves to act as chair and/or secretary of the meeting.

Article 42. Procedure

The chair shall ensure that the meeting proceeds smoothly and, in general, shall initiate procedures related to all reports.

Article 43. Decision made outside of a meeting

Members of the board may meet without notice provided that all agree to waive the notice of meeting. A resolution signed by all directors shall have the same validity as a resolution adopted in a regular meeting. This resolution shall constitute the minutes.

Article 44. Other participation

If all directors agree, a board of directors' meeting may be held by means that allow all directors to speak to one another, notably by telephone. They will thereby be deemed to have attended a meeting.

Article 45. First meeting

Directors are required to meet once a year, immediately after the annual general assembly, for purposes of electing officers of the Fédération from among themselves. Officers shall begin their mandate as soon as they are elected. This meeting may be held without notice.

Article 46. Conflict of interest

This article does not have a coercive intent but it meant, above all, to assure all board members that the purposes and work of the FQM are achieved in a just and objective manner. Its intention, therefore, is to set out ethical and structural guidelines aimed at helping board members participate in a manner that is harmonious, objective, impartial and honest.

Where the personal interest of a director is placed before the public interest to gain a private or personal benefit, there is conflict of interest; the director is in conflict of interest if he:

- is found guilty of influence-peddling;
- acts as judge and defendant;
- seeks undue considerations for himself or for another person;
- is found guilty of insider trading.

In the performance of their duties, all directors are therefore required to:

- comply with the code of ethics of the FQM as well as act in the public interest;
- refuse money or any other reward or consideration, regardless of where it comes from, except if provided for by the policies of the FQM;
- respect the confidentiality of information acquired during and after their mandate for a period of two (2) years.

In the event that the director performs another official duty in connection with the Fédération (evaluator, inspector, professor, etc.), he is required to act with sound judgment, transparency, foresight and maturity. These roles must be kept separate at all times. The duty to remain silent must also be respected.

Directors of the Fédération must act within the limits of the powers vested in them and must demonstrate care, prudence, diligence and competence, as would any reasonable person under similar circumstances. In other words, they must act with honesty, loyalty and in the interests of the Fédération. On pain of forfeiting office, directors are required to declare their direct or indirect interest, distinct from that of the Fédération, in a contract or a matter that involves the Fédération, and this declaration must be recorded in the minutes. The director with such an interest may not take part in a discussion or a decision related to the contract or matter at issue and must leave the room for the duration of these discussions or until a decision is made.

Directors must refuse any consideration or resist any attempt to influence them, regardless of where it comes from, on matters related to confidentiality and the orientation of the work carried out by the board of directors.

Failure on the part of a director to comply with this article shall not nullify the decision; however, it renders the director accountable to the Fédération and to its members and creditors for benefits stemming from the contract or matter at issue. This situation may lead to his dismissal as director.

Article 47. Compensation

Each director of the Fédération shall assume the duties of a director, including that of officer, on the expressed condition that the Fédération, in accordance with its current commitment, exonerates him from all liability and indemnifies him as well as his successors or beneficiaries against any claim, action, expense or charge stemming from an action or omission in the performance of his duties, with the exception of fraud committed directly by the director or resulting from his negligence or intentional omission. The Fédération is committed to defending the director under the circumstances cited above. The Fédération must use its own funds for this purpose and must secure the proper insurance.

CHAPTER 7 ▪ COMMITTEES

Article 48. Standing committees

There are two standing committees at the Fédération, each made up of members of the board of directors: the nomination committee and the evaluation committee on the performance of the executive director.

The chair of the board of directors shall sit on both (2) standing committees.

Article 49. Ad hoc committees

For a specific period and purpose, the board of directors may create special committees as well as appoint members of those committees in accordance with the needs of the Fédération. These committees shall deal with items in relation to which they have received training, and they must report to the board. Ad hoc committees shall be dissolved at the end of their mandate.

Article 50. Nomination committee

The nomination committee shall be composed of three members of the board who are not up for election in accordance with Article 31 of these regulations.

