



CCSO

Canadian College of
Specialties in Optometry

Collège canadien des
spécialités en optométrie

Bylaws relating generally to the conduct of the affairs of The Canadian College of Specialties in Optometry ("CCSO")

Section 1 - Definitions, Purpose and Interpretation

1.1. Definitions

- 1.1.1. "**Act**" means the *Canada Not-For-Profit Organizations Act* S.C. 2009, c. 23 including the Regulations made pursuant to the Act, and any statute or regulations that may be substituted, as amended from time to time;
- 1.1.2. "**articles**" means the original or restated articles of the CCSO or articles of amendment, amalgamation, continuance, reorganization, arrangement or revival of the CCSO;
- 1.1.3. "**board**" means the board of directors of the CCSO and "director" means a member of the board;
- 1.1.4. "**bylaws**" means all bylaws of the CCSO as amended and which are, from time to time, in force and effect;
- 1.1.5. "**meeting of members**" includes an annual meeting of members or a special meeting of members; "special meeting of members" includes a meeting of any class or classes of members and a special meeting of all members entitled to vote at an annual meeting of members;
- 1.1.6. "**ordinary resolution**" means a resolution passed by a majority of not less than 50% plus 1 of the votes cast on that resolution;
- 1.1.7. "**proposal**" means a proposal submitted by a member of the CCSO that meets the requirements of section 163 (Member Proposals) of the Act;
- 1.1.8. "**Regulations**" means the regulations made under the Act, as amended, restated or in effect from time to time; and
- 1.1.9. "**special resolution**" means a resolution passed by a majority of not less than two-thirds (2/3) of the votes cast on that resolution.

1.2. Interpretation

- 1.2.1. In the interpretation of these bylaws, words in the singular include the plural and vice-versa, words in one gender include all genders, and "person" includes an individual, body corporate, partnership, trust and unincorporated organization.
- 1.2.2. Other than as specified above, words and expressions defined in the Act have the same meanings when used in these bylaws.

Section 2 – Banking, Finances, and Administration

2.1. Execution of Documents

2.1.1. Deeds, transfers, assignments, contracts, obligations and other instruments in writing requiring execution by the CCSO may be signed by any two (2) of its officers or directors. In addition, the board may from time to time direct the manner in which and the person or persons by whom a particular document or type of document shall be executed. Any person authorized to sign any document may affix the corporate seal (if any) to the document. Any signing officer may certify a copy of any instrument, resolution, bylaw or other document of the CCSO to be a true copy thereof.

2.2. Financial Year End

2.2.1. The financial year end of the CCSO shall be determined by the board of directors.

2.3. Banking Arrangements

2.3.1. The banking business of the CCSO shall be transacted at such bank, trust company or other firm or CCSO carrying on a banking business in Canada or elsewhere as the board of directors may designate, appoint or authorize from time to time by resolution. The banking business or any part of it shall be transacted by an officer or officers of the CCSO and/or other persons as the board of directors may by resolution from time to time designate, direct or authorize.

2.4. Borrowing Powers

2.4.1. The directors of the CCSO may, without authorization of the members,

- 2.4.1.1. borrow money on the credit of the CCSO;
- 2.4.1.2. issue, reissue, sell, pledge or hypothecate debt obligations of the CCSO;
- 2.4.1.3. give a guarantee on behalf and
- 2.4.1.4. mortgage, hypothecate, pledge or otherwise create a security interest in all or any property of the CCSO, owned or subsequently acquired, to secure any debt obligation of the CCSO.

2.5. Annual Financial Statements

2.5.1. The CCSO may, instead of sending copies of the annual financial statements and other documents referred to in subsection 172(1) (Annual Financial Statements) of the Act to the members, publish a notice to its members stating that the annual financial statements and documents provided in subsection 172(1) are available at the registered office of the CCSO and any member may, on request, obtain a copy free of charge at the registered office, by electronic means, or by prepaid mail.

