



Council Meeting Draft Agenda

Date: December 5, 2022 **Time:** 10:00 a.m. **Location:** Zoom

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AGENDA

Time	Discussion Item	Presenter/ Speaker	Document Included	Action	
Please complete the online Conflict of Interest Disclosure/Declaration Form prior to the meeting.					
1	10:00 am	Call to order, roll call, welcome	J. Pereira	Yes	Information
2	10:02 am	Introductions	J. Pereira	No	Information
3	10:04 am	Conflict of interest declarations	J. Pereira	No	Decision
4	10:06 am	Approval of agenda	J. Pereira	Yes	Decision
5	10:08 am	Approval of minutes – September 26, 2022	J. Pereira	Yes	Decision
6	10:10 am	<p>Action items from the September 26 meeting:</p> <p>1) Determine why some candidates who write the entry-to-practice exam do not register with the College of Kinesiologists of Ontario after they have passed the exam. ON-GOING</p> <p>2) Review and recommend how Council meetings should proceed in the future, taking into consideration the following:</p> <ul style="list-style-type: none"> • Should meetings be held in person, virtual or hybrid? - COMPLETED • Should the September meeting continue to be in person with a remote option for those who cannot attend in person? - COMPLETED • Should the September meeting be one or two days since it includes training? COMPLETED 			
7	10:30 am	EDI-B Education Session	Dr. Nafeesa Jalal, Ph. D	Yes	Information
	11:30 am	Break			



	Time	Discussion Item	Presenter/ Speaker	Document Included	Action
8	11:40 am	Committee Reports <ul style="list-style-type: none"> • Discipline – <i>No updates</i> • ICRC • Registration • Quality Assurance • Patient Relations – <i>No updates</i> • Q1 Finance Report / Dashboard Report 	Committee Chairs	Yes	Information
9	11:50 am	Registrar’s Report	N. Leris	No	Information
10	11:55 am	President’s Report	J. Pereira	No	Information
11	12:00 pm	Draft Audited Financial Statements	Auditor/Hilborn LLP/ M. Bianchi	Yes	Decision
12	12:20 pm	<ul style="list-style-type: none"> • RFP – Strategic Planning • Steering Committee – Strategic Planning 	N. Leris	Yes	Decision
	12:30 pm	Lunch Break			
13	1:15 pm	Business Case Fees By-law 19 Updates	N. Leris M. Bianchi	Yes	Decision
14	1:35 pm	Draft Annual Report	L. Butler	Yes	Decision
15	1:45 pm	Registration/Examination Statistical Report presentation	F. Teape	No	Information
	2:05 pm	Break			



	Time	Discussion Item	Presenter/ Speaker	Document Included	Action
16	2:15 pm	Policy Material Development and Review Framework	B. Fehst	Yes	Decision
17	2:35 pm	Governance: <ul style="list-style-type: none"> • Governance and Nominations Committee Terms of Reference • External Member Selection Policy 	B. Fehst	Yes	Decision
18	2:50 pm	Elections Update	L. Butler	Yes	Decision
19	3:00 pm	<ul style="list-style-type: none"> • Review of Committee Slate • Steering Committee – Review of Kinesiology Core Competency Profile 	N. Leris	Yes	Decision
20	3:05 pm	Mentorship	B. Fehst	Yes	Decision
21	3:15 pm	By-law Updates: <ul style="list-style-type: none"> • By-law 6 • By-law 10 • By-law 12 • By-law 13 	B. Fehst L. Butler	Yes	Decision
22	3:35 pm	Communications Update <ul style="list-style-type: none"> • University visits • University Liaison Committee 	L. Butler	No	Information
23	3:45 pm	Review of Action Items	J. Pereira	No	Review
ADJOURNMENT					

Next Meeting: Monday, March 20, 2023



September Council Meeting Minutes

Date/Time of Meeting:	Monday, September 26, 2022 / 9:30 a.m.
Council present:	Jennifer Pereira, Corby Anderson, Teresa Bendo, Susan Garfat, Candace Glowa, Ben Matthie, Chad McCleave, Mary Pat Moore, Victoria Nicholson, Graydon Raymer, Jana Smith, Leanne Smith, Heather Westaway, Ryan Wight
Regrets:	Sara Gottlieb, Brad Markis
Staff members:	Nancy Leris, Michelle Bianchi, Lynn Butler; Brian Fehst, Colleen Foster, Lisa Groten, Sam Hanna, Magdalena Reder, Fiona Teape
Guest presenters:	Richard Steinecke (Steinecke Maciura Leblanc) Emily Lawrence (Paliare Roland Rosenberg Rothstein LLP)
Guests/observers:	Christine Forsyth; Stuart Moulton (OKA)

1. Call to order, roll call, welcome

Jennifer Pereira, Chair and Council President, called the meeting to order at 9:40 a.m. and welcomed Council, staff members, and guests.

The Chair shared a Land Acknowledgement.

As the notice of the meeting had been duly given in accordance with the by-laws of the College of Kinesiologists of Ontario and a quorum was present, the meeting was duly constituted for the transaction of business.

2. Introductions

Jennifer Pereira provided a brief update on the July elections to Council and welcomed Heather Westaway who was elected in District 1 and Leanne Smith who was elected in District 7. Jennifer also welcomed back Ben Matthie who was re-elected in District 5 by acclamation.

Jennifer also noted that the first nomination period and subsequent by-election in District 4 did not produce any candidates and that the College is reviewing its options for filling this Council seat.

The new staff member, Fiona Teape, Director of Registration was welcomed to the College.

Jennifer reminded meeting attendees that the College requires cameras to remain on during meetings to support and encourage engagement.

3. Conflict of Interest Declarations

Jennifer Pereira asked whether any Council members present wished to declare a conflict of interest. There were no declarations.

4. Approval of Agenda

UPON A MOTION duly made by Mary Pat Moore and seconded by Ryan Wight, it was resolved that the agenda be approved. Carried.

5. Approval of Minutes from the June 27, 2022 Council Meeting

UPON A MOTION duly made by Susan Garfat and seconded by Ryan Wight, it was resolved that the minutes be approved. Carried.

6. Action Items from the June 27, 2022 Meeting

- Determine the number of public members who are appointed to Council who are in each electoral district, along with the number of elected members who are in each district. **Completed**
- Check the by-laws for guidance regarding vacancies on Council when an election and by-election do not produce any eligible candidates for an electoral district (e.g., leave the seat open, appoint a candidate or member to fill the position, etc.). **Completed**

7. Training - Governance

Jennifer Pereira introduced Richard Steinecke of Steinecke Maciura Leblanc, who practices exclusively in professional regulation. Richard provided training in governance to Council members.

8. Training – Conflict of Interest

Jennifer Pereira welcomed Richard Steinecke who provided training on “Comprehending Conflicts of Interest” to Council members.

At the end of the presentation, Jennifer Pereira acknowledged Richard’s long-standing relationship with the College and his many contributions to the entire regulated health profession. She thanked him for the support he has provided to the College since its inception and wished him well in the next phase of his life.

9. Registrar's Report

Nancy Leris, Registrar/CEO, presented the Registrar's Report as follows.

1) Online Exam Update

The College's online entry-to-practice exam was held for the second time on September 21, 2022. From a risk management perspective, steps were taken to ensure exam security and integrity; and accommodations were offered as needed. As of September 9, there were 241 candidates registered for the online exam. This included eight candidates with testing accommodations. There was also one candidate who requested to write the exam in French. The next online exam will be held in spring 2023.

A question was raised about how many people register with the College after passing the exam. Approximately 60 per cent of those who pass will register. After discussion, Council directed that the Registrar take this away as an action item to determine why some candidates who write the entry-to-practice exam do not register with the College of Kinesiologists of Ontario after they have passed the exam.

2) Annual Renewal

Renewal started on July 1, 2022. There were 2,951 registrants due for renewal. As of September 21, there were 321 registrants who still had not renewed. Registration staff will initiate a call campaign to the remaining outstanding registrants in the final week of September. Failure of registrants to renew and pay their fee by October 1, 2022 will result in an administrative suspension of their certificate of registration.

3) Contract for the Kinesiology Core Competency profile

In September, the College finalized the contract with the vendor overseeing the Kinesiology Core Competency Profile Revalidation. The first phase of the project, Project Design and Launch, will occur during the months of September and October. This will be primarily a planning phase for the vendor, where they will develop the project framework, timelines, and establish procedures for the project for each phase. The project currently has a planned completion date of June 2023.

4) EDI-B Working Group

The College continues to actively participate in an HPRO working group focused on anti-racism and anti-oppression work. The working group expects an announcement regarding its application for a grant under the CSMARI program. CSMARI is - Community Capacity Building component of the Community Support, Multiculturalism, Anti-Racism Initiative Program (CSMARI). Any funds provided through this grant will be directed towards a project tentatively referred to as the "Anti-Racism in Health Regulation" Project.

The key deliverables of this project are:

- Development of a DEI self-assessment checklist and reporting tool for use by health regulatory colleges.
- Production of an Equity Impact Assessment (EIA) toolkit and training package to assist organizations in uncovering unconscious bias, dismantling systemic barriers, and creating a strategic framework for maintaining inclusive practices and policies.

The goal of this project is to increase College's ability to promote diversity and inclusion. The proposed completion date for this project is March 31, 2023.

5) Employee Health Benefits

The College has also been reviewing its employee benefits program as cost of benefits have increased over the last three years. The College wants to remain competitive with other employers especially within the regulated health profession and is currently seeking new quotes for employee benefits.

6) Closing notes

In addition to welcoming new Council members following the election in July, the College also reached out to the Public Appointments Secretariat requesting that two existing Council members be re-appointed in September and two new ones be appointed in October, as the terms of the current public members are expiring. Teresa Bendo and Victoria Nicholson have both been re-appointed to Council for another three-year term. The Ministry also requested that Chad McCleave and Mary Pat Moore continue to serve as public members as their nine-year term ends in October. Unfortunately, Mary Pat has decided to move on, and Chad McCleave has agreed to stay with the College for another term, pending the Ministry's confirmation of Chad's reappointment.

In August, the College hired and onboarded the newest staff member, Fiona Teape, Director of Registration. Fiona provided a brief introduction of herself.

The College has also visited several other Colleges who are interested in sharing office space as we continue to work on a hybrid model. This is part of future planning for office relocation as the lease expires in 2024.

On July 8, the College held its staff team-building event to build on and encourage team collaboration and cohesiveness. The College was closed that day for us to focus on our team development.

On September 2, the College sent correspondence to the Ministry in response to their request for consultation regarding the registration requirements under the Regulated Health Professions Act. Prior to this request, on June 10, 2022, the Ministry consulted with regulators to gather feedback on changes to the RHPA by adding new requirements to the Health Professions Procedural Code and addition of regulation making power through Bill 106 – Pandemic and Emergency Preparedness Act.

- The amendments to the Health Professions Procedural Code require Colleges to comply with the regulations regarding their English or French language proficiency requirements.
- They also prohibit Colleges from requiring Canadian experience as a qualification for registration, subject to any exemptions provided for in the regulations.
- Additionally, the amendments require the Councils of the Colleges to make regulations establishing an emergency class of registration that meets the requirements set out in the regulations.
- Included is additional regulation-making power that would also allow for the establishment of time limits in which Colleges must make certain decisions related to registration.
- Based on the responses received from regulators, the Ministry reached out to regulators in September to obtain additional feedback on the impact of these changes on their operations.

In closing, the Registrar thanked the College staff for their work commending them for their dedication, commitment, and hard work.

10. Risk Management Plan

Nancy Leris, Registrar and CEO presented a review of the College's risk management process and review cycle along with proposed Risk Management Plan amendments. She outlined the key risks affecting the organization, particularly those that could significantly impact the achievement of objectives. She also described the risk occurrence matrix and risk ratings.

Risks that were outlined included those related to finance, information management, examination, human resources, loss of confidence, and governance and compliance. The major risks that were included as amendments included risks in the following areas: information management, examinations, loss of confidence, and governance including compliance and loss of confidence with the governance.

Overall, the College's Risk Management Plan is a living document with the goal of promoting a resilient organization that can use a variety of strategies to operate effectively in the face of the risks that present themselves and may emerge in the future.

UPON A MOTION duly made by Vicky Nicholson and seconded by Teresa Bendo, it was resolved that Council approves the Risk Management Plan for 2022-2023 as presented. Carried.

11. President's Report

Jennifer Pereira, Chair and Council President, opened by discussing the role of the College, followed by her President's Report.

1) Activities

The President provided the following summary of activities that she has been involved with in her role as President:

- Attended various committee meetings
- Been in constant communications with the Registrar/CEO
- Been in contact with staff (with the Registrar's knowledge)
- Managed stakeholder communications
- Participation in Council orientation.

2) Council meetings

The President discussed that how, after emerging from COVID, we can see the benefits of human interaction. She noted that Council and staff have been missing out on the face-to-face collaboration that meeting in person enables.

The President proposed that Council consider holding a two-day in-person meeting next September to bid farewell to outgoing Council members and to welcome new ones since it will be the first meeting after the election, and to include training and orientation for members.

The meeting would take place in-person at a location that will accommodate Council members, and there could be an online option for those who are unable to attend in person.

Following this proposal, the President opened the floor to questions. A lively discussion ensued with members discussing various options and the pros and cons of each.

It was recommended that the Registrar take this item away as an action item to review and recommend back to Council how Council meetings should proceed in the future, taking into consideration whether:

- meetings be held in person, virtual or hybrid
- the September meeting continue to be in person with a remote option for those who cannot attend in person
- the September meeting be one or two days since it includes training.

12. Training - Discipline

Jennifer Pereira introduced Emily Lawrence, of Paliare Roland Rosenberg Rothstein LLP who is acting as Independent Legal Counsel (ILC) on various cases for the College.

Emily provided discipline training to Council members in their role as Discipline Committee members. She covered topics such as authority and jurisdiction, participants in the hearing process and their roles, steps before a hearing, i.e., pre-hearings and motions, the hearing process, uncontested hearings, and decision-making and decision-writing.

13. Practice Standard and Guideline Updates

Brian Fehst, Manager of Professional Practice presented an overview of the Patient Relations Committee's review of the following three draft practice standards on Record Keeping, Discharging a Client, and Dual Health Care with a recommendation that they be brought forward to Council for approval.

Resolution – Update to Practice Standard – Record Keeping

Therefore, be it resolved that the Council of the College of Kinesiologists has had the opportunity to review and approve the revised Practice Standard – Record Keeping to be published by the College, as amended.

UPON A MOTION duly made by Graydon Raymer and seconded by Heather Westaway, it was resolved that Council approves the revised Practice Standard – Record Keeping, as amended. Carried.

Resolution – Update to Practice Standard – Discharging a Client

Therefore, be it resolved that the Council of the College of Kinesiologists has had the opportunity to review and approve the revised Practice Standard – Discharging a Client, as amended, to be published by the College.

UPON A MOTION duly made by Corby Anderson and seconded by Susan Garfat, it was resolved that Council approves the revised Practice Standard – Discharging a Client, as amended. Carried.

Resolution – Update to Practice Standard – Dual Health Care

Therefore, be it resolved that the Council of the College of Kinesiologists has had the opportunity to review and approve the revised Practice Standard – Dual Health Care to be published by the College.

UPON A MOTION duly made by Ben Matthie and seconded by Candace Glowa, it was resolved that Council approves the revised Practice Standard – Dual Health Care. Carried.

14. Terms of Reference

Fiona Teape, Director of Registration, presented an overview of the review of the revised Terms of Reference for the Item Writing Committee and the revised Terms of Reference for the Examination Committee. The review was undertaken since both committee Terms of Reference had not been updated since 2013 and required revisions to align with recent amendments to College by-laws on the election and selection of Council and Committee members. Following the review, the recommendation was that they be brought forward to Council for approval.

Resolution - Terms of Reference – Item Writing Committee

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the Item Writing Committee Terms of Reference, as amended.

UPON A MOTION duly made by Teresa Bendo and seconded by Ryan Wight, it was resolved that Council approves the amended Terms of Reference for the Item Writing Committee. Carried.