The nomination committee's mandate is to:

- develop and review criteria for selecting members of the board, and secure approval from the board;
- provide relevant information to candidates intent on running for election to fill vacant seats;
- recruit members to act as directors at the end of each director's mandate, in the event that there are not enough candidates to fill the vacant seats;
- conduct an objective evaluation of each director's contribution to the achievement of the board's specific objectives when his mandate comes to an end;

- adequately supervise the election process determined by the board, make subsequent recommendations to the board concerning the election process, and recommend ways and means of improving it;
- organize an annual training session for new board members, which could also serve as an introductory meeting.

Article 51. Evaluation committee on the performance of the executive director

The board shall be responsible for conducting an annual evaluation of its executive director.

The evaluation committee on the performance of the executive director shall be composed of three (3) members of the board. Its mandate is to apply the policy in force concerning the evaluation of the executive director's performance.

CHAPTER 8 ▪ SYNDIC

Article 52. Syndic and assistant syndic

The executive director shall appoint a syndic, and, if necessary, assistant syndics from among active members of the Fédération not sanctioned by the disciplinary committee.

In the event that the executive director is unable to appoint a syndic from among active members of the Fédération, he shall appoint a syndic who is not a member of the Fédération.

The executive director must take measures to ensure that the independence of the syndic and assistant syndics is preserved at all times in the performance of their duties.

The syndic and assistant syndics may not perform other duties related to the application of provisions set out in the regulations of the Fédération.

The syndic may appoint any expert.

Article 53. Solemn declaration

The syndic and assistant syndics must issue a solemn declaration using the content and form contained in Appendix 1.

Article 54. Powers and obligations

On receiving information to the effect that a member has violated the code of ethics or specific regulations, the syndic and assistant syndics may investigate the matter and require the disclosure of all information and documents related to it.

The syndic and assistant syndics shall be given full scope to lead their investigation, and all members are prohibited from obstructing their work in any way, notably by deceiving through failure to disclose or false declarations, by refusing to disclose information or a document related to the investigation held in accordance with this regulation, or by refusing to allow the syndic or assistant syndics to copy a document related to the investigation.

The syndic and assistant syndics shall hold recommending power.

The syndic must present an annual report to the general assembly on the activities of the office of the syndic.

Article 55. Request for investigation

All investigation requests must be forwarded in writing to the syndic and must include the name, address and telephone number of the person making the request. As well, the said investigation must include the contact information on the person under investigation.

Article 56. Acknowledgement of receipt

In the ten (10) business days following the receipt of the investigation request, the syndic must forward a written acknowledgement of receipt by registered mail to the person requesting the investigation.

Article 57. Conciliation

Any time before a complaint against a member is filed with the disciplinary committee, the syndic who believes that the facts alleged in support of the investigation request may be the object of a settlement, may recommend conciliation to the complainant and the member concerned.

If the complainant and the member agree to conciliation, the syndic shall take reasonable means, based on all of the circumstances, to arrive at a settlement. Any settlement stemming from conciliation must be recorded in writing, approved by the syndic, and signed by the complainant and the member. The investigation request shall then be deemed to be withdrawn.

However, the syndic may not recommend conciliation where he deems that the facts alleged in support of the investigation request are such that the protection of the public may be compromised if the member continues to practice.

Article 58. Notice to the complainant

Once the investigation request is made, the syndic or assistant syndic, within a reasonable period, must provide written notice to the person requesting the investigation on a member's conduct of his decision whether or not to file a complaint with the disciplinary committee. This written notice must be forwarded to the complainant by registered mail. If the syndic or assistant syndic chooses not to file a complaint with the disciplinary committee, he must explain to the latter in writing the reasons for his decision.

When a complaint is filed, the syndic or assistant syndic, at the request of the complainant, must notify the latter in writing of the decision made by the disciplinary committee after it is approved by the board. Notice must be forwarded to the complainant by registered mail.

CHAPTER 9 ▪ DISCIPLINARY COMMITTEE

Article 59. Composition

The board shall appoint a disciplinary committee to hear and rule on any complaint filed against a member of the Fédération.

The disciplinary committee shall be composed of at least three (3) persons, among them a chair. At least two (2) of its members must be appointed by the board from among members of the Fédération. The board shall determine the duration of their mandate.