Section 3 – Members, Membership and Member Meetings

3.1. Membership Conditions

- 3.1.1. Subject to the articles, there shall be two classes of members in the Corporation, namely, Class A members and Class B members. The CCSO board of directors may, by resolution, approve the admission of the members. Members may also be admitted in such other manner as may be prescribed by the board by resolution. The following conditions of membership shall apply:
- 3.1.2. Class A Members
 - 3.1.2.1. Class A voting membership in the CCSO shall consist of all members of the board and Fellows of the CCSO (“Fellows”).
 - 3.1.2.2. Members shall be accepted upon:
 - 3.1.2.2.1. election or appointment to the Board, or
 - 3.1.2.2.2. payment of initial fees, qualifying as Fellows, and acceptance of fellowship status by the Board.
 - 3.1.2.3. Fellows of the CCSO shall have the designation of FCCSO.
 - 3.1.2.4. All Fellows who qualify to be Specialists of the CCSO shall have the designation of CCSO(S) and shall retain their fellowship and membership in the CCSO as per the conditions of Class A voting membership.
 - 3.1.2.5. The term of membership of a Class A voting member shall be annual, subject to renewal and payment of dues in accordance with CCSO policies.
 - 3.1.2.6. As set out in the articles, each Class A voting member is entitled to receive notice of, attend and vote at all meetings of members and each such Class A voting member shall be entitled to one (1) vote at such meetings.
- 3.1.3. Class B Members
 - 3.1.3.1. Class B non-voting membership of the CCSO shall consist of:
 - 3.1.3.1.1. Students enrolled in a professional optometric degree (O.D.) program recognized by the Accreditation Council on Optometric Education (ACOE) or students enrolled in an optometric residency program at any ACOE accredited school of optometry,
 - 3.1.3.1.2. Candidates for Fellowship of the CCSO, and
 - 3.1.3.1.3. Honorary Fellows of the CCSO – non-optometrists distinguished for contributions to optometric or vision science.
 - 3.1.3.2. Subject to the Act and the articles, a Class B non-voting member shall not be entitled to receive notice of, attend or vote at meetings of the members of the Corporation.
- 3.1.4. Pursuant to subsection 197(1) (Fundamental Change) of the Act, a special resolution of the members is required to make any amendments to this section of the by-laws if those amendments affect membership rights and/or conditions described in paragraphs 197(1)(e), (h), (l) or (m).

3.2. Transferring Membership

3.2.1. A membership may only be transferred to the CCSO. Pursuant to Section 197(1) (Fundamental Change) of the Act, a special resolution of the members is required to make any amendment to add, change or delete this section of the bylaws.

3.3. Notice of Members Meeting

3.3.1. Notice of the time and place of a meeting of members shall be given to each member entitled to vote at the meeting by mail, courier, personal delivery, telephonic, electronic, or other communication facility to each member entitled to vote at the meeting, during a period of 21 to 60 days before the day on which the meeting is to be held.

3.3.2. Pursuant to subsection 197(1) (Fundamental Change) of the Act, a special resolution of the members is required to make any amendment to the bylaws of the CCSO to change the manner of giving notice to members entitled to vote at a meeting of members.

3.4. Members Calling a Members' Meeting

3.4.1. The board of directors shall call a special meeting of members in accordance with Section 167 of the Act, on written requisition of members carrying not less than 60% of the voting rights. If the directors do not call a meeting within twenty-one (21) days of receiving the requisition, any member who signed the requisition may call the meeting.

3.5. Absentee Voting at Members' Meetings

3.5.1. Pursuant to section 171(1) (Absentee Voting) of the Act, a member entitled to vote at a meeting of members may vote by mailed-in ballot or by means of a telephonic, electronic or other communication facility if the CCSO has a system that enables the votes to be gathered in a manner that permits their subsequent verification.

3.5.2. Pursuant to subsection 197(1) (Fundamental Change) of the Act, a special resolution of the members is required to make any amendment to the bylaws of the CCSO to change this method of voting by members not in attendance at a meeting of members.

3.6. Membership Dues

3.6.1. Members shall be notified in writing of the membership dues at any time payable by them and, if any are not paid within one (1) calendar month of the membership renewal date the members in default shall automatically cease to be members of the CCSO.

