

CONSTITUTION OF THE COLLABORATIVE PRACTICE MANITOBA ASSOCIATION

Statement of Purpose

1.01 Name

The name of this Association shall be known as The Collaborative Practice Manitoba Association, hereinafter referred to as "the Association".

1.02 Mission Statement

The purpose of the Association is to promote, publicize, enhance and develop the practice of Collaborative Family Law. The Association will also set recognizable standards for the practice of Collaborative Family Law by the members of the Association.

Membership

2.01 The Association shall be open to all professionals in the field of Family Law including lawyers, Certified Financial Planners and Registered / Certified Mental Health professionals providing they meet the following requirements:

2.02 **Minimum Requirements for Lawyers**

- a) Membership in good standing in the administrative body regulating and governing lawyers in the lawyer's own jurisdiction.
- b) At least two days of basic collaborative training to be interdisciplinary collaborative training.
- c) At least four days training in client centered, facilitative conflict resolution, of the kind typically taught in mediation training (interest based, narrative or transformation mediation programs)
- d) In addition to the above it is recommended, but not required, that the member have an accumulation or aggregate of 15 further hours of training in any of the following areas:
 - interest based negotiation training
 - communication skills training
 - collaborative training beyond the minimum two days of initial training
 - advanced mediation training
 - basic professional coach training

2.03 Minimum Requirements for Financial Practitioners

- a) Professional license, certification, registration, or designation in good standing in one of the following:
 - CFP - Certified Financial Planner
 - CPA - Certified Public Accountant
 - CA - Chartered Accountant
 - CMA - Certified Management Accountant
 - CGA - Certified General Accountant
 - or equivalent in Manitoba

- b) Background education and experience in:
 - financial aspects of divorce
 - cash management and spending plans
 - retirement and pension plans
 - income tax
 - investments
 - real estate
 - insurance
 - property division
 - individual and family financial planning concepts

- c) At least two days of basic interdisciplinary collaborative training

- d) Completion of the Certified Divorce Specialist Training within 12 months of joining the Association.

- e) At least four days training in client centered, facilitative conflict resolution of the kind typically taught in mediation training (interest based, narrative or transformative mediation programs).

- f) In addition to the above, an accumulation or aggregate of two days of further training in any or all of the following areas is recommended but not required for membership:
 - communication skills training
 - collaborative training beyond minimum 12 hours of initial collaborative training
 - advanced mediation training
 - basic professional coach training

2.04 Minimum Requirements for Mental Health Practitioners

- a) Masters or PhD level Mental Health Professional Certification, license, or registration in good standing in one of the following areas:

- Psychology
 - Social work
 - Marriage and Family Therapy
 - Psychiatry
 - or some other equivalent qualification as determined by the Board of Directors
- b) Must be a member in good standing of an administrative body regulating, governing and disciplining the Mental Health Professional including:
- Psychological Association of Manitoba
 - Manitoba Institute of Registered Social Workers
 - Canadian Counseling Association
 - American Association of Marriage and Family Therapists (Manitoba Division)
 - Manitoba Medical Association
 - or equivalent as determined by the Board of Directors
- c) Background education and five years work experience in:
- Family Systems Theory
 - Individual and Family Life Cycle and Development
 - Assessment of Individual and Family Strengths
 - Assessment and Challenges of Family Dynamics in Separation and Divorce
 - Challenges of Restructuring Families After Separation
 - For the Child Specialist: expertise in child development, clinical experience with a specialty focus on children and an in depth understanding of children's unique issues in divorce.
- d) Must carry professional liability insurance
- e) At least two days of initial interdisciplinary collaborative training
- f) At least two days training in client centered, facilitative conflict resolution, of the kind typically taught in mediation training (interest based, narrative, or transformative mediation programs).
- g) In addition to the above an accumulation or aggregate of 15 hours of training in any or all of the following areas is recommended but not required:
- basic professional coach training
 - communication skills training
 - collaborative training beyond the minimum two days of initial collaborative training
 - advanced mediation training
- h) A minimum of three hours of basic training in Family Law in his or her jurisdiction is recommended but not required.

2.05 Membership Fees

Membership fees shall be determined by the Association

2.06 Loss of Membership

- i) An individual's membership expires when:
 - a) a member resigns from the Association ; or
 - b) a member dies; or
 - c) a member fails to pay the yearly membership fee; or
 - d) membership has removed the member from Association for just cause under clause 2.03 (ii);
- ii) A member of the Association may be expelled for just cause from the Association by 2/3 vote of the membership present at a duly constituted general meeting, said vote to be taken by secret ballot
- iii) the process for expelling a person for just cause under clause 2.03 (ii) shall be determined by By-law approved by members at a duly constituted general meeting

2.07 Associate Membership

Associate membership is available to persons who do not meet the membership criteria. Associate members can attend meeting but are not eligible to vote. Associate members pay a reduced fee as determined by the Association.