The secretary of the disciplinary committee may not be a member of the disciplinary committee. However, he must attend all meetings and sessions in order to fulfil his obligation, which essentially consists of applying the provisions in these regulations as they relate to the secretary.

To replace a member of the disciplinary committee, the board, with the exception of its chair, who would be unable to act or in conflict of interest in a specific case, shall appoint a specific number of adequately trained members, from among whom the secretary of the disciplinary committee may choose a substitute.

Article 60. Powers and obligations

Any complaint against a member of the Fédération for an alleged violation of its regulations or code of ethics shall be referred to the disciplinary committee. In this regard, the disciplinary committee may adopt any regulation aimed at ensuring internal governance related to the processing of complaints.

As well, the disciplinary committee may issue non-publication or non-disclosure orders concerning any information that makes it possible to identify a person who has lodged a complaint with the disciplinary committee.

The secretary of the disciplinary committee shall report to the board on an annual basis concerning the committee's activities. In particular, this report must indicate the number and nature of the complaints received, the number of complaints rejected, the number and nature of the sanctions imposed, and the identity of the complainants.

Article 61. Dismissal

A vote by two thirds (2/3) of board members shall be required to relieve the chair, secretary or members of the disciplinary committee of their duties, pending a hearing. The board may not adopt a resolution to dismiss any of the latter until it has notified them thereof in writing, citing the reasons for their dismissal and their right to a hearing at least 30 days prior to the date of the meeting during which the resolution is passed.

Article 62. Vacancy

Where a member of the committee is unable to act as a result of an absence or illness or any other cause, he may be replaced by a person appointed by the board and designated by the secretary of the disciplinary committee.

Article 63. Conflict of interest

Any member of the disciplinary committee with a kinship, close friendship or association with a member brought before the disciplinary committee must inform the secretary of the committee of this relationship and must be replaced by another member by referring to the bank of potential members of the disciplinary committee constituted for this purpose.

Article 64. Solemn declaration

The members and the secretary of the disciplinary committee must issue a solemn declaration using the content and form contained in Appendix 1.

Article 65. Meeting

The disciplinary committee shall meet as often as necessary, at the call of its chair. Disciplinary committee meetings may be held without notice if all members are present. Otherwise, notice of meeting must be given two (2) clear days in advance and must be given in writing (by mail) or by telephone. The secretary shall record the minutes of each meeting of the disciplinary committee.

Article 66. Chairmanship

Meetings shall be conducted by the chair of the disciplinary committee.

Article 67. Quorum

The quorum of any disciplinary committee meeting or of any hearing before this committee shall be composed of three (3) persons, among them the chair.

Article 68. Obligations of the secretary

In particular, the secretary must prepare and keep the disciplinary committee's files as well as ensure that they are accessible, in accordance with this regulation.

The secretary shall also keep a cause list and ensure that it is available at the head office at least ten (10) days prior to the hearing.

Article 69. Complaint to the secretariat

Any complaint against a member must be filed with the secretary of the disciplinary committee.

Article 70. Form and content

The complaint must be made in writing and must be accompanied by a solemn declaration from the complainant using the form contained in Appendix 2. The complaint must summarize the nature, time and location of the alleged violation as well as the circumstances under which it took place.

Article 71. Notice to member

By registered mail, the secretary of the disciplinary committee shall forward written notice of the complaint to the member concerned.

Article 72. Appearance

The member against whom the complaint is made or his representative must appear before the disciplinary committee within ten (10) days of receiving notice.

Article 73. Declaration

In support of the appearance, the member must present a written declaration specifying whether he acknowledges the violation alleged. If no such declaration is made during the appearance, it will be presumed that the member does not acknowledge the alleged violation.

Article 74. Challenge

A decision may be challenged in writing within ten (10) days of the member's appearance before the disciplinary committee.

Article 75. Temporary striking off the membership roll

The complaint may require that the member be temporarily struck off the Fédération's membership roll (effective immediately) where the facts alleged are such that their continuation or repetition entails a risk of seriously compromising public protection.