3.7. Termination of Membership

3.7.1. A membership in the CCSO is terminated when:

3.7.1.1. the member dies or resigns;

3.7.1.2. the member is expelled, or their membership is otherwise terminated in accordance with the articles or bylaws;

- 3.7.1.3. the member's term of membership expires; or
- 3.7.1.4. the CCSO is liquidated and dissolved under the Act.

3.8. Effect of Termination of Membership

- 3.8.1. Subject to the articles, upon any termination of membership, the rights of the member, including any rights in the property of the CCSO, automatically cease to exist.

3.9. Discipline of Members

- 3.9.1. The board shall have authority to suspend or expel any member from the CCSO for any one or more of the following grounds:

- 3.9.1.1. violating any provision of the articles, bylaws, or written policies of the CCSO;
- 3.9.1.2. carrying out any conduct which may be detrimental to the CCSO as determined by the board in its sole discretion;
- 3.9.1.3. for any other reason that the board in its sole and absolute discretion considers to be reasonable, having regard to the purpose of the CCSO.

- 3.9.2. In the event that the board determines that a member should be expelled or suspended from membership in the CCSO, the president, or such other officer as may be designated by the board, shall provide twenty (20) days notice of suspension or expulsion to the member and shall provide reasons for the proposed suspension or expulsion. The member may make written submissions to the president, or such other officer as may be designated by the board, in response to the notice received within such twenty (20) day period. In the event that no written submissions are received by the president, the president, or such other officer as may be designated by the board, may proceed to notify the member that the member is suspended or expelled from membership in the CCSO. If written submissions are received in accordance with this section, the board will consider such submissions in arriving at a final decision and shall notify the member concerning such final decision within a further twenty (20) days from the date of receipt of the submissions. The board's decision shall be final and binding on the member, without any further right of appeal.

3.10. Proposals Nominating Directors at Annual Members' Meetings

- 3.10.1. Subject to the Regulations under the Act, any proposal may include nominations for the election of directors if the proposal is signed by 2 members entitled to vote at the meeting at which the proposal is to be presented.

3.11. Place of Members' Meeting

- 3.11.1. Subject to compliance with section 159 (Place of Members' Meetings) of the Act, meetings of the members may be held at any place within Canada determined by the board or, if all of the members entitled to vote at such meeting so agree, outside Canada.

3.12. Persons Entitled to be Present at Members' Meetings

3.12.1. The only persons entitled to be present at a meeting of members shall be those entitled to vote at the meeting, the directors and the public accountant of the CCSO and such other persons who are entitled or required under any provision of the Act, articles or bylaws of the CCSO to be present at the meeting. Any other person may be admitted only on the invitation of the chair of the meeting or by resolution of the members.

3.13. Chair of Members' Meetings

3.13.1. In the event that the chair of the board and the vice-chair of the board are absent, the board shall designate a director, officer, or member to chair the meeting.

3.14. Quorum at Members' Meetings

3.14.1. A quorum at any meeting of the members (unless a greater number of members are required to be present by the Act) shall be no less than 5 individuals (of which two must be Board Members) of the members entitled to vote at the meeting. If a quorum is present at the opening of a meeting of members, the members present may proceed with the business of the meeting even if a quorum is not present throughout the meeting.

3.15. Voting at Members' Meetings

3.15.1. At any meeting of members every question shall, unless otherwise provided by the articles or bylaws or by the Act, be determined by a majority of the votes cast on the questions. In case of an equality of votes the motion is defeated.

3.16. Participation by Electronic Means at Members' Meetings

3.16.1. If the CCSO chooses to make available a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during a meeting of members, any person entitled to attend such meeting may participate in the meeting by means of such telephonic, electronic or other communication facility in the manner provided by the Act. A person participating in a meeting by such means is deemed to be present at the meeting. Notwithstanding any other provision of these bylaws, any person participating in a meeting of members pursuant to this section who is entitled to vote at that meeting may vote, in accordance with the Act, by means of any telephonic, electronic or other communication facility that the CCSO has made available for that purpose.

3.17. Members' Meeting Held Entirely by Electronic Means

3.17.1. If the directors or members of the CCSO call a meeting of members pursuant to the Act, those directors or members, as the case may be, may determine that the meeting shall be held, in accordance with the Act and the Regulations, entirely by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.