Code of Ethics

- 3.01 The Association shall adopt a Code of Ethics to guide the conduct of its members with respect to Collaborative Practice.
- 3.02 The Code of Ethics and the manner of its enforcement shall be adopted as a By-law to this Constitution and be approved by members at a duly constituted general meeting.

Organizational Structure

4.01 Board of Directors

- i) The Board of Directors shall:
 - a) manage the affairs and finances of the Association provided that no financial decision shall exceed either the budget as passed by the membership at a duly constituted general meeting, or cause an expenditure by the Association unauthorized by the membership in excess of \$1,000.00;
 - b) promote the mission statement of the Association ;
 - c) make administrative decisions in the course of this Constitution, its By-laws and the policies of the Association and to oversee their implementations;
 - d) organize any general meeting of the Association including setting the date and location of such meetings;
 - e) exercise such other powers as may be conferred upon it elsewhere under this Constitution;

- ii) The Board of Directors shall consist of the following voting members:
 - a) Past Chair
 - b) Two Co-chairs ← 2
 - c) Secretary
 - d) Treasurer
 - e) Membership Chair
 - f) Marketing Chair
 - g) Training / Continuing Education / Standards Chair
 - h) Member at Large

4.02 Election of Board of Directors

- i) All voting members of the Board of Directors except Past Chair shall be elected for a term of two (2) years;
- ii) For the purposes of transition at the first election the Co-Chairs, whose terms shall be staggered, Secretary and Treasurer shall be elected for a period of two (2) years while the Membership Chair, Marketing Chair, Training /

Continuing Education / Standards Chair and Members at Large shall be elected for a period of one (1) year;

- iii) Elections of the members of the Board of Directors shall take place at the annual general meeting of the Association;
- iv) Upon the resignation, death, protracted illness or protracted absence of one of the Co-Chairs, or any other of similar occurrence requiring succession to the Chair, that office shall devolve upon the second Co-Chair until the next Annual General Meeting of the Board;
- v) Upon a vacancy occurring in any office other than that of the Co-Chairs, the Board of Directors shall call a general meeting of the membership for the purposes of electing a member to fill the vacant office;
- vi) Any person elected to serve on the Board of Directors who misses three (3) consecutive meetings or five (5) in total without notifying the Secretary shall be deemed to have resigned and the vacated office may be filled in as herein provided;
- vii) No member of the Association can seek election to hold two (2) voting positions on the Board of Directors at the same time;

4.03 Operation of the Board of Directors

- i) The Board of Directors shall be chaired by the one of the Co-Chairs;
- ii) The Board of Directors shall meet at the call of one of the Co-Chairs, or at the written request of any four (4) of its members, delivered in person or sent by registered mail, facsimile or email to the Co-Chair or Secretary. Any meeting that is requested shall take place within ten days of the receipt of the request by the President or Secretary;
- iii) The Board of Directors shall meet a minimum of eight (8) times per calendar year at such place or places as they shall deem desirable and expedient;
- iv) Written notice of all meetings of the Board of Directors shall be sent to all members of the Board of Directors, no less than seven days prior to the meeting;
- vi) The Secretary shall send a copy of the Minutes of each meeting of the Board of Directors to all members to the Board of Directors and members of the Association ;

- vii) The quorum for meeting of the Board of Directors shall be five (5) voting members of the Board of Directors;
- viii) All motions placed before the Board of Directors shall pass on a simple majority vote;
- ix) In the case of a tie, the Co-Chair chairing the meeting shall cast the deciding vote;

- x) All members of the Association are entitled to attend any meeting of the Board of Directors but will not have a vote at the meeting unless they are a member of the Board of Directors;

4.04 Officers of the Association

- i) Officers of the Association shall be:
 - a) Two Co-Chairs
 - b) Treasurer
 - c) Secretary
 - d) Membership Chair - *Insp*
 - e) Marketing Chair
 - f) Training / Continuing Education / Standards Chair
 - g) Member at Large
 - h) Past Chair

- ii) The Co-Chairs, Treasurer and Secretary shall be signing officers of the Association, any two of which signatures shall be binding upon the Association. With respect to any signature on cheques or other banking documentation, at least one of the signatures must be that of the Treasurer;

- iii) The Co-Chairs shall:
 - a) serve as the chief executive officer of the Association ;
 - b) call and chair all meetings of the Board of Directors;
 - c) serve as an ex officio member of all committees of the Association ;

- iv) The Treasurer shall:
 - a) have care and custody of all the funds of the Association and shall