Article 76. Waiting period for a hearing

The hearing on the motion to temporarily strike a member off the roll must begin within ten (10) days of notifying the member of the complaint, and the secretary of the disciplinary committee must advise the member concerned at least three (3) court days prior to the hearing.

Article 77. Order to temporarily strike a member off the roll

Following the hearing, the disciplinary committee may render an order to temporarily strike the person concerned off the membership roll if it deems that the protection of the public requires it.

Article 78. Compliance order

The order to temporarily strike a member off the roll shall be effective as soon as he is notified in writing by registered mail and shall remain in force until the disciplinary committee delivers a final decision, unless the latter decides otherwise. However, if the order is rendered with the parties present, the member concerned shall be deemed to have been notified.

Article 79. Opposability of a member

The decision to temporarily strike a member off the roll shall come into force when he is duly notified.

Article 80. Assistance of an advocate

Any party or witness summoned to appear before the disciplinary committee shall have the right to be assisted or represented by a lawyer.

Article 81. Notice of hearing

The secretary of the disciplinary committee shall notify the member concerned of the complaint against him as well as the date, time and place of the hearing. Notice must be given in writing at least three (3) clear days prior to the hearing and must be forwarded by registered mail.

Article 82. Deposition and in camera

Depositions shall be recorded, unless all parties decide otherwise. Any hearing shall be public. However, the disciplinary committee, of its own initiative or on request, may order the camera in the interest of morality or public order, notably to protect a person's confidentiality or reputation.

Article 83. Procedure

The disciplinary committee may resort to legal means to obtain the facts alleged in the complaint.

Article 84. Defence

The disciplinary committee must allow the member against whom the complaint is filed to be heard and to present a full and complete defence.

Article 85. Absence

The disciplinary committee may proceed in the absence of the member concerned if he fails to show up in spite of being duly notified of the date and location of the hearing.

Article 86. Summons to witnesses

The disciplinary committee may summon witnesses if it or one of the parties deems it useful. The summons must be signed by the secretary of the committee and forwarded by registered mail.

Article 87. Responding to questions

The member is required to answer all questions. However, the committee may not force a person who is not a member of the Fédération to appear, even if he has been summoned.

Article 88. Minutes and content

The secretary shall record the minutes of the hearing and the decision of the disciplinary committee in a special register. If there is no such recording, the minutes shall include a deposition summary, which may be held as evidence.

Article 89. Decision

The disciplinary committee shall rule on whether the member concerned has violated the code of ethics and the regulations of the Fédération.

Article 90. Recording of the decision

The disciplinary committee's decision must be recorded and signed by all members. The record must include the operative part of the decision as well as the reasons for it.

Article 91. Enforceable decision

The disciplinary committee shall table a decision, and its decision shall come into force the moment it is rendered.

Board members taking part in a decision by the disciplinary committee shall not have the right to vote on its ratification.

Decisions of the disciplinary committee shall be ratified at the next board of directors' meeting.

Article 92. Notice of decision

The secretary of the disciplinary committee shall notify the member concerned of its decision as soon as practicable. Notice must be given in writing and must be forwarded by registered mail.

Article 93. Sanction

If the disciplinary committee rules that the member concerned is guilty of the violation alleged, the committee shall have 30 days to recommend the appropriate sanction(s) to the board.

Article 94. Hearing with the parties

The parties shall be entitled to a hearing on the subject of the sanction determined by the disciplinary committee.

Article 95. Notice of hearing

The secretary of the disciplinary committee must notify the member concerned of the date and time of the hearing with the parties at least three (3) clear days before it is held. Notice must be given in writing and must be forwarded by registered mail.

Article 96. Potential sanctions

In the event that the member is found guilty, the disciplinary committee shall determine the sanction(s), which may include:

- a reprimand;
- continued professional training;
- a temporary or permanent striking off the Fédération's membership roll;
- a fine of at least \$100 up to a maximum of \$1,000 for each violation, payable to the Fédération;
- therapy and/or supervision by intervenors, as recommended by the disciplinary committee and the board.

Article 97. Terms of sanctions

The disciplinary committee shall determine the terms and conditions of sanctions imposed on the member concerned.