Section 4 – Directors, Meetings of Directors, and Officers

4.1. Role of the Board of Directors

4.1.1. The Board shall be responsible for the management of the CCSO, including but not limited to: the establishment of policies and procedures, the allocation of resources, the development of programs and examinations, the appointment of officers, and the direction of the affairs of the CCSO.

4.2. Number of Directors

4.2.1. The board shall consist of no greater than seven (7) individuals. In the case of a soliciting organization the minimum number of directors may not be fewer than three (3), at least two of whom are not officers or employees of the CCSO or its affiliates.

4.3. Term of Office of Directors

4.3.1. The directors shall be elected to hold office for a term expiring not later than the close of the fourth annual meeting of members following the election.

4.4. Director Vacancies

4.4.1. In the absence of a written agreement to the contrary, the board may remove, whether for cause or without cause, any director of the CCSO. Unless so removed, a director shall hold office until the earlier of:

- 4.4.1.1. the director's successor being appointed,
- 4.4.1.2. the director's resignation,
- 4.4.1.3. such director ceasing to be a director (if a necessary qualification of appointment) or
- 4.4.1.4. such director's death.

4.4.2. If the position of any director of the CCSO shall be or become vacant, the directors may, by resolution, appoint a person to fill such vacancy.

4.5. Calling of Meetings of Board of Directors

4.5.1. Meetings of the board may be called by the chair of the board, the vice-chair of the board or any two (2) directors at any time. If the CCSO has only one director, that director may call and constitute a meeting.

4.6. Notice of Meeting of Board of Directors

4.6.1. Notice of the time and place for the holding of a meeting of the board shall be given to every director of the CCSO not less than 14 days before the time when the meeting is to be held. Notice of a meeting shall not be necessary if all of the directors are present, and none objects to the holding of the meeting, or if those absent have waived notice of or have otherwise signified their consent to the holding of such meeting. Notice of an adjourned meeting is not required if the time and place of the adjourned meeting is announced at the original meeting. Unless the bylaws otherwise provide, no notice of meeting need specify the purpose or the business to be transacted at the meeting except that a notice of meeting of directors shall specify any matter referred to in subsection 138(2) (Limits on Authority) of the Act that is to be dealt with at the meeting.

4.7. Regular Meetings of the Board of Directors

4.7.1. The board may appoint a day or days in any month or months for regular meetings of the board at a place and hour to be named. A copy of any resolution of the board fixing the place and time of such regular meetings of the board shall be sent to each director forthwith after being passed, but no other notice shall be required for any such regular meeting except if subsection 136(3) (Notice of Meeting) of the Act requires the purpose thereof or the business to be transacted to be specified in the notice.

4.8. Voting at Meetings of the Board of Directors

4.8.1. At all meetings of the board, every question shall be decided by a majority of the votes cast on the question. In case of an equality of votes, the motion is defeated.

4.9. Committees of the Board of Directors

4.9.1. The board may from time to time appoint any committee or other advisory body, as it deems necessary or appropriate for such purposes and, subject to the Act, with such powers as the board shall see fit. Any such committee may formulate its own rules of procedure, subject to such regulations or directions as the board may from time to time make. Any committee member may be removed by resolution of the board of directors.

4.10. Appointment of Officers

4.10.1. The board may designate the offices of the CCSO, appoint officers on an annual or more frequent basis, specify their duties and, subject to the Act, delegate to such officers the power to manage the affairs of the CCSO. A director may be appointed to any office of the CCSO. An officer may, but need not be, a director unless these bylaws otherwise provide. Two or more offices may be held by the same person.

