

(no amdt)

ALBERTA REGULATION 166/2005

**Professional and Occupational
Associations Registration Act**

**CERTIFIED MANAGEMENT
CONSULTANTS REGULATION**

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Schedule

Definitions

1 In this Regulation,

- (a) “Act” means the *Professional and Occupational Associations Registration Act*;

- (b) “Board” means the Board of Directors of the Institute established under the bylaws;
- (c) “Discipline Committee” means the Discipline Committee established pursuant to section 14;
- (d) “engaged in the practice of management consulting” means engaged in the practice of management consulting for at least 1200 hours per year;
- (e) “Fellow Certified Management Consultant” means a member whose name is entered in the register of Fellow Certified Management Consultants;
- (f) “Institute” means the Institute of Certified Management Consultants of Alberta;
- (g) “Institute Registrar” means the Registrar of the Institute appointed under the bylaws;
- (h) “management consultant” means an individual who
 - (i) investigates and identifies management issues related to an organization’s policies and organization,
 - (ii) analyses and recommends appropriate activities with respect to those management issues, and
 - (iii) implements the appropriate actions if required;
- (i) “member” means a person whose name is entered in the register of Certified Management Consultants;
- (j) “Practice Review Committee” means the Practice Review Committee established pursuant to section 11;
- (k) “prospective member” means a person whose name is entered in the register of prospective members;
- (l) “reciprocal institute” means an institute or other organization in another province or territory or in another country that is, in the opinion of the Board, equivalent to the Institute;
- (m) “registered member” means a prospective member, a member or a Fellow Certified Management Consultant;
- (n) “Registration Committee” means the Registration Committee established pursuant to section 2.

Registration Committee

2(1) The Registration Committee is established consisting of the following persons appointed by the Board:

- (a) one registered member who is a member of the Board;
- (b) up to 5 registered members who are not members of the Board, one of whom the Board must appoint as chair.

(2) The Registration Committee must meet at the call of the chair.

(3) The quorum at a meeting of the Registration Committee is a majority of its members.

Registers

3(1) The Institute Registrar must maintain, in accordance with this Regulation and the bylaws,

- (a) a register of Certified Management Consultants,
- (b) a register of Fellow Certified Management Consultants, and
- (c) a register of prospective members.

(2) The Institute Registrar must enter in the appropriate register

- (a) the name of an individual who has paid the fee prescribed by the bylaws and whose registration has been approved by the Board or the Registration Committee, and
- (b) the business address of that individual.

Powers and duties of Registration Committee

4(1) The Registration Committee must consider applications from persons to become registered members of the Institute in accordance with this Regulation and the bylaws and may

- (a) approve the registration,
- (b) refuse to approve the registration,
- (c) defer approval until the applicant has successfully completed examinations or coursework as required by the Registration Committee, or
- (d) defer approval until the applicant has successfully completed the type and term of work experience as

required by the Registration Committee in order to meet the requirements of section 5.

- (2) The Registration Committee must send a written notice of any decision made by it to the applicant.
- (3) If the decision made by the Registration Committee is to refuse the registration of the applicant, written reasons for the decision must be sent to the applicant.

Registration as member

5(1) An applicant who

- (a) has been engaged in management consulting for 3600 hours with a minimum of 1200 hours in a 12-month period immediately preceding the date of application,
- (b) produces documentation satisfactory to the Registration Committee that shows that the applicant has completed the certification program prescribed by the Institute, and
- (c) provides evidence of good character and reputation

is entitled to be registered as a member.

(2) Notwithstanding section (1), an applicant who satisfies the Registration Committee

- (a) that the applicant has a combination of education, experience, examinations or other qualifications that demonstrate the competence required for registration, or
- (b) that the applicant is registered in good standing with a profession in another jurisdiction recognized by the Registration Committee as having substantively equivalent competence and practice requirements

is entitled to be registered as a member.

Registration as Fellow

6 A member

- (a) who has contributed outstanding service to the profession of management consulting and to the community, and
- (b) whose nomination has been approved by a process satisfactory to the Board

is entitled to be registered as a Fellow Certified Management Consultant.