Resolution – Terms of Reference – Examination Committee

Therefore, be it resolved that Council approves the Examination Committee Terms of Reference, as amended.

UPON A MOTION duly made by Vicky Nicholson and seconded by Graydon Raymer, it was resolved that Council approves the amended Terms of Reference for the Examination Committee. Carried.

15. Elections Update

Lynn Butler, Communications Manager, provided an update on the College's elections and current vacancies on Council in Electoral Districts 2, 4 and 6.

In December 2021, the professional member from District 4 resigned from Council, prior to their term end in July 2023. In March 2022, the professional members from Districts 2 and 6 also resigned.

According to College By-law 10.33, the resignations created long-term vacancies in Districts 2, 4 and 6 since the seats became vacant more than 12 months before the members' terms of office expired.

As these are long-term vacancies, and in accordance with the by-laws, Council may consider any of the following options:

- appoint as a councillor the eligible candidate, if any, who had the most votes of the unsuccessful candidates in the last election for that electoral district or if that candidate is not willing to accept the appointment, the eligible candidate with the next highest number of votes; or
- in the case of a vacancy declared pursuant to By-law 10.31 (ii), appoint a successor from among the members of the College who would be eligible for election if an election were held; or
- if there is no eligible candidate under 10.33(i) direct the holding of a by-election for that electoral district which shall be held in a manner consistent with the elections held under this By-law.

Options for consideration

The two vacancies in Districts 2 and 6 are long-term and, and given the scrutiny that all colleges are under, proceeding with appointing a previous candidate or a successor from among the membership may diminish trust and confidence in the College's governance processes. If Council decides to proceed with this option, they will need to demonstrate that this process of appointment was fair and transparent.

Although holding a by-election will take additional time and result in some costs, the process will be viewed as open, fair, and transparent. If Council decides to proceed with this option, staff will need to begin the elections process as soon as possible. Although on a tight timeline, the new Council members would be elected in time for the December Council meeting.

Therefore, be it resolved that Council directs the Registrar to hold a by-election to fill the vacancies in Electoral Districts 2, 4 and 6.

UPON A MOTION duly made by Mary Pat Moore and seconded by Ben Matthie, it was resolved that Council approves holding a by-election in Electoral Districts 2, 4 and 6. Carried.

16. Committee Reports

Reports were provided in the Council package highlighting committee meetings, activities, changes, and discussions that took place since the June Council meeting. A fourth-quarter financial report and dashboard were also included.

Ben Matthie, chair of the Planning and Finance Committee, provided an update indicating that the College is on track to meet financial goals with an expected end-of-year surplus. There will be some adjusting entries after the audit is completed. There are no concerns regarding the College's financial situation.

17. Election of Officers/Executive Committee/Approval of Committee Membership

Election of Officers and Executive Committee

Therefore, be it resolved that the Registrar be appointed as the Elections Officer and assume the chair for this purpose

UPON A MOTION duly made motion by Ben Matthie and seconded by Teresa Bendo, it was resolved that that the Registrar be appointed as the Elections Officer and assume the chair for this portion of the meeting for this purpose. Carried.

The Registrar presided over the election of the College's Executive Committee.

Therefore, be it resolved that:

- Jennifer Pereira be acclaimed President
- Ben Matthie be acclaimed Vice President
- The additional members be acclaimed to the Executive Committee include Susan Garfat, Chad McCleave, and Victoria Nicholson.

UPON A MOTION duly made motion by Mary Pat Moore and seconded by Corby Anderson, it was resolved that Jennifer Pereira be appointed President; Ben Matthie be appointed Vice-President; and Susan Garfat, Chad McCleave, and Victoria Nicholson be appointed as members of the Executive Committee. Carried.

Approval of Committee Slate

Jennifer Pereira noted that the Executive Committee met to consider committee composition for 2022/2023. All Council members were asked for their committee preferences. The College also invited the general membership to submit their interest to sit as members-at-large on committees. The Executive Committee has done a good job of balancing needs, preferences, and opportunities for learning.

A proposed slate for each of the Committees and proposed chairs, has been provided to Council. Executive Committee considered the preferences of Council members, applications received from the general membership, the workloads of each committee and geographic factors, to form the proposed slate.

Therefore, be it resolved that the proposed committee slate be accepted as presented:

UPON A MOTION duly made motion by Teresa Bendo and seconded by Mary Pat Moore, it was resolved that the Council of the College of Kinesiologists of Ontario appoints the committee members and chairs as per the attached slate developed and recommended by the out-going Executive Committee. Carried.

18. Review of Action Items

- Determine why some candidates who write the entry-to-practice exam do not register with the College of Kinesiologists of Ontario after they have passed the exam.
- Review and recommend how Council meetings should proceed in the future, taking into consideration the following:
 - Should meetings be held in person, virtual or hybrid?
 - Should the September meeting continue to be in person with a remote option for those who cannot attend in person?
 - Should the September meeting be one or two days since it includes training?

19. 2022 Council Meeting Dates

Council will meet in 2022 on the following date:

- December 5

Adjournment

*UPON A MOTION duly made by Chad McCleave, the Council meeting of September 26, 2022 was terminated. **Carried.***

DRAFT

Issue Note

Issue: Candidate Registration Post-Examination
Prepared for: Council
Date: December 5 2022

Issue

At its meeting in September 2022, Council directed Staff to provide data regarding the percentage of successful entry-to-practice examination candidates who become registered with the College.

Background

Section 5(1)(b) of the General Regulation of the *Kinesiology Act, 2007* requires the successful completion of the registration entry-to-practice examination in order to become registered with the College. Section 5(2) further states that the examination requirement under Section 5(1)(b) is only considered met if the applicant satisfies all other registration requirements within 12 months of passing the entry-to-practice examination. In the event a candidate applies to become registered after more than a year of passing the entry-to-practice examination, the applicant must seek exemption from the 12 month timeline from the Registration Committee.

Current Status

Exam Session	Percentage Registered
Fall 2018	86%
Spring 2019	87%
Fall 2019	87%
Spring 2020	<i>Exam cancelled – no results</i>
Fall 2020	78%
Spring 2021	<i>Exam cancelled – no results</i>
Fall 2021	67%
Spring 2022	28%
Fall 2022	*10%

*As of November 24, 2022

Examination data was extrapolated from the database going back to Fall 2018, which is when the current database system was implemented and exam attempts were first recorded to a member's profile.

The results indicate that until Spring 2020, 86% to 87% of those who passed the entry-to-practice examination became registered with the College. The Spring 2020 and Spring 2021 entry-to-practice examinations were cancelled, coinciding with the COVID-19 pandemic. The decline in registrants' post-examination registration after Spring 2020 is likely attributed to the pandemic, with a number of health care professionals working through a number of uncertainties including burnout, job insecurity and restricted patient/client access.

With respect to the Spring 2022 and Fall 2022 registrants, those who were successful at the exam still have several months left within their one-year period to apply. In previous years the Registration Department has seen a surge in candidates finalizing their applications towards the end of the one-year period, which would be in the Spring 2023 and Fall 2023, respectively.

Recommendations

- 1. Increased and regular communication to potential applicants.** Beginning with the September 2022 exam cohort, the Registration Department will send a reminder email at the 6-month mark to individuals who were successful at the exam, but who have not applied to become registered. The Registration Department will also begin sending reminder emails to candidates who have applied to become registered, but have not yet finalized their application and have outstanding requirements. The purpose is to take a more proactive approach with potential registrants.
- 2. Streamlined instructions regarding the process to become registered.** The Registration Department has reviewed and updated templated communications to provide an overview of the requirements to become registered at the onset, rather than communicating this information at different stages of the process.
- 3. Survey non-registrants.** To gain further insight into why registrants may have chosen not to seek registration with the College, Staff will prepare and send a survey to a selection of those individuals and review results.

Issue Note

Issue: Format of Future Council Meetings
Prepared for: Council
Date: December 5, 2022

Issue

At its meeting in September 2022, Council directed Staff to review and recommend how Council meetings should proceed in the future, taking into consideration in-person and remote attendance options.

Background

Since the onset of COVID-19 in March 2020 and related pandemic control measures, Council meetings have been held virtually.

On September 26, 2022, Council held its first hybrid meeting with a combination of in-person and remote attendees. There was discussion about how meetings should be held in the future.

Current Status

Following the September Council meeting, the College conducted a survey of Council members. The survey questions focused on the meeting, its materials and how Council meetings should proceed in the future taking into consideration the following:

- Should meetings be held in person, virtually or be a hybrid combination?
- Should the September meeting continue to be held in person with a remote option for those who cannot attend in person?
- Since the September meeting includes training, should it be held over two days or is one day sufficient?

Survey Results

Overall, responses about the September meeting and materials were rated good to excellent in all categories.

Respondents unanimously felt the meeting was interactive.

In terms of format, 85% preferred a hybrid option with the remainder preferring in-person meetings.

Everyone indicated that they would attend an in-person meeting next September 2023, with a majority (70%) preferring a two-day format for that meeting.

More than double the respondents (72%) would like to see the frequency of in-person meetings increased.

Recommendations

Consider holding hybrid Council meetings. Based on the survey responses, there is a clear preference for hybrid meetings, with the frequency of hybrid meetings to be determined by Council, along with a start date.

Plan to hold a two-day in-person Council meeting in September 2023. The September Council meeting is the first meeting following the elections. Holding it in person allows new and current members to meet in person and provides an opportunity to bid farewell to those members whose terms are ending. Additionally, a two-day meeting provides more time for regular Council business, yearly training, and socializing.



Dr. Nafeesa Jalal – www.nafeesajalal.com

Diversity, Equity and Inclusion (DEI) are much more than words to me. They are the key to creating long-lasting change in the world. Over the years, I have worked passionately to embed these concepts into organizations of all sizes and sectors. I am the Founder and CEO of N. Jalal Global Consulting (NJGC Inc.), a boutique firm which was established with the intention of helping build understanding, competence and capacity around DEI, anti-racism and ally-ship.

I bring over 14 years of experience and a deep passion for this work. My firm is proud to support a client base from the public, private, non-profit and academic sectors, in Canada, the U.S. and globally.

I am certified as a Professional Capacity Builder, Trainer and Facilitator (University of Guelph, 2010 and 2017). I also bring teaching and facilitation experience in adult learning, and strive to deliver sessions in an engaging, interactive, inclusive manner which resonates with diverse adult audience groups.

I earned my PhD in Public Health from the University of the Western Cape, South Africa. Health-related organizations are an important part of my firm's portfolio, and our current clients include two of the largest community hospitals in Canada - Trillium Health Partners and William Osler Health System. It also includes numerous health regulatory Colleges in Ontario.

I am a Lecturer with Seneca College in Toronto, in their School of Health Sciences. Pre-Covid 19, I was the host of my own T.V. show, *Health and Wellness with Dr. Nafeesa Jalal*. Recorded in studio in Canada, it was aired globally due to its digital TV platform.

On a personal note, I am of Bangladeshi-Canadian, Muslim background and have traveled to 79 countries. I have lived in 11 countries and speak 4 languages fluently. My global life experiences have led me to realize the importance of this work both locally and globally.

Public speaking engagements are a frequent part of my career, and I am grateful for every opportunity to share my knowledge, passion, and experiences with you all. I look forward to speaking with you at the session on December 5th for your organization, the College of Kinesiologists of Ontario!

ICRC Report

Committee: ICRC
Prepared for: Council
Date: November 25, 2022

Meetings

The ICRC has not met in this quarter as no cases were ready for deliberation.

ICRC orientation is pending for all committee members at a date to be determined.

Matters

There are three active complaints under investigation.

Registration Report

Committee: Registration
Prepared for: Council
Date: December 5, 2022

Registration Committee meetings

The Registration Committee met once since the last report to Council on September 26, 2022, to review courses at the request of Guelph University. A training and orientation meeting was also held on November 15, 2022, for new and existing members of the Registration Committee.

Fall examination

A total of 244 candidates registered for the fall exam. This includes: 218 candidates who wrote the exam; seven candidates who requested testing accommodations; one candidate who requested writing the exam in French; and 21 candidates who either withdrew from the exam or postponed writing the exam before the deferral deadline. An additional five applicants postponed or withdrew from the exam after the deferral deadline.

In 2022, a total of 462 candidates wrote the exam. The number increased by 12.5% compared to the previous year.

Number of Candidates	Spring	Fall	Total
2013	100	141	241
2014	141	252	393
2015	174	271	445
2016	207	265	472
2017	226	281	507
2018	211	240	451
2019	191	286	477
2020	Deferred to Fall	375	375
2021	Deferred to Fall	411	411
2022	244	218	462

Membership renewal

Renewal notices were sent to all eligible registrants on July 1, 2022. Registrants had until August 31, 2022, to complete their renewal. A notice of intention to suspend was sent to registrants on

September 1, 2022. Registrants had until October 1, 2022, to renew their certificate to avoid it being placed under administrative suspension.

Below is a breakdown of registrants who were eligible for renewal and their renewal outcome:

Renewal Eligibility and Outcome	
Renewed in the general class - On or before August 31, 2022	2,136
Renewed in the inactive class - On or before August 31, 2022	289
Renewed in the general class - On or after September 1, 2022	207
Renewed in the inactive class - On or after September 1, 2022	65
Suspended for non-payment of fees	143
Deceased	0
Resigned	129

Membership update

During the period September 1, 2022, to November 18, 2022, the College registered 81 new registrants. This number is higher than in previous years (2021 - 23; 2020 - 24; and 2019 - 24), due mainly to the results of the fall 2022 entry-to-practice examination being released in October rather than November, and increased efficiencies in staff processing.

As of November 18, 2022, the total membership stands at 2,843 registrants, with 2,438 in the General Class and 405 in the Inactive Class. The total number of registrants includes newly registered and reinstated registrants.

Years	General Class	Inactive Class
2014	1280	29
2015	1419	123
2016	1731	215
2017	2149	305
2018	2158	287
2019	2310	395
2020	2292	424
2021	2328	384
2022*	2438	405

*Registration numbers as of November 18, 2022

Committee Report

Committee: Quality Assurance Committee
Prepared for: Council
Date: December 5, 2022

Meetings

The Quality Assurance Committee (QAC) has met four times, including in panels, since the last Council meeting on September 26, 2022. QAC orientation meetings took place November 2, 2022 and November 9, 2022. Panel meetings took place on November 22 and November 23 and had not occurred at the time this report was written.

Practice Guideline – Complementary Alternative Therapies

During meetings on November 2 and November 9, 2022, the QAC reviewed a Practice Guideline – Complementary Alternative Therapies. Recommendations were made and, with amendments, the Practice Guideline was referred to Council for review and approval. It is expected that this practice guideline will be presented to Council at the March 2023 Council meeting.

Peer and Practice Assessment

Twenty registrants participated in the Peer and Practice Assessment (PPA) fall/winter 2021 cycle (January 2021 - March 2022). To date, the QAC has met and rendered the following decisions:

- No further action with respect to 14 PPA cases (including those where a Notice of Intent to Direct Competency Enhancement was issued).
- One Specified Continuing Education and Remediation Plan has been ordered by the Committee. This member has transitioned to the Inactive Class and will be required to complete their PPA upon reinstatement to the General Class.
- Three PPA cases remain open pending the committee's review of Demonstrated Change Reports.
- Two PPA cases are pending review by the committee.

Twenty-seven registrants were selected to participate in the Peer and Practice Assessment (PPA) spring/summer 2022 cycle. Of these:

- Two exemptions were granted (one for pending retirement and one due to resignation from the College)

- Two deferrals were granted (one due to caregiving responsibilities and one due to not practising as a kinesiologist)
- Of the 23 remaining registrants, all PPAs have been completed. To date, the QAC has met and rendered the following decisions:
 - No Further Action with respect to five PPA cases.
- Member submissions have been received for an additional thirteen PPA cases, which are awaiting QAC review and decision(s).