4.11. Officers of the CCSO

4.11.1. Unless otherwise specified by the board (which may, subject to the Act modify, restrict or supplement such duties and powers), the offices of the CCSO, if designated and if officers are appointed, shall have the following duties and powers associated with their positions:

- 4.11.1.1. President – The president shall be the chief executive officer of the CCSO and shall be responsible for implementing the strategic plans and policies of the CCSO. The president shall, subject to the authority of the board, have general supervision of the affairs of the CCSO. The president shall be the chair of the board and shall be a director. The president, shall, when present, preside at all meetings of the board of directors and of the members. The president shall have such other duties and powers as the board may specify.
- 4.11.1.2. President-Elect – The president-elect shall be the vice-chair of the board and shall be a director. If the president is absent or is unable or refuses to act, the president-elect, shall, when present, preside at all meetings of the board of directors and of the members. The president-elect shall have such other duties and powers as the board may specify.
- 4.11.1.3. Secretary-Treasurer– The secretary-treasurer shall attend and be the secretary of all meetings of the board, members and committees of the board. The secretary-treasurer shall enter or cause to be entered in the CCSO's minute book, minutes of all proceedings at such meetings; the secretary shall give, or cause to be given, as and when instructed, notices to members, directors, the public accountant and members of committees; the secretary shall be the custodian of all books, papers, records, documents and other instruments belonging to the CCSO. The secretary-treasurer shall have such duties and powers as the board may specify.
- 4.11.1.4. Other officers of the CCSO may include Academic Committee Chair, Academic Committee Vice-Chair, Chief Governance Officer, Fellowship Review Panel Chair, and/or such other officers as deemed appropriate and duly elected or appointed by the Board.

4.12. Officer Vacancies

4.12.1. In the absence of a written agreement to the contrary, the board may remove, whether for cause or without cause, any officer of the CCSO. Unless so removed, an officer shall hold office until the earlier of:

- 4.12.1.1. the officer's successor being appointed,
- 4.12.1.2. the officer's resignation,
- 4.12.1.3. such officer ceasing to be a director (if a necessary qualification of appointment) or
- 4.12.1.4. such officer's death.

4.12.2. If the office of any officer of the CCSO shall be or become vacant, the directors may, by resolution, appoint a person to fill such vacancy.

4.13. Method of Giving Notice

4.13.1. Any notice (which term includes any communication or document), other than notice of a meeting of members or a meeting of the board of directors, to be given (which term includes sent, delivered or served) pursuant to the Act, the articles, the bylaws or otherwise to a member, director, officer or member of a committee of the board or to the public accountant shall be sufficiently given:

4.13.1.1. if delivered personally to the person to whom it is to be given or if delivered to such person's address as shown in the records of the CCSO or in the case of notice to a director to the latest address as shown in the last notice that was sent by the CCSO in accordance with section 128 (Notice of directors) or 134 (Notice of change of directors);

4.13.1.2. if mailed to such person at such person's recorded address by prepaid ordinary or air mail;

4.13.1.3. if sent to such person by telephonic, electronic or other communication facility at such person's recorded address for that purpose; or

4.13.1.4. if provided in the form of an electronic document in accordance with Part 17 of the Act.

4.13.2. A notice so delivered shall be deemed to have been given when it is delivered personally or to the recorded address as aforesaid; a notice so mailed shall be deemed to have been given when deposited in a post office or public letter box; and a notice so sent by any means of transmitted or recorded communication shall be deemed to have been given when dispatched or delivered to the appropriate communication company or agency or its representative for dispatch. The secretary may change or cause to be changed the recorded address of any member, director, officer, public accountant or member of a committee of the board in accordance with any information believed by the secretary to be reliable. The declaration by the secretary that notice has been given pursuant to these bylaws shall be sufficient and conclusive evidence of the giving of such notice. The signature of any director or officer of the CCSO to any notice or other document to be given by the CCSO may be written, stamped, type-written or printed or partly written, stamped, type-written or printed.

Section 5 – Provisions, Omissions, Amendments, Disputes, and Mediation

5.1. Invalidity of Provisions of these Bylaws

5.1.1. The invalidity or unenforceability of any provision of these Bylaws shall not affect the validity or enforceability of the remaining provisions.

5.2. Omissions and Errors

5.2.1. The accidental omission to give any notice to any member, director, officer, member of a committee of the board or public accountant, or the non-receipt of any notice by any such person where the CCSO has provided notice in accordance with the bylaws or any error in any notice not affecting its substance shall not invalidate any action taken at any meeting to which the notice pertained or otherwise founded on such notice.

5.3. Mediation and Arbitration

5.3.1. Disputes or controversies among members, directors, officers, committee members, or volunteers of the CCSO are as much as possible to be resolved in accordance with mediation and/or arbitration as provided in the section on dispute resolution mechanism of these bylaws.