Registration as prospective member**7(1)** An applicant who

- (a) has been primarily engaged in management consulting for 600 hours during the 24 months immediately preceding the date of application,
- (b) produces documentation satisfactory to the Registration Committee that shows acceptable academic qualifications and work experience qualifications, and
- (c) provides evidence of good character and reputation

is entitled to be registered as a prospective member.

(2) Notwithstanding subsection (1), an applicant who

- (a) is the equivalent to a prospective member in good standing with a reciprocal institute, and
- (b) produces documentation satisfactory to the Registration Committee that shows acceptable academic qualifications and work experience qualifications

is entitled to be registered as a prospective member.

(3) A person may not remain in the register of prospective members for longer than 11 years.

(4) Despite subsection (3), the Registration Committee may extend the total period of time a person may remain in the register of prospective members.

Review of application

8(1) An applicant whose application for registration is refused by the Registration Committee may, by notice in writing served on the Institute Registrar within 30 days of receiving a notice of refusal and the reasons for it, appeal the refusal.

(2) The notice of appeal must set out the reasons why, in the applicant's opinion, the application for registration should be approved.

(3) An applicant who appeals a decision of the Registration Committee under this section

- (a) must be notified in writing by the Institute Registrar of the date, place and time that the Board is to hear the appeal, and

(b) is entitled to appear with counsel or an agent and make representations to the Board when it hears the appeal.

(4) A member of the Registration Committee who is also a member of the Board may participate in the appeal but may not vote on a decision of the Board under this section.

(5) On hearing an appeal under this section, the Board may make any decision the Registration Committee may make and must notify the applicant of its decision.

Certificate of registration

9 On entering the name of a registered member in the appropriate register, the Institute Registrar must issue proof of registration to that person.

Payment of fee

10(1) A registered member must pay the annual fee prescribed by the bylaws to the Institute Registrar or to any person authorized by the Institute Registrar to accept payment of the fee.

(2) Registered members who have not renewed their registration by the annual renewal date must pay the late renewal fee prescribed by the bylaws to the Institute Registrar or to any person authorized by the Institute to accept payment of the fee.

Practice Review Committee

11(1) The Practice Review Committee is established consisting of the following persons appointed by the Board:

- (a) one registered member who is a member of the Board;
- (b) up to 5 registered members who are not members of the Board, one of whom the Board must appoint as chair.

(2) The Practice Review Committee must meet at the call of the chair.

(3) The quorum at a meeting of the Practice Review Committee is a majority of its members.

Powers of Practice Review Committee

12 The Practice Review Committee may, on its own initiative, and must, at the request of the Board, inquire into and report to and advise the Board in respect of

- (a) the assessment and development of educational standards and experience requirements for registration as a member, generally,
- (b) any other matter that the Board considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of management consulting under this Regulation, and
- (c) the practice of management consulting generally.

Reports and recommendations

13 After each inquiry or review under section 12, the Practice Review Committee must make a written report to the Board on the inquiry or review and, where appropriate,

- (a) may make recommendations, together with reasons, to the Board regarding the matter inquired into or reviewed,
- (b) may make recommendations, together with reasons, as to a member's conduct in the practice of management consulting, and
- (c) must, if it is of the opinion that the conduct of a registered member constitutes or may constitute either unskilled practice of the profession or professional misconduct within the meaning of section 19 of the Act, forthwith submit the matter to the chair of the Discipline Committee in writing as a complaint in accordance with section 20 of the Act.

Discipline Committee

14(1) The Discipline Committee is established consisting of the following persons appointed by the Board:

- (a) one registered member who is a member of the Board;
- (b) up to 5 registered members who are not members of the Board, one of whom the Board must appoint as chair.

(2) The Discipline Committee must meet at the call of the chair.

(3) The quorum at a meeting of the Discipline Committee is a majority of its members.

Costs

15(1) The Discipline Committee, with respect to hearings before it, and the Board, with respect to reviews by it, may order the investigated person to pay the following costs:

- (a) the fee payable to the counsel advising the Discipline Committee or Board at the hearing or review and the fee payable to the counsel acting in a prosecutory role at the hearing or review;
- (b) the cost of recording the evidence and preparing transcripts;
- (c) the expenses of the members constituting the Discipline Committee, including, without limitation, the daily allowances of those members;
- (d) any other expenses incurred by the Institute that are incidental to the hearing or review.