Thirty registrants were selected to participate in the Peer and Practice Assessment (PPA) fall/winter 2022 cycle. Of these:

- One exemption was granted (for pending retirement)
- Four deferrals were granted (one has no patients at this time and three reported not practising as a kinesiologist)
- One deferral decision is pending receipt of a deferral request.
- Of the 24 remaining registrants, 19 PPAs have been scheduled, with scheduling ongoing for the remaining six.



2022/2023 Performance Report

Overall highlights:



(81 new registrants between Sept 1, 2022 and Nov 30, 2022)

Sept , 2022 Exam: 244 registered (as of 2022)

Operational highlights (Q1: Sept 1 to Nov 30)

Focus	Deliverables	Status	Comments and Impacts
Governance	By-laws	Yellow	Revisions have been proposed to By-laws 6, 10, 12 and 13 in keeping with the College's environmental scan regarding terms, term limits and election processes (election eligibility, addressing vacancies and supplemental/by-election processes). This work has been done in anticipation of proposed governance reforms/modernization initiatives from the Provincial government, as well as in order to adopt governance best practices. Revisions/amendments have also been proposed to By-Law 19 regarding changes to the College's fee schedule (i.e., to permit annual increases and a one-time increase).
	Governance and Nominations Committee	Yellow	Work ongoing to amend/revise the Nomination and Selection Committee Terms of Reference, as well as revise the proposed Nomination and Selection external member selection policy. Presented to Executive Committee on November 21, 2022.
	Chair training	Green	Chair training was provided to Council members who have been appointed as Chairs of various committees of Council. This training was completed on November 7, 2022.
	Council and Committee Chair Evaluation Tool	Yellow	To be developed and presented to Council at the March 2023 Council meeting. This is in keeping with CPMF measure pertaining to review of Council effectiveness.
	Mentorship and Succession Planning process	Yellow	Work ongoing to develop a formal approach to Mentorship and Succession planning. Presented to Executive Committee on November 21, 2022.
Corporate	Annual Financial Audit 2021/2022	Green	College's Annual Financial Audit for 2021/2022. Draft audited financial statements to be approved by Council.
	Recruitment	Yellow	Will be interviewing for 2 part time positions, Program Coordinator and Professional Conduct Coordinator.
Communications	By-election	Green	Completion of by-election in Districts 2, 4 and 6. Congratulatory letter sent to successful candidate (D4). Orientation of new Council member.

Focus	Deliverables	Status	Comments and Impacts
	Annual Report 2021-2022	Green	Produced and delivered annual report for 2021-2022
	University visits	Yellow	Ongoing outreach and virtual visits to graduating kinesiology students in Ontario universities over the fall and winter terms. Goal is to educate them about the College and its mandate, and how they can become registered kinesiologists.
	University Liaison Committee	Yellow	Coordination of annual meeting of University Liaison Committee on December 12, 2022
	Newsletter	Green	Distribution of October/November newsletter
	Communications in support of College programs and activities	Yellow	Entry-to-practice examination reminders and results, Certificate of Registration notices, fall 2022 exam program survey, webinar for entry-to-practice exam
<i>Registration</i>	Annual Renewal	Green	Annual renewal launched on July 1, 2022. A total of 2673 registrants renewed. A total of 148 registrants were suspended for non-payment of the annual fee. A total of 130 registrants resigned.
	Professional Corporations	Green	A total of four Professional Corporations renewed.
	September Exams	Green	A total of 218 applicants wrote the exam held in September 2022. This total includes one French applicant. A total of 21 applicants either postponed or withdrew from the exam prior to the final exam roster, and five after the exam roster was finalized. Preparing registration statistics and exam results to present to the University Liaison Committee on December 12, 2022, on their students' performance on the Entry-to-Practice Examination. Conducted student survey (post exam) to garner feedback for improvements to exam administration and curriculum.
	Jurisprudence Handbook/Online Module	Yellow	Review of 17 Jurisprudence modules is complete; proposed text revisions reviewed by Counsel. Next stage is a scheduled meeting with the vendor to confirm costs and timeline to implement changes within the module.
	Registration Committee Orientation and Training	Green	Registration orientation and training meeting held on November 15, 2022.
	Revalidation of Kinesiologist Core Competency Profile	Yellow	The College is in the process of working with the vendor to recruit subject matter experts (SMEs) from the profession to inform focus group discussions. The College is also forming a Steering Committee to review, lead and provide oversight of the project.
	Office of the Fairness Commissioner Report (OFC)	Yellow	In the process of completing first draft of the OFC report for the 2021 reporting year. The report was deferred from March 2022 to December 2022, as the OFC underwent the process of updating its reporting tool and comprehensive overhaul of its reporting structure.
	Data Management System	Yellow	Work underway with current database vendor to map steps towards data management re-implementation project in 2023.
	Bill 106 Legislation	Yellow	The Ministry has announced regulatory provisions related to language proficiency testing, exemption of Canadian experience requirements and Registrar response and referral timelines in regard to applications for registration will take effect on January 1, 2023. On August 31, 2023, health regulatory colleges will be required to have a new category of registration for an Emergency Class, used to facilitate quicker registration to help safeguard the health workforce supply in the event of future emergencies.

Focus	Deliverables	Status	Comments and Impacts
<i>Quality Assurance</i>	Practice Guideline – Complementary Alternative Therapies		Practice guideline was developed in 2019, not published. Recently reviewed (2022) in keeping with updates to revised CPSO policy/advice to the profession. Updated practice guideline has been reviewed by Quality Assurance Committee. Expected referral to Council March 2023.
	Peer and Practice Assessment		Quality Assurance Committee training completed, two panels have been convened prior to Council to continue to review PPAs from 2022. Fall/winter 2022 PPA cycle has begun, notices of selection have been sent, PPA scheduling has begun. Nineteen PPAs scheduled, six pending.
	eLearning Module: Ethics and Professionalism		eLearning module cycle has completed. Members who were required to complete the module but did not do so will be entered into PPA selection in next cycle (spring/summer 2023).
	Self-Assessment Cycle		Self-assessment to be open Dec. 1, 2022 – March 1, 2023. Communications plan is in place to ensure members are notified. Service provider has been engaged/notified.
<i>Professional Conduct</i>	Investigations		There was an intake of three cases during this quarter, they are under investigation at this time.
<i>Patient Relations</i>	Practice Standards and Guidelines Review		Complete. All Practice Standards and Guidelines that were identified for review based on the College's adoption of the Spousal Exception have been reviewed by Patient Relations Committee and approved by Council.
	eLearning Module: Prevention of Sexual Abuse		Legal review completed in September 2022. Revisions to module based on legal advice and feedback have been completed. E-Learning module to be updated by vendor/service provider. Expected that the revised eLearning module will be available to members during the next eLearning module cycle (summer 2023).

Legend:

Completed

Ongoing

Incomplete



REVENUES

COLLEGE OF KINESIOLOGISTS OF ONTARIO - REVENUE REPORT FOR QTR 1
FOR THE FISCAL YEAR 2022/2023

updated Nov 22

	1	2	3	4	5
CATEGORY	APPROVED REVENUE FORECAST (Sept 1 2022 to Aug 31, 2023)	PROJECTIONS QTR 1 SEPT 1 - NOV 30, 2022	REVENUES RECEIVED QTR 1 SEPT 1 - Oct 30, 2022 (INTERIM)		VARIANCE QTR 1
	\$	\$	\$		\$
Revenue:					
Jurisprudence Fee (\$48.25)	29,433	2,846	2,316		-530
Application Fee (\$100)	62,900	3,400	700		-2,700
Examination Fee (\$400)	200,400	1,600	1,600		0
Registration Fees*	1,854,063	272,150	236,260		-35,890
Interest Income	18,000	17,860	15,860		-2,000
TOTAL REVENUE	2,164,796	297,856	256,736		-41,120
*Registration Fees made-up of:	Approved Forecast	Projections Q1 (Sept- Nov)	Interim Actual (Sept- Nov)		Variance Q1
	\$	\$	\$		\$
New Registrants					
- Sept - Nov (\$650)	37,700	65,000	33,150		-31,850
- Dec - Feb (\$487.50)	51,675				0
- Mar - May (\$325)	25,675				0
- Jun - Aug (\$162.50)	8,775				0
Renewal (\$650)	1,650,000	175,500	171,600		-3,900
Change in Status (members back to active)	5,138	5,850	5,850		0
Professional Corporation	1,200				0
Professional Corporation Late fee	400				0
Inactive Renewal (\$200)	60,000	17,400	16,600		-800
Inactive Renewal Late Fee(\$50)	3,000	4,000	3,600		-400
Renewal Late Fee (\$100)	6,000	20,800	20,100		-700
Re-instatement Fee (\$300)	4,500	600	300		-300
Refunds		-17,000	-14,940		
Total	1,854,063	272,150	236,260		-37,950

Notes

Details:

We are expecting to meet projections by end of Q1.

Registration:

New Registrations Sept. - Nov. /22 projected to be 100 registrations the total amount is projected to be \$65,000

Renewals Sept. - Nov./22 projected to be 270 the amount is projected to be \$175,500

Late Fees: During the pandemic the late fees had been waived they have since been reinstated, that is why there is a large discrepancy between budget and actual the projected late fee amount is \$20,800

Interest income - The College has investments which generate interest, there are GIC's set to be redeemed at specific dates and others that are cashable within 30 days if necessary

EXPENDITURES

COLLEGE OF KINESIOLOGISTS OF ONTARIO - EXPENDITURE FORECAST FOR QTR 1 (SEPT-OCT. 31 2022 Interim) FOR THE FISCAL YEAR 2022/2023

updated Nov 22

	1	2	3	4	5
CATEGORY	APPROVED BUDGET Sept 1 2022 to Aug. 31, 2023	PROJECTIONS QTR 1 SEPT - NOV 30, 2022	ACTUAL EXPENSES QTR 1 SEPT - Oct 30, 2022 (INTERIM)		VARIANCE QTR 1
	\$	\$	\$		\$
<u>Expenditure:</u>					
Council & Committees	60,750	16,000	5,900		10,100
Professional Fees	69,775	14,000	140		13,860
Communications & Media	137,500	7,500	3,830		3,670
Rent & Facility Costs	238,000	57,750	40,995		16755
Office & General	113,312	8,000	5,800		2,200
Salaries & Wages	1,195,000	245,000	165,140		79,860
Registration	300,820	35,000	28,388		6,612
Quality Assurance	56,210	4,000	825		3,175
Professional Conduct	53,700	15,000	12,216		2,784
TOTAL EXPENDITURE	2,225,067	402,250	263,234		139,016

Major Highlights:

Council and Committee

Payment of expenses for Council, Executive, Finance and Planning, Registration, Quality Assurance Committees in Q1.
There will be additional costs submitted for Q1 for Council and committee meetings including training

Professional Fees

Expenses for general & human resource, legal fees and consultantancy.

There will be invoices for governance work which occurred in Q1. This includes payment for review of the Jurisprudence E-learning Module

Communications & Media

Payment for IT Support, translation cost in Q1. Projections by end of Q1 for annual report design and IT support

Office & General

Payment for bank charges, equipment rental, office supplies, telephone in Q1.

Salaries & Wages

Payment for salary/benefits in Q1. Projections by end of Q1 for November pay periods.

Registration

Payment for database maintenance, examination, certificates and hosting cost in Q1. Projection by end of Q1 for database support and maintenance and hosting cost and exam administration.

Quality Assurance

Payment for Peer and Practice Assessments (PPA) in Q1. Projections for end of Q1 for PPAs.
A number of PPA's have occurred in Q1, additional costs will be submitted.

Professional Conduct

Expenditures for investigation and legal advice in Q1. Projections for the end of Q1.
There is currently one ongoing investigation



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Government of Canada has partnered with the Health Profession Regulators of Ontario to advance equity and anti-racism in health profession regulation.

ANNOUNCEMENT: Beaverton, Ontario – November 25, 2022 – The Health Profession Regulators of Ontario (HPRO) and its members, Ontario’s health regulatory Colleges, are taking action to support anti-racism initiatives in health profession regulation. To support these initiatives, HPRO is excited to announce that it was approved for an \$88,000 grant from the Government of Canada’s *Community Support, Multiculturalism, and Anti-Racism Initiatives Program*.

For HPRO and its members, three areas are supported by this grant:

1. An equity, diversity, and inclusion (EDI) framework and strategy to support sustainable current and future (EDI) initiatives and structural change in regulation;
2. An EDI self-assessment checklist and reporting tool; and
3. The development of an EDI toolkit, including internal training components for colleges.

This work will reach hundreds of college staff, Board and committee members, and ultimately, over 400,000 regulated health professionals and their patients/clients.

HPRO will share the outcomes of this project with other provinces and territories to support their health profession regulators in their EDI journeys.

QUOTES:

“HPRO colleges support health profession regulators in providing Ontarians with safe, competent, and ethical health care. Efforts that support and improve EDI are critical to this work, and all areas of college activity will benefit from a review with an EDI lens. This project will help to make that happen.”

- HPRO Chair Elinor Larney (Registrar and CEO of the College of Occupational Therapists of Ontario)

“Thanks are extended to the Federal Government for acknowledging the benefits of this invaluable project. As regulators we are working across traditional boundaries to be thought leaders in equity and anti-racism work. I am proud to be working with a team committed to equity and anti-racism initiatives that include education and awareness and move beyond awareness raising towards skill development and action”

- HPRO Anti-Racism Project Lead Judith Rigby (Registrar and CEO of the College of Dental Technologists of Ontario)

FAST FACTS:

- There are 26 individual health regulatory colleges in Ontario, representing 29 distinct professions.
- The colleges regulate nearly 400,000 health professionals.
- HPRO hosts a public-facing site, ontariohealthregulators.ca, that offers links to Colleges and simply-stated facts about healthcare providers and regulation, with general information in 10 languages.

For more information about HPRO, visit our website: www.regulatedhealthprofessions.on.ca.

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For more information, please contact:

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COLLEGE OF KINESIOLOGISTS OF ONTARIO

FINANCIAL STATEMENTS

AUGUST 31, 2022

Draft Statements Subject to Revision

HILBORNLLP

Independent Auditor's Report

To the Council of College of Kinesiologists of Ontario

Opinion

We have audited the financial statements of College of Kinesiologists of Ontario (the "College"), which comprise the statement of financial position as at August 31, 2022, and the statements of operations, changes in net assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the College as at August 31, 2022, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the College in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Other Information

Management is responsible for the other information. The other information comprises the information, other than the financial statements and our auditor's report thereon, in the annual report.

Our opinion on the financial statements does not cover the other information and we will not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information identified above and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit, or otherwise appears to be materially misstated.

We obtained the annual report prior to the date of our auditor's report. If, based on the work we have performed on this other information, we conclude that there is a material misstatement of this other information, we are required to report that fact in our auditor's report. We have nothing to report in this regard.

Other Matter

The financial statements for the year ended August 31, 2021, were audited by another auditor who expressed an unmodified opinion on those financial statements on December 6, 2021.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the ability of the College to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the College or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the financial reporting process of the College.