5.4. Dispute Resolution Mechanism

5.4.1. In the event that a dispute or controversy among members, directors, officers, committee members or volunteers of the CCSO arising out of or related to the articles or bylaws, or out of any aspect of the operations of the CCSO is not resolved in private meetings between the parties then without prejudice to or in any other way derogating from the rights of the members, directors, officers, committee members, employees or volunteers of the CCSO as set out in the articles, bylaws or the Act, and as an alternative to such person instituting a law suit or legal action, such dispute or controversy shall be settled by a process of dispute resolution as follows:

5.4.1.1. The dispute or controversy shall first be submitted to a panel of mediators whereby the one party appoints one mediator, the other party (or if applicable the board of the CCSO) appoints one mediator, and the two mediators so appointed jointly appoint a third mediator. The three mediators will then meet with the parties in question in an attempt to mediate a resolution between the parties.

5.4.1.2. The number of mediators may be reduced from three to one or two upon agreement of the parties.

- 5.4.1.3. If the parties are not successful in resolving the dispute through mediation, then the parties agree that the dispute shall be settled by arbitration before a single arbitrator, who shall not be any one of the mediators referred to above, in accordance with the provincial or territorial legislation governing domestic arbitrations in force in the province or territory where the registered office of the CCSO is situated or as otherwise agreed upon by the parties to the dispute. The parties agree that all proceedings relating to arbitration shall be kept confidential and there shall be no disclosure of any kind. The decision of the arbitrator shall be final and binding and shall not be subject to appeal on a question of fact, law or mixed fact and law.
- 5.4.1.4. All costs of the mediators appointed in accordance with this section shall be borne equally by the parties to the dispute or the controversy. All costs of the arbitrators appointed in accordance with this section shall be borne by such parties as may be determined by the arbitrators.

5.5. Bylaws and Effective Date

- 5.5.1. Subject to the articles, the board of directors may, by resolution, make, amend or repeal any bylaw that regulates the activities or affairs of the CCSO.
- 5.5.2. This section does not apply to a bylaw that requires a special resolution of the members according to subsection 197(1) (fundamental change) of the Act because such bylaw amendments or repeals are only effective when confirmed by members.

These Bylaws were confirmed and adopted by all members of the CCSO by electronic means:

Signatures: <u><i>Gordon Hensel</i></u> Gordon Hensel (May 1, 2023 10:27 MDT)	April 29, 2023
<u>Gordon Hensel</u>	Date
<u><i>Nasiruddin Khan</i></u> Nasiruddin Khan (May 1, 2023 19:07 MDT)	May 1, 2023
<u>Nasir Khan</u>	Date
<u><i>Julie-Andrée Marinier</i></u> Julie-Andrée Marinier (May 1, 2023 21:15 EDT)	May 1, 2023
<u>Julie-Andrée Marinier</u>	Date
<u><i>James Thompson</i></u> James Thompson (May 1, 2023 19:40 MDT)	May 1, 2023
<u>James Thompson</u>	Date
<u><i>Stanley Woo</i></u> Stanley Woo (May 1, 2023 22:22 EDT)	May 1, 2023
<u>Stan Woo</u>	Date












CCSO Corporate Bylaws - Apr 30 2023 Edits


Final Audit Report

2023-05-02

Created:	2023-05-01
By:	James Thompson (james@thompsonhome.com)
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-  Document created by James Thompson (james@thompsonhome.com)
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 Signer jamesthompsonod@gmail.com entered name at signing as James Thompson

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 Document e-signed by James Thompson (jamesthompsonod@gmail.com)

Signature Date: 2023-05-02 - 1:40:52 AM GMT - Time Source: server- IP address: 174.0.57.70

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 Signer stan.woo@uwaterloo.ca entered name at signing as Stanley Woo

2023-05-02 - 2:22:01 AM GMT- IP address: 153.92.40.183

 Document e-signed by Stanley Woo (stan.woo@uwaterloo.ca)

Signature Date: 2023-05-02 - 2:22:03 AM GMT - Time Source: server- IP address: 153.92.40.183

 Agreement completed.

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