(2) If the Board determines under section 22(3)(a) of the Act that a complaint is frivolous or vexatious, it may order the complainant to pay the following costs:

- (a) the fee payable to the counsel advising the Board at any hearing held by the Board;
- (b) any other expenses incurred by the Institute that are incidental to any hearing held by the Board.

Cancellation and suspension

16(1) The registration of a registered member is cancelled or suspended when the decision to cancel or suspend the registration is made in accordance with the Act or this Regulation.

(2) The Institute Registrar must enter a memorandum of the cancellation or suspension of the registration in the appropriate register indicating

- (a) the date of the cancellation or suspension,
- (b) the period of the suspension, and
- (c) the nature of any finding under Part 3 of the Act.

(3) If the registration of a registered member is cancelled, that person must, on request, surrender to the Institute Registrar all documents relating to the registration.

Cancellation on request

17 The Institute Registrar may not cancel the registration of a registered member at the request of the registered member unless the request for cancellation is approved by the Board.

Non-payment of fees, etc.

18(1) The Board must direct the Institute Registrar to suspend or cancel the registration of a registered member who is in default of payment of annual fees, penalties, costs or any other fees, dues or levies payable under the Act, this Regulation or the bylaws after the expiration of 60 days following the service on that person of a written notice by the Board, unless that person complies with the notice.

(2) The notice under subsection (1) must state that the Institute Registrar must suspend or cancel the registration unless the fees, penalties, costs, dues or levies are paid as indicated in the notice.

(3) Despite subsection (1), the Board may, for reasons satisfactory to the Board, delay directing the Institute Registrar to suspend or cancel.

Registration in error

19 The Board must direct the Institute Registrar to cancel the registration of any person that is entered in error in a register.

Use of title

20(1) A member may, in accordance with the Act, use the title Certified Management Consultant and the abbreviations C.M.C. and CMC, designated under an order under section 9 of the Act.

(2) A Fellow Certified Management Consultant may, in accordance with the Act, use the title and abbreviations referred to in subsection (1) and Fellow Certified Management Consultant and the abbreviations F.C.M.C. and FCMC, designated under an order under section 9 of the Act.

Code of ethics

21 The code of ethics of the Institute is the code of ethics in the Schedule.

Transitional

22 On the coming into force of this Regulation, the Institute Registrar must enter in the appropriate register the name of the persons who are registered on the register of regular members,

register of prospective members and register of Fellow Certified Management Consultants under the *Certified Management Consultants Regulation* (AR 61/91).

Repeal

23 The *Certified Management Consultants Regulation* (AR 61/91) is repealed.

Schedule

Code of Ethics

- 1** A registered member must behave in a professional, ethical and responsible manner.
- 2** A registered member must act in accordance with the applicable legislation and laws.
- 3** A registered member is liable to suspension or cancellation from membership if that member has behaved in a manner unbecoming to the profession, as determined by the Discipline Committee or the Institute's governing body.
- 4** A registered member must keep informed of the complete Code of Professional Conduct and the profession's common body of knowledge.
- 5** A registered member must recognize that the self-disciplinary nature of the profession is a privilege and that the member has a responsibility to merit retention of this privilege and therefore a registered member must report incompetent, illegal and unethical conduct by another registered member to the appropriate authority.
- 6** A registered member is responsible for the safe working conditions, and safety in designing and operation in an installation, for people under the member's supervision.
- 7** A registered member must behave in a manner that maintains the good reputation of the profession and its ability to serve the public interest.

- 8** A registered member must act in the best interests of the client, providing professional services with integrity, objectivity and independence.
- 9** A registered member must correct any deficiency, if the deficiency fails to meet the contract.
- 10** Subject to section 2, a registered member must treat all client information as confidential and keep all prices and information confidential, disclosing pertinent information only to a bidding party or the contractual party.
- 11** A registered member must acknowledge the value of education and continually seek further knowledge, innovation and advanced technologies in new products, business procedures and all matters that enhance the reputation of the profession.
- 12** A registered member must not adopt any method of obtaining business that detracts from the professional image of the Institute or its registered members.
- 13** A registered member must, before accepting an assignment, reach a mutual understanding with the client as to the assignment objectives, scope, work plan and costs.
- 14** A registered member must refrain from serving a client under terms or conditions that impair independence and a member must reserve the right to withdraw from the assignment if it occurs.