Independent Auditor's Report (continued)

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control of the College.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the ability of the College to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the College to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

We also provide those charged with governance with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

Toronto, Ontario
Date to be determined

Chartered Professional Accountants
Licensed Public Accountants

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Statement of Financial Position

August 31	2022 \$	2021 \$
ASSETS		
Current assets		
Cash	2,595,931	2,281,787
Prepaid expenses	31,891	44,818
Investments (note 3)	107,658	105,053
	2,735,480	2,431,658
Prepaid expenses	56,253	56,253
Investments (note 3)	307,120	314,627
Capital assets (note 4)	82,065	110,850
	445,438	481,730
	3,180,918	2,913,388
LIABILITIES		
Current liabilities		
Accounts payable and accrued liabilities (note 5)	203,118	180,706
Deferred revenue	1,542,800	1,510,710
	1,745,918	1,691,416
Loan payable (note 6)	40,000	40,000
Deferred lease incentives (note 7)	36,555	81,212
	76,555	121,212
	1,822,473	1,812,628
NET ASSETS		
Invested in capital assets	82,065	110,850
Internally restricted net assets (note 9)	290,000	290,000
Unrestricted	986,380	699,910
	1,358,445	1,100,760
	3,180,918	2,913,388

The accompanying notes are an integral part of these financial statements

Approved on behalf of the Council:

Director

Director

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Statement of Operations

Year ended August 31	2022 \$	2021 \$
Revenue		
Registration fees	1,725,930	1,696,163
Examination fees	265,340	174,370
Application fees	54,400	62,600
Jurisprudence fees	25,074	28,177
Interest income	18,419	15,805
Government assistance (note 6)	-	10,000
	2,089,163	1,987,115
Expenses		
Salaries and benefits (note 8)	932,050	926,336
Professional fees	118,619	205,097
Rent (note 7)	192,586	213,576
Registration	169,139	206,005
Communications and media	103,512	121,721
Termination benefits	90,841	96,220
Professional conduct	39,307	73,607
Office and general	47,818	71,097
Council and committees	37,703	49,531
Merchant banking fees	41,384	37,532
Quality assurance	20,955	22,458
Amortization of capital assets	37,564	41,118
	1,831,478	2,064,298
Excess of revenues over expenses (expenses over revenues) for year	257,685	(77,183)

The accompanying notes are an integral part of these financial statements

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Statement of Changes in Net Assets

Year ended August 31

	Invested in capital assets \$	Internally restricted net assets \$	Unrestricted \$	2022 Total \$
Balance, beginning of year	110,850	290,000	699,910	1,100,760
Excess of revenues over expenses for year	-	-	257,685	257,685
Purchase of capital assets	8,779	-	(8,779)	-
Amortization of capital assets	(37,564)	-	37,564	-
Balance, end of year	82,065	290,000	986,380	1,358,445

	Invested in capital assets \$	Internally restricted net assets \$	Unrestricted \$	2021 Total \$
Balance, beginning of year	145,964	290,000	741,979	1,177,943
Excess of expenses over revenues for year	-	-	(77,183)	(77,183)
Purchase of capital assets	6,004	-	(6,004)	-
Amortization of capital assets	(41,118)	-	41,118	-
Balance, end of year	110,850	290,000	699,910	1,100,760

The accompanying notes are an integral part of these financial statements

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Statement of Cash Flows

Year ended August 31	2022 \$	2021 \$
Cash flows from operating activities		
Excess of revenues over expenses (expenses over revenues) for year	257,685	(77,183)
Adjustments to determine net cash provided by (used in) operating activities		
Receipt of prior year interest capitalized to investments	1,342	1,659
Amortization of capital assets	37,564	41,118
Amortization of deferred lease incentives	(44,657)	(21,780)
Forgivable portion of government assistance	-	(10,000)
	251,934	(66,186)
Change in non-cash working capital items		
Decrease (increase) in prepaid expenses	12,927	(3,866)
Increase (decrease) in accounts payable and accrued liabilities	22,412	(115,685)
Increase (decrease) in deferred revenue	32,090	(17,290)
	319,363	(203,027)
Cash flows from investing activities		
Purchase of capital assets	(8,779)	(6,004)
Purchase of investments	(100,000)	-
Proceeds on maturity of investments	103,560	103,560
	(5,219)	97,556
Cash flows from financing activities		
Receipt of loan proceeds	-	20,000
Net change in cash	314,144	(85,471)
Cash, beginning of year	2,281,787	2,367,258
Cash, end of year	2,595,931	2,281,787

The accompanying notes are an integral part of these financial statements

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements

August 31, 2022

Nature and description of the organization

The College of Kinesiologists of Ontario (the "College") was incorporated as a non-share capital corporation under the Regulated Health Professions Act, 1991 ("RHPA"). As the regulator and governing body of the kinesiology profession in Ontario, the major function of the College is to administer the Kinesiology Act, 2007 in the public interest.

The College is a not-for-profit organization, as described in Section 149(1)(l) of the Income Tax Act, and therefore is not subject to income taxes.

1. Significant accounting policies

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations and include the following significant accounting policies:

(a) Revenue recognition

Registration fees are recognized as revenue in the fiscal year to which they relate. The registration year of the College coincides with that of the fiscal year of the College, being September 1 to August 31. Registration fees received in advance of the fiscal year to which they relate are recorded as deferred revenue.

Examination fees are recognized as revenue when the examinations are held. Examination fees received in advance of an exam being held are recorded as deferred revenue.

Application fees are recognized as revenue upon assessment of the application.

Jurisprudence fees are recognized as revenue when the services have been provided.

Interest income comprises interest from cash and investments, recognized on an accrual basis, and realized gains and losses on the sale of investments. Interest on investments is recognized over the terms of the investments using the effective interest method.

(b) Investments

Investments consist of Canadian fixed income investments whose term to maturity is greater than twelve months from date of acquisition. Investments maturing within twelve months from the year-end date are classified as current.

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements (continued)

August 31, 2022

1. Significant accounting policies (continued)

(c) Capital assets

The costs of capital assets are capitalized upon meeting the criteria for recognition as a capital asset, with the exception of expenditures on internally generated intangible assets during the development phase, which are expensed as incurred. The cost of a capital asset comprises its purchase price and any directly attributable cost of preparing the asset for its intended use.

Capital assets are measured at cost less accumulated amortization and accumulated impairment losses.

Amortization is provided for, upon commencement of the utilization of the assets, on a straight-line basis at rates designed to amortize the cost of the capital assets over their estimated useful lives. The annual amortization rates are as follows:

Furniture and fixtures	5 years
Computer equipment	3 years
Computer software	3 years
Leasehold improvements	10 years

A capital asset is tested for impairment whenever events or changes in circumstances indicate that its carrying amount may not be recoverable. If any potential impairment is identified, the amount of the impairment is quantified by comparing the carrying value of the capital asset to its fair value. Any impairment of the capital asset is recognized in income in the year in which the impairment occurs.

An impairment loss is not reversed if the fair value of the capital asset subsequently increases.

(d) Contributed services

The work of the College is dependent on the voluntary service of many individuals. Since these services are not normally purchased by the College and because of the difficulty of determining their fair value, contributed services are not recognized in the financial statements.

(e) Deferred lease incentives

Lease incentives include reduced rent benefits and tenant inducements received in cash.

Lease incentives received in connection with a lease are amortized to income on a straight-line basis over the term of the lease.

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements (continued)

August 31, 2022

1. Significant accounting policies (continued)

(f) Financial instruments

Measurement of financial assets and liabilities

The College initially measures its financial assets and financial liabilities at fair value adjusted by the amount of transaction costs directly attributable to the instrument.

The College subsequently measures all of its financial assets and financial liabilities at amortized cost.

Amortized cost is the amount at which a financial asset or financial liability is measured at initial recognition minus principal repayments, plus or minus the cumulative amortization of any difference between that initial amount and the maturity amount, and minus any reduction for impairment.

Financial assets measured at amortized cost include cash and investments.

Financial liabilities measured at amortized cost include accounts payable and accrued liabilities and loan payable.

Impairment

At the end of each year, the College assesses whether there are any indications that a financial asset measured at amortized cost may be impaired. Objective evidence of impairment includes observable data that comes to the attention of the College, including but not limited to the following events: significant financial difficulty of the issuer; a breach of contract, such as a default or delinquency in interest or principal payments; and bankruptcy or other financial reorganization proceedings.

When there is an indication of impairment, the College determines whether a significant adverse change has occurred during the year in the expected timing or amount of future cash flows from the financial asset.

When the College identifies a significant adverse change in the expected timing or amount of future cash flows from a financial asset, it reduces the carrying amount of the financial asset to the greater of the following:

- the present value of the cash flows expected to be generated by holding the financial asset discounted using a current market rate of interest appropriate to the financial asset; and
- the amount that could be realized by selling the financial asset at the statement of financial position date.

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements (continued)

August 31, 2022

1. Significant accounting policies (continued)

(f) Financial instruments (continued)

Impairment (continued)

Any impairment of the financial asset is recognized in income in the year in which the impairment occurs.

When the extent of impairment of a previously written-down financial asset decreases and the decrease can be related to an event occurring after the impairment was recognized, the previously recognized impairment loss is reversed to the extent of the improvement, but not in excess of the impairment loss. The amount of the reversal is recognized in income in the year the reversal occurs.

(g) Government assistance

Government assistance is recognized as revenue when the related expenses are incurred or when there is reasonable assurance that the College has complied or will comply with all of the conditions of the assistance, and collection is reasonably assured.

(h) Management estimates

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make judgments, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the current year. Actual results may differ from the estimates, the impact of which would be recorded in future years.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the year in which the estimates are revised and in any future years affected.

2. Financial instrument risk management

The College is exposed to various risks through its financial instruments. The following analysis provides a measure of the College's risk exposure and concentrations.

The financial instruments of the College and the nature of the risks to which those instruments may be subject, are as follows:

Financial instrument	Risks				
	Credit	Liquidity	Market risk		
Currency			Interest rate	Other price	
Cash	X			X	
Investments	X			X	
Accounts payable and accrued liabilities		X			
Loan payable		X			

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements (continued)

August 31, 2022

2. Financial instrument risk management (continued)

Credit risk

The College is exposed to credit risk resulting from the possibility that parties may default on their financial obligations, or if there is a concentration of transactions carried out with the same party, or if there is a concentration of financial obligations which have similar economic characteristics that could be similarly affected by changes in economic conditions, such that the College could incur a financial loss.

The maximum exposure of the College to credit risk is as follows:

	2022	2021
	\$	\$
Cash	2,595,931	2,281,787
Investments	414,778	419,680
	<u>3,010,709</u>	<u>2,701,467</u>

The College reduces its exposure to the credit risk of cash and investments by maintaining balances with a Canadian financial institution.

The College manages its exposure to the credit risk of investments through an investment policy which restricts the types of eligible investments.

Liquidity risk

Liquidity risk is the risk that the College will not be able to meet a demand for cash or fund its obligations as they come due.

The liquidity of the College is monitored by management to ensure sufficient cash is available to meet its liabilities as they become due.

The College has available to it a banking facility which provides for a maximum operating line of credit of \$125,000. Borrowings under the line of credit bear interest at prime plus 0.5% per annum, and are secured by a general security agreement and assignment of fire and other perils insurance on the College's leased premises. The line of credit remains unused as at August 31, 2022.

Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk is comprised of currency risk, interest rate risk and other price risk.

Currency risk

Currency risk refers to the risk that the fair value of financial instruments or future cash flows associated with the instruments will fluctuate due to changes in foreign exchange rates.

The College is not exposed to currency risk.

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements (continued)

August 31, 2022

2. Financial instrument risk management (continued)

Interest rate risk

Interest rate risk refers to the risk that the fair value of financial instruments or future cash flows associated with the instruments will fluctuate due to changes in market interest rates.

Other price risk

Other price risk refers to the risk that the fair value of financial instruments or future cash flows associated with the instruments will fluctuate because of changes in market prices (other than those arising from currency risk or interest rate risk), whether those changes are caused by factors specific to the individual instrument or its issuer or factors affecting all similar instruments traded in the market.

The College is not exposed to other price risk.

Changes in risk

There have been no significant changes in the risk profile of the financial instruments of the College from that of the prior year.

3. Investments

	2022 \$	2021 \$
Current	107,658	105,053
Long-term	307,120	314,627
	<u>414,778</u>	<u>419,680</u>

Investments consist of guaranteed investment certificates and principal protected notes with effective interest rates ranging from 2.24% to 3.00% (2021 - 2.24% to 3.00%), and maturity dates ranging from February 2023 to September 2028 (2021 - February 2022 to February 2025).

Subsequent to year end, on September 16, 2022, the College purchased a guaranteed investment certificate in the amount of \$1,000,000 with an interest rate of 2.85% due September 18, 2023.

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements (continued)

August 31, 2022

4. Capital assets

	Cost \$	Accumulated Amortization \$	2022 Net \$
Furniture and fixtures	137,186	132,982	4,204
Computer equipment	64,017	56,701	7,316
Computer software	121,863	121,863	-
Leasehold improvements	326,662	256,117	70,545
	<u>649,728</u>	<u>567,663</u>	<u>82,065</u>

	Cost \$	Accumulated Amortization \$	2021 Net \$
Furniture and fixtures	137,186	131,717	5,469
Computer equipment	55,238	53,068	2,170
Computer software	121,863	121,863	-
Leasehold improvements	326,662	223,451	103,211
	<u>640,949</u>	<u>530,099</u>	<u>110,850</u>

5. Accounts payable

	2022 \$	2021 \$
Trade payables and accrued liabilities	185,044	152,143
Accrued liabilities - professional conduct	18,074	28,563
	<u>203,118</u>	<u>180,706</u>

6. Government assistance

During fiscal 2020 and 2021, the College received loans under the Canadian Emergency Benefit Account program, totalling \$60,000, for the payment of non-deferrable expenses. During the initial term ending December 31, 2023, the College is not required to repay any portion of the loan and no interest shall accrue. If the College repays 66.67% of the loan (\$40,000) by December 31, 2023, the remainder of the loan is eligible to be forgiven if certain terms and conditions are met. The College expects to make repayment on or before December 31, 2023, hence the College has recognized the forgivable portion of the loan as income through the statement of operations in the amount of \$10,000 in each of fiscal 2020 and 2021.

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements (continued)

August 31, 2022

7. Deferred lease incentives

Pursuant to the lease agreement for the office premises of the College, tenant inducements in the amount of \$172,596 and a reduced rent benefit in the amount of \$31,781 were received.

	Cost	Accumulated	2022
	\$	Amortization	Net
		\$	\$
Tenant inducements	172,596	141,725	30,871
Reduced rent benefit	31,781	26,097	5,684
	<u>204,377</u>	<u>167,822</u>	<u>36,555</u>
	Cost	Accumulated	2021
	\$	Amortization	Net
		\$	\$
Tenant inducements	172,596	111,578	61,018
Reduced rent benefit	31,781	11,587	20,194
	<u>204,377</u>	<u>123,165</u>	<u>81,212</u>

Amortization of lease incentives in the amount of \$44,657 (2021 - \$21,780) was credited to rent in the current year.

8. Defined contribution plan

The College has a group retirement savings plan which, upon eligibility, is mandatory for all employees. The College contributes 7% of employee earnings which amounted to \$ x (2021- x).

9. Internally restricted net assets

The College has internally restricted net assets to address unplanned expenses, increases in investigation costs and hearings and to provide support to victims of sexual abuse.

The internally restricted net assets of \$290,000 are allocated for abuse therapy in the amount of \$30,000, investigations and hearings in the amount of \$170,000 and property and technology in the amount of \$90,000.

The internal restriction is subject to the direction of the Council upon the recommendation of the Executive Committee.

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Notes to Financial Statements (continued)

August 31, 2022

10. Commitment

The College has entered into an agreement to lease its office premises expiring June 30, 2024.

The future annual lease payments, including an estimate of premises common area expenses, are as follows:

	<u>\$</u>
2023	245,974
2024	<u>204,979</u>
	<u><u>450,953</u></u>

11. Impact of COVID-19

The global pandemic of the virus known as COVID-19 has led the Canadian Federal government, as well as provincial and local governments, to impose measures, such as restricting foreign travel, mandating self-isolations and physical distancing and closing non-essential businesses. Because of the high level of uncertainty related to the outcome of this pandemic, it is difficult to estimate the future financial effect, if any, on the College.

12. Comparative figures

Certain of the comparative figures have been reclassified to conform with the presentation used in the current year. The changes do not affect the prior year excess of expenses over revenues for the year or net assets.

HILBORN

LISTENERS. THINKERS. DOERS.



Resolution: Approval of Audited Financial Statements for fiscal 2021/2022

Whereas Council requires that its operations undergo a financial audit annually,
and

Whereas the firm of Hilborn LLP was appointed to carry out this audit and did so during the
month of October 2022; and

Whereas the auditor has now presented Council with draft financial statements as well as
the auditor's opinion.