Article 98. Collection of fines

The Fédération may proceed by means of seizure to collect the fines imposed.

Article 99. Notice to member

The secretary of the disciplinary committee must notify the member concerned of the sanction imposed as soon as practicable. Notice must be given in writing and must be forwarded by registered mail.

Article 100. Opposability of the member

The disciplinary committee's decision to impose a sanction may be challenged by the member concerned provided that he has been notified in writing by registered mail.

Article 101. Appeal

The decisions of the disciplinary committee concerning the culpability of a member and the related sanctions shall be final and without appeal from the moment they are ratified by the board.

Article 102. Composition

The executive director shall appoint a professional inspection committee to oversee the practice of massage therapy and formulate recommendations related to its practice by members of the Fédération.

The professional inspection committee shall be composed of at least three (3) members of the Fédération, including a chair, appointed by the executive director from among members with no less two (2) years of practice in massage therapy and two years of membership with the Fédération. Each member of the professional inspection committee shall complete a mandate lasting one (1) year, and his mandate shall be renewable.

The executive director shall also appoint a secretary of the professional inspection committee from among the members of the Fédération or its permanent staff. The secretary shall not sit on the professional inspection committee but is required to attend all committee meetings and hearings.

Article 103. Powers and obligations

The mandate of the professional inspection committee is to oversee the practice of massage therapy by members of the Fédération. To achieve this, it must ensure compliance with the professional inspection regulation.

The professional inspection committee shall establish an annual inspection program. An inspection may also be requested by the board, the committee, the syndic or the executive director.

Each inspection must be the object of a report containing:

- a general information sheet on the member under investigation;
- the inspector's report;
- any documents or information related to the inspection and to the inspector's recommendations.

The inspector shall report members not complying with the standards set out in the professional inspection regulation to the professional inspection committee.

The professional inspection committee shall evaluate inspectors' reports and make recommendations to the executive director.

If applicable, the professional inspection committee must provide the syndic with information that could justify an investigation, if the inspector determines that the member under investigation has violated the code of ethics or the general regulations.

It is forbidden to in any way hinder a member of the professional inspection committee or an inspector in the performance of duties conferred by this regulation, to mislead through failure to disclose or false declarations, to deny the latter information or documents related to the performance of his duties, or to refuse to allow him to copy such a document.

Every year, at the end of its mandate, the professional inspection committee must present a report on its activities to the annual general assembly.

Article 104. Vacancy

When a member of the professional inspection committee is not able to act due to an absence or illness or any other cause, he may be replaced by a person appointed by the executive director.

Article 105. Conflict of interest

Any member of the professional inspection committee with a kinship, close friendship or association with the member under investigation by the committee must notify its chair of this fact, and the chair shall thereby replace the member with another member of the professional inspection committee.

Article 106. Solemn declaration

The members and the chair of the professional inspection committee must issue a solemn declaration using the content and form contained in Appendix 1.

Article 107. Meetings

The professional inspection committee shall meet as often as necessary, at the call of its chair. Professional inspection committee meetings may be held without notice if all members are present. Otherwise, a notice of meeting must be given three (3) clear days in advance and may be given in writing (by mail) or by telephone. The secretary shall record the minutes of each meeting of the professional inspection committee. Meetings shall be conducted by the chair of the committee.

Article 108. Quorum

The quorum of all meetings of the professional inspection committee shall be composed of three (3) persons, including a person in charge.

Article 109. Obligations of the chair of the professional inspection committee

The duties of the chair of the professional inspection committee shall include keeping a record of information related to inspections carried out, recording the minutes of all committee meetings and hearings, and, if applicable, recording the recommendations of the committee.

Article 110. Secretariat

The secretariat of the professional inspection committee shall be located at the head offices of the Fédération, and all minutes of committee meetings and hearings as well as reports and documents must also be kept at the head offices of the Fédération.

Article 111. Right of access

Only the members of the professional inspection committee, the chair of the professional inspection committee or the executive director of the Fédération shall have access to the minutes, reports and documents of the committee.

Not with standing the first clause, the member concerned shall have the right to take cognizance of any report filed on him by an inspector or a committee and to make copies thereof.