- records all cash receipts and disbursements thereof;
 - b) present to each annual general meetings an audited statement of the financial affairs of the Association ;
 - c) carry out other duties relating to the finances of the Association as directed by the Board of Directors or the membership;
- v) The Secretary shall:
 - a) cause Minutes and written records to be kept of all meetings and proceedings of the Association and the membership;
 - b) maintain all current and historical records of the Association , including an updated Constitution and its By-laws, and a current membership list;
 - c) assume responsibility for any correspondence required by the Board of Directors and / or the membership;
 - d) report on the attendance records of all elected members of the Board of Directors and the delegates of the annual general meeting;
 - e) distribute a copy of the Minutes of all meetings of the Board of Directors to the members of the Board of Directors and the members of the Association ;
- vi) The Membership Chair shall:
 - a) strike a membership committee;
 - b) provide strategies to expanding the Association ;
 - c) make recommendations to the members at the general meeting of any proposed changes of membership requirements to the Association ;
- vii) The Marketing Chair shall:
 - a) strike a marketing committee;
 - b) develop strategies to market the Association to the general public and to the Family Law professionals of the Province of Manitoba;

- c) explore all avenues of communication in which to market the goals of the Association to both professionals and to the public of the Province of Manitoba;
- viii) The Training / Continuing Education / Standards Chair shall:
- a) strike a training / continuing education / standards committee;
 - b) develop strategies and recommendations to the members of the Association and the Family Law professionals of the Province of Manitoba;
 - c) develop continuing education programs for both members and non-members of the Association ;
 - d) develop upgrading and training courses for members and prospective members of the Association ;
- ix) The Member at Large shall:
- a) be responsible to liaise on behalf of the Association to other professions and organizations both in and out of the Province of Manitoba;
 - b) assume such other responsibilities as may be delegated upon him or her by the Board or the members of the Association ;
- x) The Past Chair shall:
- a) be the Chair whose office has just expired;
 - b) chair the Nominating Committee for the Board of Directors;
 - c) assume such duties as may be placed upon him or her by the Board of Directors or by the membership;

Meetings of the Association

5.01 Annual General Meeting

- i) Each year the Board of Directors shall call for and arrange an annual general

meeting of the Association. The Secretary of the Association shall at least thirty (30) days prior to the annual general meeting, send written notice sending out the date, time, place and purpose of such meeting to all members of the Association

- ii) The election of the members of the Board of the Association shall take place at the annual general meeting by secret ballot. Any member wishing to run for a position on the Board shall give written notice to the Secretary at least fourteen (14) days prior to the annual general meeting. Where there is a contested election, the candidate receiving the most votes will be declared elected. Where there is a tie, the election shall be determined by a coin toss.
- iii) Only members of the Association in good standing shall be entitled to vote at an annual general meeting.

5.02 General Meetings

- i) General meetings of the Association shall be held at the call of the Board of Directors and shall take place no fewer than five (5) times per calendar year.
- ii) Any decision of the Board of Directors can be overturned at a general meeting by a simple majority vote at that meeting.
- iii) The general meetings and the annual general meetings shall be chaired by the Chair of the Association.
- iv) The membership at any general meeting shall be entitled to make any motion other than a motion to amend this Constitution with respect to the affairs of the Association or otherwise, which motion must be moved, seconded and passed by a majority vote.
- v) In the event of a tie, the Chair shall cast the deciding vote.

5.03 Quorum at the annual general meeting or general meeting of the Association shall be the lesser of:

- a) Fifty (50%) percent of the membership;
- b) Ten (10) members in good standing of the Association;

Constitutional Amendments

6.01 This Constitution can be amended at any general meeting of the Association provided that:

- i) written notice to amend the Constitution together with a copy of the proposed amendment is submitted to the Secretary of the Association at least forty-five (45) days prior to the general meeting;
- ii) the proposed amendment, subject only to amendments from the floor of the meeting which do not substantially alter the intention of the original amendment is carried by a vote of no less than 2/3 of votes cast;
- iii) all amendments shall take effect immediately after the general meeting unless, a motion from the floor, 2/3 of the majority votes cast decides otherwise.

Dissolution of Association

6.01 At any time the Association may move to dissolve itself by way of a motion to the members of the Association. Such motion to dissolve the Association will be made at a duly constituted meeting of the membership subject to the following:

- a) written notice to dissolve the Association to be submitted to the Secretary of the membership at least forty-five (45) days prior to the meeting;
- b) the motion to dissolve this Association is carried by a vote of no less than two - thirds (2/3) of votes cast;
- c) the motion to dissolve the Association having been passed, members of the Association may by a vote of a simple majority of those present may determine the manner in which the assets of the Association shall be disposed.