Resolution

**Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approve
for circulation, and submission to the Minister of Health, the audited financial statements for
2021/2022.**

Moved by:

Seconded by:

Date: Monday, December 5, 2022



COLLEGE OF
KINESIOLOGISTS
OF ONTARIO



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INVITATION TO SUBMIT PROPOSAL

Request for Proposals to

FACILITATE A STRATEGIC PLANNING MEETING

OF

THE COLLEGE OF KINESIOLOGISTS

DATE: December 5, 2022

1. Background

The College of Kinesiologists of Ontario became a statutory regulatory body under the *Regulated Health Professions Act, 1991* (RHPA) on April 1, 2013. While kinesiology is practiced across North America and in many other jurisdictions of the world including South Africa, the United Kingdom and Australia, Ontario is the first jurisdiction in the world to regulate the practice of kinesiology as a health care profession. The College regulates kinesiologists to ensure the safe, competent and ethical delivery of kinesiology services in Ontario.

The regulatory framework for health care professionals in Ontario is now three decades old and the *Regulated Health Professions Act, 1991* has undergone numerous amendments. The Ontario Ministry of Health (“the Ministry”) has signaled its intentions to modernize the regulation of health care professions in order to strengthen public accountability, modernize governance models, increase efficiencies and reduce costs. More recently, the government’s focus has been on workforce planning to build capacity and to improve timely access to healthcare services in the province.

In the past several years public concerns regarding sexual abuse of patients have led to Task Force recommendations that certain investigation and discipline functions relating to sexual abuse be separated from other aspects of regulation of health care professions. The Ministry has also questioned whether 26 separate regulatory bodies for health care professions are necessary and has noted that this is an expensive model. In British Columbia, many regulated health professional Colleges have been amalgamated. Health profession regulators in Ontario are investigating initiatives which would increase public engagement and accountability. The Ministry has also introduced a reporting tool to establish performance benchmarks and emphasize collaboration to ensure best practices within the regulated health professions. The Ministry is interested in governance reform based on the CNO Vision 2020 proposal submitted to the Ministry in 2019. Most Colleges supported the CNO Vision 2020 submission to the Ministry for governance reform. Internationally, many jurisdictions are investigating models for increasing effectiveness and efficiency in regulation of health care professions.

2. College Profile

College registrants currently number about 3000. This places the College in the small to mid-size range. Sixteen universities across Ontario provide degree programs in kinesiology or in other programs whose graduates may, after assessment of educational requirements, be deemed to have completed a course of study that is substantially equivalent to a four-year degree program in kinesiology.

The College’s board of directors (Council) is composed of

- (a) at least seven and no more than nine persons who are members elected in accordance with the by-laws;
- (b) at least six and no more than eight persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Regulated Health Professions Act, 1991*, or
 - (iii) members of a Council as defined in the *Regulated Health Professions Act, 1991*;
- (c) one person selected, in accordance with a by-law made under section 9 from among members who are members of a faculty or department of kinesiology of a university in Ontario.

The CEO of the College is the Registrar who reports to Council and there are nine staff reporting to the Registrar.

The College has recently completed implementation of a three-year strategic plan. Each year a business plan is approved by Council which addresses the strategic goals and initiatives identified in the strategic plan.

2. Objectives/Scope

The College of Kinesiologists wishes to engage a Consultant to prepare materials for and facilitate a two-day strategic planning workshop to guide its key initiatives over the next three to five years. The objective of this strategic planning exercise is to achieve a plan that will guide the development of the College and Council over the next three years, improve engagement of registrants and the public, and advance the College in its mandate of public protection.

The strategic workshop and associated materials will include summary materials which will help the College's Council and staff effectively respond to and implement changes being contemplated by regulators and legislators/policymakers.

3. COKO Strategic Plan Goals

- I. Guide development of the College and Council over the next three years;
- II. Improve engagement of registrants and the public;
- III. Advance the College in its mandate of public protection.

To this end, the Consultant team will prepare summary materials for the Workshop that will help the College Council and staff to:

- I. Evaluate the progress and outcomes of the 2015-2018 Strategic Plan in all areas, including engagement of the public and registrants, enhancement of public protection; and the efficiency and effectiveness of College processes; and
- II. Better understand changes being contemplated by regulators and legislators/policymakers.

4. Deliverables

Implementation Plan:

- I. The Consultant will provide a project plan including methodology and timeframe.
- II. To prepare materials for review by the workshop participants, the consultant will be asked to conduct interviews with up to eight key people who may include representatives of the profession, other health regulators, government policy-makers, thought leaders in education or the profession.
- III. The Consultant will also be asked to conduct targeted research or literature review in order to summarize key trends in the field of governance of professions, and new practices aimed at increasing public trust in the competence and integrity of health care professionals.
- IV. The Consultant will be required to meet with a Steering Committee in a kick-off meeting for further direction concerning specific strategic challenges and opportunities to be pursued during the workshop.
- V. The Consultant will provide background materials in advance to the College for distribution to workshop participants.
- VI. The Consultant will facilitate the two-day workshop.

VII. Goals of Workshop

- I. To inform the identification, discussion and development of goals and key strategic initiatives for 2022 – 2025 with emphasis on
 - a. a) member engagement;
 - b. b) increased kinesiologist professionalism and accountability; and
 - c. c) measures to increase the governance of the profession Goals must be realistic and manageable.

Strategic initiatives should focus on improving College performance in all critical areas and address other key issues facing the College as identified in the environmental scan.

- II. To identify a tactical plan that will position the College to respond to modernization initiatives and legislative changes from the Ministry of Health by enabling Council and staff to understand the building blocks of change which the government will pursue during the next three to five years.
- III. The process for this goal will include describing and discussing alternative legislative framework scenarios to prepare for future participation in discussions of new governance structure/mechanisms, ensuring that, whatever form they may take, they continue to safeguard and strengthen kinesiologists' ability to practise safely, competently, ethically and accountably, in a manner that serves and protects the public interest.

- VIII. The Consultant will provide a summary written report describing the planning process, decisions and strategies agreed to at the workshop. This material will be in a format suitable for presentation at a public meeting of Council and for publication, subject to further edits by the College, on the College's website.

Staff will subsequently develop a business plan to address the goals and initiatives in the strategic plan.

5. Proposal Requirements

Milestones and associated payment schedules:

Vendor should specify any requirements related to payment of fees for services.

The Vendor's specific responsibilities:

- The vendor will be responsible for preparing for, facilitating and providing a formal report on the Strategic Planning Session on **(date to be determined)**
- The vendor to provide an outline of how they would conduct the Council workshop (virtually/in-person)

Communications and Reporting

The Vendor shall meet with the Registrar and President of the Council for a kick-off session and communicate with the client during the Assignment Term, at minimum weekly, to provide written status reports or to obtain approval for Deliverables.

Destruction of Information

The Vendor shall destroy all information contained on any media, if requested to do so by the Client. The vendor will be required to sign a Confidentiality and Non-disclosure agreement upon signing of contract.

Disclosure of Information

The Vendor agrees to and understands that confidential information supplied to the Client may be disclosed by the Client where the Client is obliged to do so under the *Freedom of Information and Protection of Privacy Act (FIPPA)*, by an order of a court or tribunal otherwise required at law.

5. Submission Requirements and Deadline

Vendors are asked to provide the following in response to this request for proposals:

- a) Evidence of experience in assisting not-for-profit organizations in Ontario with strategic planning exercises;
- b) Qualifications and directly related experience of those who will be engaged in this assignment;
- c) Outline of knowledge and understanding of the health professions regulatory field;
- d) Rate per hour and per day;
- e) Expected time to complete each phase of the project. Four phases include:
 - Kick-off
 - Interviews and preparation of background materials for workshop participants
 - Facilitation of two-day workshop
 - Preparation of final report.
- f) Three references from clients for whom similar services have been provided in the last five years.

Submissions must be received electronically by 5:00 PM Friday, (date to be determined), 2022

Interviews for potential vendors will be arranged to occur during the week of (date to be determined) 2022

Successful Vendor Kick-Off meeting will be arranged at a mutually convenient time and in consideration of the schedules of members of the Steering Committee.

6. Evaluation Criteria – To be addressed in vendor submission

Proposals will be evaluated based on the following criteria:

60%

- Experience & Qualifications (30)
- Proven Track Record (References) (30)

Vendors must obtain 42 points or better out of 60 (minimum 70%) on the non-price evaluation criteria for their bid to be considered further.

40%

- Price – Vendors to quote on hourly and daily rate for deliverables.

7. Conflict of Interest

“Conflict of Interest” includes, but is not limited to any situation or circumstance where:

- (a) in relation to the RFP process, the Vendor has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to
 - (i) having or having access to information in the preparation of its proposal that is confidential and not available to other Vendors;
 - (ii) communicating with any person with a view to influencing preferred treatment in the RFP process; or

- (iii) engaging in conduct that compromises or could be seen to compromise the integrity of the open and competitive RFP process and render that process non-competitive and unfair; or
- (b) in relation to the performance of its contractual obligations in a Client contract, the Vendor's other commitments, relationships or financial interests
 - (i) could or could be seen to exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgment; or
 - (ii) could or could be seen to compromise, impair or be incompatible with the effective performance of its contractual obligations.

The Vendor must declare: (1) there was no Conflict of Interest in preparing its proposal; and (2) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFP.

Otherwise, the Vendor must declare that there is an actual or potential Conflict of Interest relating to the preparation of its proposal, and/or the Vendor foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the RFP.

If the Vendor declares an actual or potential Conflict of Interest, the Vendor must set out details of the actual or potential Conflict of Interest in its proposal.

8. Client Representative and Receipt of Notices

Client's address:
160 Bloor St E
Toronto,

Client Representative:
Nancy Leris
Registrar
College of Kinesiologists of Ontario

Email: nancy.leris@coko.ca
Telephone number: 416-961-7000 ext 100

Proposals should be submitted by email.

9. Agreement, Deliverables, Payment and Process

A. Letter of Agreement

To be completed by the Client when a Vendor is selected to provide the Services for the Assignment.

B. Term of Letter of Agreement

The Letter of Agreement shall expire when all Deliverables are provided under the Letter of Agreement. For certainty, the Letter of Agreement will continue until all Deliverables are provided under the Letter of Agreement (which shall not extend beyond one year from the expiry of the Term of the Agreement).

C. Deliverables, Rates and Payment Process

The Vendor agrees to provide the Deliverables to the College as described in the Letter of Agreement.

D. Payment

Note that payment for this Assignment will be made in accordance with the terms set out in the Letter of Agreement, provided the Deliverables are satisfactory to the College. The College may hold back

payment or set off against payment if, in the opinion of the College acting reasonably, the Vendor has failed to comply with any requirements of the Letter of Agreement.

E. Vendor to provide:

- (i) Contingency Plan for Assignment;
- (ii) List of staff who will be performing the work and all backup staff; and
- (iii) Price for completing the Assignment

Resolution- Approval of RFP for procurement of a Facilitator for Strategic Planning

Whereas the College acquires goods and services to meet its needs through a procurement process that is transparent, fair, provides value for money, is responsibly managed and conforms to legal requirements; and

Whereas the current Strategic Plan was designed to cover the period up to the end of 2022; and

Whereas Council views the current environment of uncertainty to be such that a focused and targeted planning effort should be undertaken to set directions for the College in the short to medium term; and

Whereas the College practices due diligence by, from time to time, undertaking competitive procurement of services and in the past, has selected one consultant (through a competitive process) for strategic planning.

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the Request for Proposal for procurement of a facilitator for the College of Kinesiologists of Ontario Strategic Plan to be posted on Merx.

Moved by: _____

Seconded by: _____

Date: December 5, 2022.



Resolution- Appointment of Strategic Planning Steering Committee

Whereas the College's current strategic Plan term ends in December 2022; and

Whereas the College will begin the development of a new Strategic Plan; and

Whereas the College will implement a Strategic Plan Steering Committee made up of Council members to lead the development of the new Strategic Plan; and

Whereas it has been brought forward by Executive Committee that Jennifer Pereira, Chad McCleave and Victoria Nicholson be appointed to the Strategic Planning Steering Committee.

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the appointment of Jennifer Pereira, Chad McCleave and Victoria Nicholson to lead the Strategic Planning Steering Committee for the development of the new Strategic Plan.

Moved by:

Seconded by:

Date:

Issue / Decision Note

Issue or Decision: Business Case for Amendments to the College’s Fee Schedule
Prepared for: Council
Date: December 5, 2022

Issue:

Review and revision of the College’s Fee Schedule.

Background:

To promote public protection by effectively regulating the practice of Kinesiology in Ontario, the College of Kinesiologists of Ontario (“the College”) must operate based on sound financial principles.

The Health Professions Procedural Code (“the Code”), Schedule 2 to the *Regulated Health Professions Act, 1991*) empowers the College to make by-laws that require members to pay fees (HPPC 94(1)(s)) and specify the amount of such fees (HPPC 94(1)(t)).

The College’s sole source of income is member fees, which must cover all operating expenses. The College’s overall fee structure has not changed since the College was proclaimed in 2013 as an active regulatory body registering kinesiologists in Ontario. The College’s fees were set from inception to cover the costs of doing business over the last ten years and the College has successfully done so without passing any additional costs to the membership. However, increased costs over the last ten years, including:

- The recent sudden and dramatic rise in inflation; and
- Greater demands from government for additional intensity of oversight and public outreach strategies

have forced the College to review its fee structure and plan for the upcoming cost increases in the various areas of its mandate to ensure continued effective regulation of the profession. The College has explored a range of options to mitigate the risks associated with increasing costs of business.

Issue for Consideration:

A Business Case regarding the College’s fee schedule. Specifically, it is proposed that the College increase the fees described in its fee schedule to offset increasing operating costs.

A high-level overview of the Business Case is as follows:

Section	Highlights
Current Situation	- The College currently holds reserves of \$986,380 in unrestricted funds, restricted funds of \$290,000 and \$82,065 in investments.

	<ul style="list-style-type: none"> - The College has taken and will continue to explore opportunities to reduce costs. - Further reductions in expenses and additional costs/expenses would compromise the College’s ability to fulfil its mandate.
Future	<ul style="list-style-type: none"> - The College has reviewed <i>Ontario’s Long-Term Report on the Economy</i> and considered the implications of demographic and economic trends. - The College is able to anticipate some cost increases associated with specific elements of its portfolio. - Other College portfolios (or components thereof) are “demand-driven”, such that future costs are more difficult to predict.
Limitations	<ul style="list-style-type: none"> - The College has considered risks associated with increased fees, including: <ul style="list-style-type: none"> o Registrant attrition o Damage to the College’s reputation - The College has not identified evidence indicating that either of these risks may pose a significant threat at this time. - The College anticipates the need for effective communication of proposed increases to the fee schedule.
Analysis	<ul style="list-style-type: none"> - The College has conducted an environmental scan to be well-informed as to how other health professional regulatory colleges in Ontario have responded to the need for changes to their fee schedules. - This includes consideration of whether proposed fee increases should be aligned with a given index of inflation. - This environmental scan showed that the College’s fees are among the lowest among comparably-sized regulatory colleges in Ontario. - A review of revenue over expenses has shown an ongoing trend towards expenses exceeding revenue.
Benefits	<ul style="list-style-type: none"> - Increases in fees will permit the College to: <ul style="list-style-type: none"> - Retain and attract talented staff in a competitive market; - Offer ongoing training to staff and Council; - Build and maintain Council competencies; - Permit an assessment of the per diems that are paid to council and committees; and - Engage in projects that will implement and embed best practices in the College’s operations. - Respond to legislative changes and governance reform.
Proposed Fee Structure	<ul style="list-style-type: none"> - The Business Case describes a proposed a fee increase, to take effect in September 2023.

Public Interest Rationale:

The fee increase proposed in the Business Case would promote public protection by:

- 1) Ensuring that the College's core operations are sustainable;
- 2) Enhancing the College's flexibility to pursue developing initiatives and best practices, including changes in legislation;
- 3) Ensuring that the College remains able to respond to unanticipated costs or unanticipated cost increases;

Stakeholder Consultation

Proposed amendments to the College's fee schedule will, upon approval in principle by Council, be circulated externally for consultation. Following this consultation period, further amendments may be made based on stakeholder feedback. The final fee schedule will then be referred to Council for final approval.