However, the member who wishes to exercise this right must schedule an appointment with the chair of the professional inspection committee. The consultation must be carried out at the head offices of the Fédération in the presence of the latter.

Article 112. Right to inspection

Normally, the professional inspection committee or a member of the committee mandated to carry out an inspection must schedule an appointment with the person under investigation within a reasonable time period. However, under special circumstances clearly explained in the inspection report, the committee or the member mandated to carry out the inspection may proceed without prior notice.

Article 113. Right to a hearing

The member under investigation shall be entitled to a hearing before the professional inspection committee, and the inspector in charge may not attend this hearing. The committee must forward a summary of the violations cited to the member under investigation, together with a copy of the inspection report, a copy of this regulation and a copy of the professional inspection regulation. The member then has ten (10) days to be heard, either in writing or in person. If applicable, the committee must take steps to notify the member of the date of the hearing. If the member does not express a wish to be heard, the professional inspection committee may proceed.

Article 114. Information to the syndic

Where the professional inspection committee has reasonable grounds to believe that a member has violated the code of ethics of the Fédération, it must inform the syndic for purposes of an investigation.

CHAPTER 11 ■ FINANCIAL PROVISIONS

Article 115. Financial year

The financial year of the Fédération ends on March 31 of each year.

Article 116. Audit

Every year, as soon after the end of the financial year as possible, an auditor shall be appointed at the annual general assembly to audit the books and financial statements of the Fédération.

Article 117. Dissolution

In the event that the Fédération is dissolved and discharged of its debts and that its affairs are settled, all of its remaining funds and property shall be remitted, tax-free, to one or more non-profit organizations with the same objectives as the Fédération.

Article 118. Banking papers

All banking papers and contracts shall be governed by a financial practices policy adopted or amended over time by the board.

CHAPTER 12 ▪ DECLARATION

Article 119. Declaration

The chair, deputy chair, secretary or treasurer or any other officer or person mandated by the board of directors shall have the authority to answer on behalf of the Federation regarding all warrants, orders and examinations on articulated facts issued by any court of justice, to answer on behalf of the Federation regarding any seizure by garnishment in which the Federation is the garnishee, to make any affidavit or solemn declaration connected with such seizure by garnishment or connected with any procedure to which the Federation is a party, to institute petitions for the abandonment of property or petitions for a winding-up order or a sequestration order against any debtor of the Federation and to grant proxies pertaining to such procedures.

CHAPTER 13 ▪ THE EXECUTIVE DIRECTOR

Article 120. The executive director

The executive director shall be hired by the board to manage the affairs of the Fédération, hire and manage staff at the Fédération and coordinate staff activities.

The board shall determine a policy related to the executive director's duties as well as his remuneration. The executive director shall attend all board and committee meetings held by the Fédération, with the exception of meetings held by the disciplinary committee and the committing evaluating the performance of the executive director.

An affirmative vote of five directors shall be required to hire or dismiss the executive director and to adopt or amend his duties.

CHAPTER 14 ▪ ADOPTION AND AMENDMENT OF GENERAL REGULATIONS

Article 121. Amendment of regulations

The board has the power to adopt, amend or repeal the regulations of the Fédération.

Unless otherwise indicated by law, each adoption, amendment or repeal of a regulation, unless ratified by a special general assembly, shall be enforceable but will not be ratified until the next annual general assembly. If it is not ratified at the next annual general assembly, it will not come into force.

Any ratification must be approved by a simple majority of voting members attending an annual or special general assembly called for this purpose, with the exception of amendments to letter patents (a change in the corporate name of the Fédération, in the number of directors, in the subject of patent letters or in any other provision related to patent letters, and in the location of the head office) requiring the approval of two thirds of voting members attending a special annual assembly duly called for this purpose.

APPENDIX 1

Solemn declaration of discretion

I, the undersigned, solemnly declare that, unless obligated by law, I will not disclose or make known any information acquired in the practice of my profession as a:

APPENDIX 2

Declaration of truthfulness

I, the undersigned, solemnly declare that the information has been given to the best of my knowledge.



Fédération québécoise
des massothérapeutes
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