Recommendations:

Staff recommend that Council adopt the following:

- 1) Approve the proposed amended fee schedule as described in the Business Case for 60-day external consultation;



Business Case

Fees Increase

1. Purpose

To describe the College's current fee structure and explain the need for the College to increase its fees to continue to effectively meet its public protection mandate and fiduciary responsibilities.

2. Background

To effectively promote public safety by regulating the practice of Kinesiology in Ontario, the College's operations must be based on sound financial principles. The College's sole source of income is member fees. The College's approved fee structure is described in By-Law 19. The College is guided by a robust suite of financial and accounting policies. The College's Planning and Finance Committee, which reports to Council, oversees the College's financial operations.

The College is also required to report to the provincial government regarding its financial status and performance. One means of doing so is the annual College Performance Measurement Framework ("CPMF"), which includes specific performance standards pertaining to stewardship and management of resources. The *Regulated Health Professions Act (RHPA, 1991)* also requires the annual report of the College to contain annual financial statements to the Ministry.

To meet its fiduciary responsibilities, the College is required to periodically consider whether and how its income (of which member fees are the primary source) will be sufficient to cover the costs associated with business in the current and anticipated regulatory environment.

3. Current Situation

The College's overall fee structure has not changed since inception, and By-Law 19 does not contain a mechanism by which the fee structure is automatically reviewed or adjusted. The College's fees were set from inception to cover the costs of doing business over the last ten years and has successfully done so without passing any additional costs to the membership. However, the increase in costs over the last ten years and more recently, the rise in inflation and the demands from government legislation has forced the College to review its fee structure and plan for the upcoming changes and cost for continued regulation of the profession.

As with any non profit, the College needs to have adequate cash balances available to support expenses, payroll and unanticipated costs or cost increases. The College must have a reserve fund to operate the College for a minimum of 9 to 12 months. At the end of 2022, the College's reserves included:

- \$290,000 restricted
- \$82,065 investments
- \$986,380 unrestricted

Due to inflation and other pressures on the College operations, the College would require an unrestricted reserve in the amount of \$1,500,000 to cover 9 to 12 months of operating expenses. Currently our unrestricted reserve is \$986,000.

Measures to adapt to increased regulatory and operational costs with the available resources include (but are not limited to):

- **Staffing:**
 - operating with as lean a staff as is reasonably possible and hiring of part time staff when possible
 - restructuring to ensure growth in size of staffing remains consistent with other small regulators.
- **Operations:**
 - shifting to online/virtual service delivery platforms where possible.
 - moving to online exams to accommodate potential applicants of this College.
 - collaboration with other Colleges to reduce costs by sharing resources.
 - realized technical and administrative cost savings, such as hosting and activation fees associated with the on-line portal, by shifting to biennial self-assessment rather than annual self-assessment.
 - quality assurance e-learning modules made available in 3 month window each year rather than 12 months to realize savings on on-line portal hosting and other technical and administrative costs.
- **Governance:**
 - Council and Committee meetings shifting to virtual for cost savings from travel and accommodation.

In addition, the College is looking at reducing costs by not renewing its office lease, which expires in Spring of 2024. One option under investigation is to share space with another College. In this way, the College could continue, at less expense, to maintain a physical address in Toronto, thus making it accessible to registrants, Council and Committee members, and staff.

Even with the above measures, the College cannot sufficiently reduce expenses without compromising its regulatory oversight of the practice of kinesiology. Fulfilling the College's mandate to protect the public with its current expenses and no increase to revenue is not

sustainable. Additional costs (such as those associated with compliance with proposed legislative and regulatory changes) will increase the financial pressure experienced by the College.

4. Future

Ontario's Long-Term Report on the Economy ("the Report"), published in 2020, describes the expected progression of a number of demographic and economic trends in the province. The following table summarizes some of these trends, and their implications for the College:

Population growth continues to be driven by immigration

- Past 10 years: 72% of population growth attributed to immigration.
- Expected to reach 89% by 2046.
- Federal Government recently announced total of 2.3 million new immigrants 2021-2025.
- College implication: need to have resources to process increasing number of non-Ontario applications, including internationally educated applications based on proposed new legislation such as FARPACTA¹.
- Bill 106 Emergency registration provisions will increase workload to meet evolving pandemic-related healthcare capacity.

Increased proportion of older adults

- May be associated with increased demand for health care services (including kinesiology)
- This increased demand for health care workers may be associated with an increased need for registration of these workers. Registration, while a source of revenue for the College, also has additional costs.
- College implication: need for financial and operational flexibility to meet increased demand for regulatory services.

¹ FARPACTA: *Fair Access to Regulated Professions And Compulsory Trades Act, 2006*

Changing workforce trends

- Increases since 1999 in percentage of people employed in health care and social assistance has increased by 3.1%
- Percentage of workers employed in professional/scientific/technical services has increased by 2.2%.
- College implication: With increased registration comes higher revenues, but also additional costs. Need to ensure financial and operational flexibility.

Anticipated costs associated with the above demographic and economic trends may include, but are not limited to:

- **Governance:**
 - Implementation of governance reforms, which may include:
 - Costs associated with creation of additional committees (such as the Governance and Nominations Committee);
 - Costs associated with third-party review and evaluation of Council effectiveness and performance.
 - Implementation of amendments to applicable legislation including:
 - Bill 106 (*the Pandemic and Emergency Preparedness Act, 2022*) amendments to the *Regulated Health Protection Act, 1991*;
- **Operations:**
 - Requirements in accordance with the *French Language Services Act (FLSA)*, including:
 - Requirements that the College be able to provide services in English and French.
 - Compliance with all legislation associated with reducing barriers to registration.
 - Competitive compensation package for employees to ensure that we attract and retain the right talent.
 - Funds available to keep up with evolving technology, which include the administration, maintenance/updates of:
 - The College's website and other IT infrastructure (including significant upgrades to the iMIS database.
 - The College's virtual entry-to-practice examination.
 - The College's eLearning modules (Jurisprudence, Prevention of Sexual Abuse and Ethics and Professionalism);
 - Effective communication strategies to promote public protection and to provide education regarding the College's mandate and responsibilities.
 - Revision, review and re-validation of materials including, but not limited to:

- The Essential Competencies of Practice of Kinesiology.
- Policies.
- Practice Standards and Guidelines; and
- The College’s Jurisprudence handbook and associated materials;

There are also unknowns associated with costs in demand driven areas of the College's portfolio, such as:

- **Investigations:** including legal costs, investigator costs and committee per diems
- **Registration:** including translation of materials used for assessment of educational equivalency.
- **Registration:** increased frequency of Committee and Panel of the Committee meetings in accordance with registration timeline requirements contained in Bill 106; and
- **Patient Relations:** maintenance and administration of legislated funding for treatment and support for individuals who have reported sexual abuse by a member of the College.

If the trends described in the Report hold, population growth and increased demand for health-care and related services may result in increased costs associated with the above demand driven areas.

The College must be prepared to manage these and other unforeseen costs, which, as shown below, can vary greatly from year to year:

Conduct Costs

Fiscal Year End

2017	20,858.00
2018	31,045.00
2019	74,830.00
2020	34,385.00
2021	60,137.00

(Source: Year End Financial Statements)

To be prepared to meet such anticipated and unpredictable future needs, the College must have a healthy reserve and be on solid financial footing.

5. Limitations

The College anticipates some resistance from the membership regarding fee increases. Implementation must be carefully reviewed; a plan will be mapped out to ensure it is managed.

The College is aware that members may express concerns regarding proposed fee increase(s). The College understands that Kinesiologists' income may vary greatly and that fee increases should not themselves be considered high or excessive. The impact of the proposed fee increases on members of the College, including the risk of a decrease in membership associated with a fee increase, has been considered. The College has conducted a scan of similar-sized Colleges regarding member response to fee increases. These other Colleges reported that fee increase proposals are not typically well-received by members and, as a result, must be effectively communicated and carefully managed. However, there is no data suggesting that there is a significant risk of member attrition (resignation or otherwise) associated with fee increases. There is also no evidence that a proposed fee increase would result in increased public risk due to permanent or irreparable damage to the reputation of the regulatory College.

6. Analysis

The College conducted an environmental scan including outreach to other health regulators. The by-laws of other colleges were also reviewed for references to fees management. The outcome of this scan revealed that a number of Colleges have fee increases included in their by-laws (see attached spreadsheet). There were several different approaches to these increases. Some based it on a standard 2% yearly increase or Cost of Living Adjustment (COLA). Other colleges based their increase(s) on the percentage that overhead and operations have increased, including using a specified measure of inflation. A number of measures of inflation may be considered:

	Measures	Strengths	Weaknesses
Consumer Price Index (CPI)	Measures the monthly change in prices paid by consumers.	Large population size considered. Used extensively, including by Bank of Canada.	Does not include housing costs.
Producer Price Index (PPI)	Measures price change from the	A good indicator of costs (such as raw materials)	Focused on commodities as opposed to services.

	perspective of the seller.	faced by producers.	
Retail Price Index (RPI)	Measures the change in the cost of a representative sample of retail goods and services.	Considers housing costs.	<p>Relatively small population size considered.</p> <p>Measures costs to producers (input costs), but does not necessarily consider.</p> <p>May not be used extensively by central banks/government agencies as a measure of inflation.</p>
Personal Consumption Expenditures (PCE)	Measures spending by and on behalf of the personal sector (which may include non-profits that serve individual households)	Includes consideration of goods/services paid by third-party payors (including health care)	Assigns less weight to health care than CPI.

It was noted in the College’s environmental scan that other regulatory Colleges in Ontario, and the Bank of Canada, appear to use the CPI when aligning annual fee increases to a given index of inflation.

The following chart shows College fee increases from 2021 to 2022:

	2021 Fee	Proposed 2022 Fee *	% Increase
College of Nurses of Ontario	\$305	\$339	11.00%
College of Registered Psychotherapists of Ontario	\$589	\$629.05	6.80%
College of Massage Therapists of Ontario	\$785	\$797	2.00%
College of Opticians of Ontario	\$742	\$867	17.00%
College of Naturopaths of Ontario	\$1,609	\$1,685	5.00%
College of Chiropractors of Ontario	\$1,700	\$1,800	6%

College of Midwives

\$2,651

\$2,703

1.96%

(Source: Environmental Scan)

The College of Kinesiologists fees were among the lowest when compared to other Colleges of similar membership size, as shown in the table below:

	Members	Appl Fee	Reg. Fee	Annual Fee
Homeopaths	487	275.00	850.00	1,250.00
Dental Technologists	536	295.00	1,869.00	1,869.00
Denturists	740	100.00	1,900.00	1,900.00
Chiropodists	760	200.00	1,800.00	1,800.00
Midwives	1064	100.00	2,703.00	2,703.00
Naturopaths	1591	275.00	1,685.00	1,685.00
Chinese Medicine	2616	250.00	1,300.00	1,300.00
Kinesiologists	2899	100.00	650.00	650.00
Respiratory Therapists	3703	75.00	650.00	650.00
Dietitians	4139	185.00	425.00	590.00
Psychologists	4620	100.00	795.00	795.00
Audiologists & Speech Pathologists	4700	150.00	780.00	780.00
Chiropractors	5250	50.00	325.00	1,050.00

(Source: Websites of Colleges)

We also found that during the pandemic most Colleges did not increase fees; they are now beginning to raise them in the coming year.

A review of revenue over expenses since the College began was conducted, with a trend towards expenses that are beginning to exceed revenue. As you can see below when comparing both line-items, the revenue line has not grown excessively however expenses are increasing. Included in the revenue line for 2020/2021 is also \$20,000 that is part of a forgivable loan from the Government of Canada.

Fiscal YE	Revenue	Expenses
Mar. 31, 2012	416,700.00	347,600.00
Mar. 31, 2013	1,129,000.00	1,061,000.00
Mar. 31, 2014	1,734,000.00	1,171,000.00
Mar. 31, 2015	2,128,000.00	1,615,000.00
Mar. 31, 2016	1,345,040.00	1,602,000.00
Mar. 31, 2017	1,835,000.00	1,748,000.00
Mar. 31, 2018	1,898,000.00	1,654,000.00
Aug. 31, 2018	835,500.00	836,000.00
Aug.31, 2019	1,995,000.00	1,916,000.00
Aug. 31, 2020	1,967,000.00	2,086,000.00
Aug. 31, 2021	1,987,000.00	2,064,300.00

(Source: Year End Financial Statements)

The data above shows an approximately 76% increase in revenue since 2013, with an approximately 95% increase in expenses since 2013. Assuming that current trends in registration growth (revenue) and operating costs (service delivery costs, other operational costs and inflation) continue, the College's expenses will continue to increase disproportionately relative to revenue. In the interests of effective regulation and public protection, the College must be able to continue to operate in a sustainable manner, which we believe can only be achieved by increasing fees at this time.

7. Benefits

With a fee increase, the College will be able to have the tools in place to fulfill the College's public protection mandate. Specifically, the proposed fee increase will allow the College to continue to:

- Retain and attract talented staff in a competitive market. To do this, we must have a competitive compensation package;
- Offer ongoing training to staff and Council to provide them with the tools they need to be successful;
- Build and maintain Council competencies to support an active and educated council;
- Support member participation on committees and Council. This may include an assessment of the per diems that are paid to council and committees; and
- Move forward with projects that will streamline processes, including better database, improved IT infrastructure, governance reform, review of core competency profile, educational tool review, review of item writing and examination items for item bank for the exams, the continuation of online exams and maintenance of the online exams.
- To meet the legislative changes to governance and other directives from government.

8. Proposed Fee Structure

After analysing the College's current situation and reviewing other College fee structures, we propose the fee schedule below. The increase for 2023 was developed by looking at the need to increase our reserve and enable us to complete current and outstanding projects, and new projects which must be addressed. After the 2023 increase, the College proposes that the fees be reviewed by Council annually to see if there would be a need for a further increase.

The following tables describe the proposed fee structure, as well as annual revenue projections that take the proposed fee increase(s) into consideration.

Fees based on fee schedule	Based on Current Fee Schedule 2021	Proposed Increase
Incorp. Application Fee	200.00	230.00
Renewal late fee- Inactive Class	50.00	100.00
Returned NSF Cheque Charges	40.00	40.00
Registration Fees - General Class Sept. - Nov	650.00	700.00
Dec. - Feb	487.50	525.00
Mar - May	325.00	350.00
June - Aug	162.50	175.00
Renewal	650.00	700.00
Certificate of Authorization	50.00	50.00
Reinstatement Fees - Inactive	300.00	350.00
Incorp. Annual Late Fee	200.00	250.00
Examination Fees	400.00	450.00
Inactive Class	200.00	250.00
Renewal late fee - General Class	100.00	150.00
Application Fees	100.00	150.00
Jurisprudence Fees	50.00	75.00
Revenue	1,957,740.00	2,169,193.85
Increase in Revenue	211,453.85	

Summary

The College remains committed to its fiduciary duty and the principles of sound financial management. The College will continue to monitor and implement strategies to reduce costs and expenses to meet its public protection mandate.

After reviewing the needs of the College, it has been determined that revenue must be increased to mitigate risks to the College's operations. A fee increase is in the best interest of public safety, as it would ensure that the College has the required processes, tools and resources in place to fulfill its mandate.

During the pandemic the College did our best to understand and respond to the needs of our membership and we will continue to do so. We will ensure transparency around the need for a fee increase. Communications will be open and transparent and will include information on what membership fees pay for. It is important that members understand the role of the College in protecting the public and ensuring the integrity of registered kinesiologists. Communications with members will include consultation and possibly conducting of surveys if required.



Resolution – Amendments to the College’s Fee Schedule

Whereas the College of Kinesiologists of Ontario (“the College”) is committed to ensuring that it operates based on sound financial principles; and

Whereas the Council of the College (“the Council”) has the authority, set out in the *Health Professions Procedural Code* (“the Code”), which is Schedule 2 to the *Regulated Health Professions Act* (RHPA, 1991) to set its fee schedule; and

Whereas the College has conducted research into the possibility of adjusting the fee schedule to ensure that the College’s operations remain on sound financial footing; and

Whereas a Business Case has been developed, wherein an increase in the College’s fees has been proposed; and

Whereas the proposed Business Case has been reviewed by the Planning and Finance Committee and referred to Council for review;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the proposed fee increases as described in the College’s Business Case and for consultation.

Moved by:

Seconded by:

Date: December 5, 2022

Issue / Decision Note

Issue or Decision: Proposed Amendments to By-law 19: Fees
Prepared for: Council
Date: December 5, 2022

Issue:

Review and revision of By-law 19 in keeping with proposed changes to the College’s fee schedule.

Background:

To promote public protection by effectively regulating the practice of Kinesiology in Ontario, the College’s operations must be based on sound financial principles. and 94(1)(t) of the *Health Professions Procedural Code* (“HPPC”, “the Code”) states that Council “[...]may make by-laws relating to the administrative and internal affairs of the College[...]”, including requiring members to pay fees (HPPC 94(1)(s)), and specifying the amount of such fees (HPPC 94(1)(t)). The College’s sole source of income is member fees, with the College’s approved fee structure set out in By-Law 19.

The *Regulated Health Professions Act (RHPA, 1991)* requires the College to report annually to the provincial government regarding its financial status and regulatory performance through an annual report and audited financial statements. The College is also required to report annually to the Ministry of Health through the College Performance Measurement Framework (“CPMF”). The CPMF includes specific performance standards pertaining to stewardship and management of resources.

The College’s overall fee structure has not changed since the College was proclaimed in 2013 as an active regulatory body registering kinesiologists in Ontario. Its By-Law 19 (Fees) does not currently contain a mechanism by which the fee structure is automatically reviewed or adjusted. The College’s fees were set from inception to cover the costs of doing business over the last ten years and the College has successfully done so without passing any additional costs to the membership. However, the increase in costs over the last ten years and more recently, the sudden and dramatic rise in inflation and greater demands from government for additional intensity of oversight and public outreach strategies has forced the College to review its fee structure and plan for the upcoming cost increases in the various areas of its mandate to ensure continued effective regulation of the profession. The College shares this fee increase and restructuring imperative with the other professional regulatory bodies in Ontario and in every other jurisdiction.

The College has reviewed its current fee schedule and has reviewed the relevant By-laws (By-law 19: Fees). The intent of the College is to ensure that the By-laws are clear, relevant and fit for the purpose of meeting the College’s present and anticipated future operational requirements.

Issue for Consideration:

College staff completed an environmental scan of the relevant By-laws of the following bodies:

College of Chiropractors and Podiatrists of Ontario
College of Medical Laboratory Technologists of Ontario

College of Medical Radiation Technologists of Ontario
College of Chiropractors of Ontario
College of Physiotherapists of Ontario
College of Occupational Therapists of Ontario

College of Registered Psychotherapists of Ontario
 College of Psychologists of Ontario
 College of Homeopaths of Ontario
 Royal College of Dental Surgeons of Ontario
 College of Dental Hygienists of Ontario
 College of Dental Technologists of Ontario
 College of Pharmacists of Ontario
 College of Respiratory Therapists of Ontario
 College of Dietitians of Ontario
 College of Audiologists and Speech-Language Pathologists of Ontario

College of Opticians of Ontario
 College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
 College of Naturopaths of Ontario
 College of Midwives of Ontario
 College of Optometrists of Ontario
 College of Physicians and Surgeons of Ontario
 Ontario College of Teachers
 College of Social Workers and Social Service Workers
 College of Nurses of Ontario

A high-level overview of proposed amendments to By-law 19 is included in the table below:

Proposed change	Rationale / Explanation
19.11 Annual Fee Increases Effective September 1, 2024, and each year thereafter, until this By-law is further amended, inflationary increases shall be applied to all fees by Council.	Establishes the power to set annual fee increases.
19.12 Power to Waive Fee Increases Council may, prior to September 1 of any given year, decide to waive the fee increase for that year.	Establishes a mechanism by which Council may waive a fee increase.
19.13 Review of Fees At any time, Council may review and, with or without amending these By-laws, adjust the amount of any fees or fee increases set out in By-law 19.	Provides flexibility to review and adjust fees when deemed necessary and/or appropriate.

Public Interest Rationale:

Unclear or inconsistent By-laws pertaining to the College’s fees:

- 1) Could bring discredit to the College and undermine public confidence in the College’s ability to govern the profession in the public interest;
- 2) Could create liability for either the College and/or the person involved;
- 3) Could result impede current and future decision-making regarding the fee schedule;
- 4) Could result in the perception that decisions made by Council are not consistent, fair and transparent; and/or
- 5) Could result in a complaint against the College;

Stakeholder Consultation

Proposed amendments to By-law 19 will, upon approval in principle by Council, be circulated externally for consultation. Following this consultation period, further amendments may be made to

the By-law based on stakeholder feedback. The By-law will then be referred to Council for final approval.

Recommendations:

Staff recommend that Council adopt the following:

- 1) Approve the proposed amendments to By-Law 19 for a 60-day external consultation;

Proposed Amendments to By-Law 19 of the College of Kinesiologists of Ontario

DRAFT

The following are proposed amendments to By-Law 19 of the College of Kinesiologists of Ontario.

Document Layout

The document is structured in a table that sets out the current by-law provision, the proposed changes (additions are in red, deletions are struck out) and the rationale for the change. Only proposed changes are included here (by-laws for which no change was proposed have been excluded from this document).

Consultation

Upon approval of the proposed By-law 19 amendments for circulation, a 60-day external consultation will take place in advance of presenting final proposed changes to Council at its March 2023 meeting. College staff will review all feedback received during the consultation, and Council will be provided with final changes and information obtained during the consultation process for Council's review and approval in March 2023. Once the amendments are approved, staff will communicate these changes to registrants and other stakeholders.

By-Law 19: Fees

Current by-law provision	Proposed change	Rationale / Explanation
N/A	19.11 Annual Fee Increases Effective September 1, 2024, and each year thereafter, until this By-law is further amended, inflationary increases shall be applied to all fees by Council.	Establishes the power to set annual fee increases.
N/A	19.12 Power to Waive Fee Increases Council may, prior to September 1 of any given year, decide to waive the fee increase for that year.	Establishes a mechanism by which Council may waive a fee increase.
N/A	19.13 Review of Fees At any time, Council may review and, with or without amending these By-laws, adjust the amount of any fees or fee increases set out in By-law 19.	Provides flexibility to review and adjust fees when deemed necessary and/or appropriate.



Resolution – Amendments to By-law 19: Fees

Whereas the College of Kinesiologists of Ontario (“the College”) is committed to ensuring that it operates based on sound financial principles; and

Whereas the Council of the College (“the Council”) has the authority, set out in the *Health Professions Procedural Code* (“the Code”), which is Schedule 2 to the *Regulated Health Professions Act* (RHPA, 1991) to set its fee schedule; and

Whereas the College has conducted research into the possibility of adjusting the fee schedule described in By-law 19: Fees; and

Whereas revisions to By-law 19: Fees have been proposed that are intended to promote clarity and transparency regarding proposed changes to the College’s fee schedule; and

Whereas the proposed revisions to By-law 19: Fees have been reviewed by the Planning and Finance Committee and referred to Council for review and approval;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendments to By-law 19 for a 60-day external consultation.

Moved by:

Seconded by:

Date: December 5, 2022

CHALLENGES CONQUERED

Modernizing Regulatory Excellence
2021/2022 Annual Report

COLLEGE OF
KINESIOLOGISTS
OF ONTARIO



2021/2022 Annual Report

For the period September 1, 2021
to August 31, 2022

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The College of Kinesiologists of Ontario protects the public by regulating more than 2,900 kinesiologists in the province. We are proud to share our 2021/2022 Annual Report, which showcases our accomplishments and readiness to take on new goals to ensure regulatory excellence.

LAND ACKNOWLEDGEMENT

We would like to acknowledge that the office of the College of Kinesiologists of Ontario is located in Toronto on land that is the traditional territory of the Haudenosaunee, and most recently, the territory of the Mississaugas of the New Credit First Nation.

President's Message



Over the past two years, we have steered the College through the pandemic and emerged stronger. We have adapted to change and built the resilience needed for agile regulation. Now we are well positioned with a solid foundation for the changes that are coming to Ontario's regulated health professions.

The College is run by a Council, similar to a board of directors. It sets the strategic and policy direction, and ensures the College is acting in the public interest. At the foreground of every decision made by Council is its mandate to protect and promote the public interest.

As we mark the achievement of our three-year strategic plan, it's a good time to reflect on our accomplishments and to look to the future ahead.

During the last few years, we have seen the demand grow for improved accountability, increased transparency, and stronger measures to ensure public protection. We have worked diligently to achieve the goals outlined in the College's strategic plan knowing full well that a plan is always open for continuous improvement.

We have strengthened the College's decision-making capacity to improve patient and client safety while reducing the risk of harm. In addition, the College has promoted competent, safe, and ethical kinesiology practice that is patient and client centred, while fostering collaboration among health professionals. These achievements require the ongoing building of our ability to analyze and report valid data and information that demonstrates our progress toward reducing the risk of harm and protecting the public.

As we set our eye on the future, there is excitement in building our new strategic plan focused on continual improvement as we modernize regulatory excellence.

Over the past two years, the reality of the pandemic has challenged us to grow. To look at new ways of ensuring regulatory excellence and building resilience.

We have conquered our challenges and we have built resilience. We are now well positioned to take on the new goals that will come with navigating the College through the changes that are coming to Ontario's regulated health professions.

Through the new online orientation module, and Council and committee competencies, we are growing the capacity of Council members to represent the interests of the public. The College recognizes the ongoing need to provide even more accountability and information on its processes. We must also do more to ensure accountability around diversity, equity and inclusiveness, all while ensuring public protection every step of the way.

In closing, on behalf of Council, I would like to thank the College's senior management team and staff for their outstanding work and commitment to public safety this past year. I look forward to the challenges ahead and welcoming all who join us in our journey.

A handwritten signature in black ink, appearing to read 'Jennifer Pereira'.

Jennifer Pereira
President

Registrar's Message

The College exists to protect the patients and clients of registered kinesiologists. It is committed to reducing risk of harm to patients and clients, and to promoting patient and client-centred care.

In a perfect world, we learn through the challenges we face. This past year, we have done that in many ways. Together – as Council, committee members and staff – we took on many difficult challenges that have helped us to grow. The College continued to monitor the COVID-19 situation throughout the year and provide updates to members based on information from Ontario's Ministry of Health.

During the year, Council approved several important updates to the College's Practice Standards that improve the College's ability to ensure greater public protection. The spring 2022 Council election cycle operated under the recently approved Council and Committee Competency Profile that defines the knowledge, skill, judgement, attitude and experience that Council and committee members require for effective performance in their public protection roles. In addition to emphasizing good governance principles, these competencies include a strong focus on diversity, equity and inclusion, and maintaining awareness of issues impacting the public's healthcare experience.

A new Council and committee online orientation module with a knowledge retention component was also launched in 2022 to prepare Council and committee members to assume their governance roles.

In April we launched the entry-to-practice exam online for the first time with 242 applicants registered. Exam security and integrity were ensured, and accommodations were offered to applicants as needed.

At the staff team level, the College continued to work with other health profession regulators to collaborate on initiatives that support health care regulation. Staff started the year working remotely and then, when conditions allowed, returned under a hybrid model. All our Council and committee meetings throughout the year took place online.

As we look ahead, our clear focus continues to be on patient and client safety. Having achieved the goals in our 2019-2022 Strategic Plan, we are about to develop a new plan for 2023-2026. We are also embarking on a project to revalidate the kinesiologist core competencies. We plan to engage more with our registrants and stakeholders and provide the information they need. And we intend to continue our efforts to achieve greater equity and inclusiveness in all areas.

The challenges we faced and addressed this past year tested our ingenuity, adaptability and resilience. I thank our Council and committee members, our staff team and all our partners in the regulatory community for their continued support.



Nancy Leris
Registrar and Chief Executive Officer



“

The operations of the College are overseen by a group of dedicated and talented individuals. Not only did our staff adjust rapidly to the changes needed to deliver on our mandate to protect the public, but so did our Council and committee members. All we accomplished over this past year would not have been possible without their commitment to regulatory excellence.

About the College

The College of Kinesiologists of Ontario is the organization that regulates kinesiologists working in the province of Ontario.

The College exists to protect the public and we do this by:

Setting requirements to become a kinesiologist so that only qualified individuals can practise

Requiring kinesiologists to keep their knowledge and skills up to date

Investigating all complaints received about kinesiologists and disciplining when necessary

Developing rules and guidelines for kinesiologists' practice and conduct

VISION

A healthier Ontario through excellent kinesiology practice.

MISSION

To protect the public through governing and ensuring excellent professional practice of kinesiologists in Ontario.

VALUES

The College of Kinesiologists of Ontario holds honesty and integrity as its guiding principles. The College is committed to operating in a fair and open manner and treating its staff, members, the public and stakeholders with respect and dignity.

Year in Review

The College is proud to lead and support efforts that improve health profession regulation. This is made possible through the dedicated efforts of the College's Council, committees and staff who are committed to continuously improving how we serve the public interest.

STRATEGIC PLAN

The College reached the end of its 2019-2022 three-year strategic plan that focused on **strengthening** the College's decision-making capacity to improve patient/client safety and reduce the risk of harm to patients/clients; **promoting** competent, safe and ethical kinesiology practice that is patient/client-centred and fostering collaboration among health professions to further protect patients/clients; and **analyzing and reporting** on data and information that demonstrates our progress toward reducing risk of harm and how we protect the public. Early in 2023 the College will engage in the development and launch of its new 2023-2026 strategic plan.

COUNCIL AND COMMITTEE COMPETENCY PROFILE

The College developed a Council and Committee Profile that defines the knowledge, skill, judgement, attitude and experience that Council and committee members require for effective performance in their roles. The competencies, approved by Council in March 2021, were implemented in the 2022 Council election cycle.

RESPONDING TO COVID-19

The College continued to monitor the COVID-19 pandemic and provide updates to its members based on information from Ontario's Ministry of Health. Staff worked remotely until returning to work under a hybrid model in the late spring of 2022.

BY-LAW AMENDMENTS

In September 2021, Council approved By-law 10 amendments introducing changes to eligibility criteria for those seeking election to Council to include successful completion of a qualification process established by Council.

ONLINE COUNCIL ORIENTATION MODULE

The College collaborated with a group of health regulatory colleges to re-purpose an existing online Council orientation module that includes a knowledge retention testing component at the end. The new online Council and committee orientation module was implemented for the 2022 Council election cycle. The College also provided annual training to Committee members regarding the functions and terms of reference of each committee on which the member serves.

Year in Review (continued)

COUNCIL EFFECTIVENESS ASSESSMENT

The College collaborated with the Health Profession Regulators of Ontario to establish a framework for the assessment of Council effectiveness, as required under the Ministry of Health College Performance Measurement Framework. Next steps include reviewing expressions of interest from third-party consultants to develop this evaluation framework.

GOVERNANCE REFORM AND REGULATORY MODERNIZATION

The College played an active role in developing the Health Profession Regulators of Ontario (HPRO) response to the Ministry of Health “Governance Reform and Regulatory Modernization” proposals and submitted an additional individual response to the Ministry from the College’s perspective. The College also participated individually and with HPRO in consultations on the Ministry of Health draft Bill 106, Pandemic and Emergency Preparedness Act, which adds new requirements to the RHPA Health Professions Procedural Code.

ONLINE EXAM LAUNCH

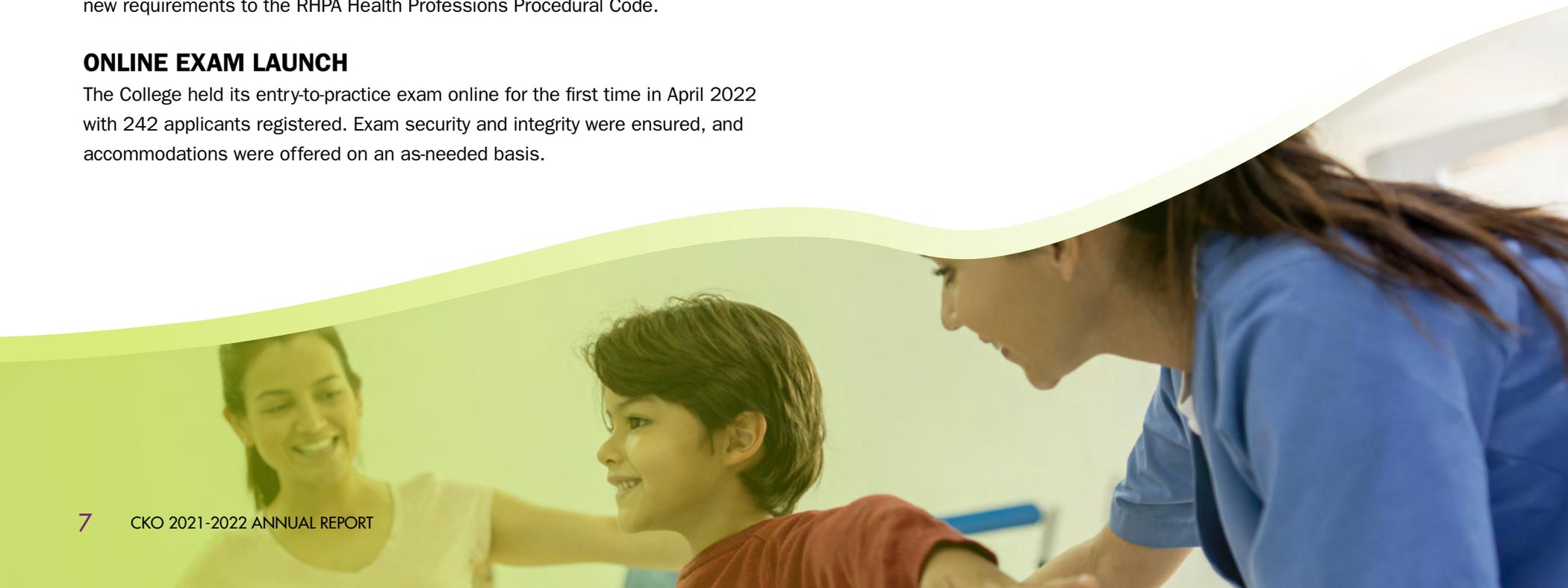
The College held its entry-to-practice exam online for the first time in April 2022 with 242 applicants registered. Exam security and integrity were ensured, and accommodations were offered on an as-needed basis.

PRACTICE STANDARDS REVIEW

During the year, Council approved several important updates to the College’s Practice Standards that improve the College’s ability to serve the public interest and ensure greater public protection.

ENSURING ACCOUNTABILITY, DIVERSITY AND INCLUSIVENESS

The College continued to play an active leadership role in the Health Profession Regulators of Ontario’s (HPRO)’s Anti-Racism initiatives, most recently resulting in an HPRO-commissioned external expert report, providing advice and recommendations for acknowledging the diversity that exists in our communities of patients/clients, and health professionals, increasing sensitivity towards differing needs, and taking action to improve equity and inclusiveness by regulators and within the broader healthcare system.



By the Numbers

For the fiscal year ending August 31, 2022, data related to employment is collected at membership renewal from registered kinesiologists practising in Ontario, and only focuses on their primary practice.



REGISTRANT STATISTICS

TOTAL REGISTRANTS

2,964

Active **85%** Inactive **15%**

GENDER

Male **35%** Female **65%**

AGE RANGE

20-29 **32%**

30-39 **37%**

40-49 **19%**

50-59 **10%**

60+ **2%**

NEW REGISTRANTS

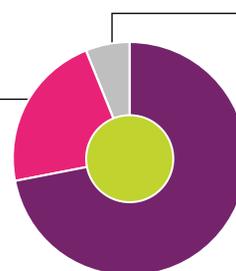
261



EMPLOYMENT

STATUS

Employed part-time
21%



Employed casually
4%

Employed full-time
75%

NATURE OF PRACTICE

Clinical practice **46%**

Non-clinical practice **27%**

Mixed practice **27%**
(combination of clinical and non-clinical)

TOP 5 PRACTICE ROLES

1. Service provider

2. Owner/operator

3. Consultant

4. Manager

5. Instructor or educator

AGE OF CLIENTS

49% of R.Kins work with people of all ages

Work with adults **43%**

Work with seniors **6%**

Work with children (under 18) **2%**

 EDUCATION

PLACE OF EDUCATION

Canadian educated **98%**

Ontario educated **94%**

Educated **outside of Ontario** **6%**

TOP SOURCE PROVINCES FOR R.KINs EDUCATED OUTSIDE OF ONTARIO *(from greatest to least)*

1. Nova Scotia
2. Quebec
3. British Columbia
4. Alberta
5. Manitoba

TOP SOURCES COUNTRIES FOR INTERNATIONALLY-EDUCATED R.KINs *(from greatest to least)*

1. United states
2. Poland
3. Australia
4. China
5. United Kingdom

 EXAMINATIONS

745

applicants registered to write the entry-to-practice exam in total.

411

applicants wrote the entry-to-practice exam in September 2021.

244

applicants wrote the entry-to-practice exam in April 2022.

76% Passed

68% Passed

EXAMINATION APPEALS

3 received
3 granted

 INQUIRIES (PRACTICE ADVICE)

202

inquiries from kinesiologists, the public and other stakeholders in 2021-2022.

TOP 5 INQUIRIES ON PRACTICE ADVICE (2021-2022)

1. Scope of Practice/Controlled Acts/Delegation	33	5. Fees & billing	13
2. Other	30	5. Insurance	13
3. Clinical practice	25	5. Record keeping	13
4. Titles & designation	19		

Registration Committee

The Registration Committee develops and implements transparent, objective, impartial, and fair registration practices to protect the public, ensuring that only qualified individuals are registered to practise kinesiology in the province of Ontario.

The Committee considers applications for registration that have been referred by the Registrar in situations where the Registrar:

- has doubts about whether an applicant has met the registration requirements.
- is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration.
- proposes to refuse the proposes to refuse the application.

From September 1, 2021 to August 31, 2022, the Registration Committee reviewed and decided on the following:

TYPE OF CASE	NUMBER OF CASES	DECISION
Non-exemptible educational requirement	21	7 applications were approved 1 application was refused 13 decisions were postponed pending further information or additional training prior to approval
Reinstatement to the General Class after two years in the Inactive Class	9	1 reinstatement into the General Class was granted 6 reinstatements into the General Class were granted with conditions 2 decisions were postponed pending further information
Expiration of one-year period for registration following notification of eligibility	8	8 applications were approved and granted a certificate of registration
Exemption request from re-challenging entry-to- practice examination after resignation and re-registration	3	2 applications were granted exemption from re-challenging the entry-to-practice exam 1 application was refused
Exceptional circumstances – exemption from exam timelines	51	48 applications were approved 3 decisions were postponed pending further information
Proposal for upgrading/remediation	7	7 remediation plans were approved
Good conduct	1	The application was approved
Exemption request from challenging entry-to-practice exam	1	1 application was refused
Review decision of the Health Professions Appeal and Review Board (HPARB)	0	

Registration Committee *(continued)*

Applicants not satisfied with the decision of the Registration Committee may appeal to the Health Professions Appeal and Review Board (HPARB). There were no appeals submitted to HPARB from September 1, 2021 to August 31, 2022.

In addition to reviewing applications referred by the Registrar, the Committee carried out numerous other responsibilities, including:

- Submission of the annual Fair Registration Practices Report to the Office of the Fairness Commissioner of Ontario.
- Submission of the Professions Database Report to the Ministry of Health of Ontario.
- Review of submission for substantial equivalency of a non-kinesiology program to a four-year kinesiology undergraduate program from an Ontario university.
- Review and revision of registration policies.
- Orientation and training of new Committee members.

EXAM

411 applicants wrote the entry-to-practice exam in September 2021. The number of applicants writing the exam in September 2021 was significantly higher than previous years because the April 2021 exam was deferred to September 2021 due to the COVID-19 pandemic.

244 applicants wrote the entry-to-practice exam in April 2022. The College also successfully held its first online remotely proctored administration of the exam during this session.

EXAM DATE	WROTE	PASSED	% PASSING
September 18, 2021	411	312	76
April 27, 2022	244	166	68
Total	655	478	72

EXAMINATION APPEALS COMMITTEE

The Examination Appeals Committee is responsible for hearing appeals from applicants who unsuccessfully completed the entry-to-practice exam and who meet the criteria for filing an appeal.

In 2022, of the three appeals received, all three were granted.

Quality Assurance Committee

The Quality Assurance (QA) Committee administers programs that help kinesiologists keep their knowledge and skills up to date.

The QA Program includes:

- self-assessment.
- e-Learning modules (Ethics and Professionalism and Prevention of Sexual Abuse).
- continuing professional development.
- peer and practice assessments.
- ways for the College to monitor kinesiologists' participation and compliance with the program.

The QA Program is educational and supportive. All kinesiologists must participate in the program and demonstrate commitment to continuous improvement and on-going learning.

COMMITTEE ACTIVITY

From September 1, 2021 to August 31, 2022, QA activities included:

- Kinesiologists pursuing their Individual Learning Plans, which were created during the 2020-2021 self-assessment cycle. The next self-assessment cycle will begin on December 1, 2022.

- Reviewing and updating the Prevention of Sexual Abuse e-Learning module consistent with the College's adoption of the spousal exception.
- Conducting 43 virtual peer and practice assessments during fall/winter 2021 and spring/summer 2022 peer and practice assessment cycles.
- 193 kinesiologists completing the Ethics and Professionalism e-Learning modules for newly registered kinesiologists.
- Conducting an audit of 300 kinesiologists' Professional Liability Insurance with a focus on risk-based peer and practice assessments selection using stratified random sampling.

PEER AND PRACTICE ASSESSMENT

The Peer and Practice Assessment (PPA) Program is a guided educational opportunity designed to assess kinesiologists' knowledge, skills and judgment, and to help them identify areas of strength and opportunities for improvement within their practice.



DID YOU KNOW?

224

Peer and Practice Assessments conducted to August 31, 2022

Quality Assurance Committee *(continued)*

PPAs CONDUCTED TO AUGUST 31, 2022 (REPORTED BY CALENDAR YEAR)

TOTAL PPAs TO DATE	2015	2016	2017	2018	2019	2021	2022
224	11 PPAs: all random selection	16 PPAs: all random selection	36 PPAs: <ul style="list-style-type: none"> • 2 insufficient currency (<1500 practice hours within last 3 years) • 34 random selection 	55 PPAs: <ul style="list-style-type: none"> • 2 volunteers • 4 non-compliant with other QA program requirements • 4 insufficient currency • 45 random selection 	39 PPAs: <ul style="list-style-type: none"> • 23 random selection • 16 insufficient currency 	24 PPAs: <ul style="list-style-type: none"> • 18 random selection • 3 volunteers • 1 second PPA following completion of a mentorship program • 1 non-compliant with other QA program requirements • 1 insufficient currency 	43 PPAs: <ul style="list-style-type: none"> • 39 random selection • 3 selected due to previous deferral • 1 non-compliant with other QA

TOP AREAS FOR IMPROVEMENT IDENTIFIED THROUGH THE PPAs

Record keeping, consent and communications were identified as the top areas for improvement. These areas of professional practice continue to be ones that require further support and guidance for kinesiologists.

FINAL PPA DECISIONS BY THE QA COMMITTEE (UP TO AUGUST 31, 2022)

DECISION	2015 PPAs	2016 PPAs	2017 PPAs	2018 PPAs	2019 PPAs	2021 PPAs	2022 PPAs*
No further action	8	16	34	54	37	22	19
Competency Enhancement – Demonstrated Change Report	2	0	2	0	2	2	0
Competency Enhancement – Mentorship Program	1	0	0	1	0	0	0
Competency Enhancement – Specified Continuing Education and Remediation Plan	0	0	0	0	0	0	1
Total (201)	11	16	36	55	39	24	20

* Some PPAs require review and some decisions require follow up and further review at upcoming Quality Assurance Committee meetings.

Complaints and Discipline Committee



DID YOU KNOW?

The College must decide on a complaint within

150 days

INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE

The Inquiries, Complaints and Reports Committee (ICRC) protects the public by reviewing concerns about kinesiologists related to potential professional misconduct, incompetence or incapacity. Concerns are brought to the College’s attention through formal complaints by patients/clients, mandatory reports by employers and other health care professionals, and other information provided to the Registrar. The ICRC conducts a thorough investigation, evaluates the risk to the public and takes appropriate action to address any potential concerns.

COMMITTEE ACTIVITY

From September 1, 2021 to August 31, 2022, the Inquiries, Complaints and Reports Committee met three times to review the following:

Registrar’s Reports initiated	2
Complaints Received	2

Decisions

No action (including cases where the matter was found to be frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process)	1
Advice/recommendations	3
Continuing education or remediation program	0
Caution in person	0
Referral of specified allegations to the Discipline Committee	0

Appeals

Certain decisions of the ICRC in complaints matters can be appealed to the Health Professions Appeal and Review Board (HPARB) by the complainant or kinesiologist. HPARB conducts a review of the matter to determine whether the ICRC’s investigation was adequate and its decision was reasonable. No matters were appealed to HPARB in this fiscal year.

Complaints and Discipline Committee (continued)

DISCIPLINE COMMITTEE

The Discipline Committee conducts formal hearings to review allegations of professional misconduct or incompetence on the part of a kinesiologist. The Committee determines appropriate penalties where the allegations are proven to discipline the kinesiologist and protect the public from future risk of harm. Matters are referred to the Discipline Committee by the ICRC.

COMMITTEE ACTIVITY

The Discipline Committee met two times from September 1, 2021, to August 31, 2022.

[View the hearing summaries and Committee decisions and reasons.](#)

FITNESS TO PRACTICE COMMITTEE

The Fitness to Practise Committee reviews matters where a kinesiologist is alleged to be incapacitated, and, if so, determines how best to deal with the kinesiologist to protect the public. “Incapacitated” means that the kinesiologist is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that the kinesiologist’s certificate of registration be subject to terms, conditions or limitations, or that they no longer be permitted to practise.

COMMITTEE ACTIVITY

The Fitness to Practise Committee did not meet from September 1, 2019, to August 31, 2020.



Patient Relations Committee



DID YOU KNOW?

15

Practice Standards and Guidelines updated and approved by Council

The Patient Relations Committee protects the public through the Patient Relations Program, which is designed to enhance professional relations between kinesiologists and patients/clients.

The Patient Relations Program includes measures for preventing and dealing with sexual abuse of patients/clients, including:

- educational requirements for kinesiologists.
- guidelines for the conduct of kinesiologists with their patients/clients.
- training for the College's staff.
- providing information to the public.

The Patient Relations Committee also administers the funding for therapy for sexual abuse victims.

COMMITTEE ACTIVITY

From September 1, 2021 to August 31, 2022, the Patient Relations Committee:

- Reviewed proposed guidance for kinesiologists and the public regarding the College's adoption of the spousal exception to legislated sexual abuse provisions.
- Reviewed and referred proposed revisions to 15 Practice Standards and Guidelines to Council for approval.
- Received reports from staff regarding the status of the College's funding for therapy and counselling for individuals who have alleged sexual abuse by a kinesiologist.

Practice Advice

Patients, caregivers, kinesiologists, students, employers, insurers and others can contact the College for confidential advice about the practice of kinesiology. This service is offered to support quality of practice to help the public better understand their rights.

In 2021-2022, there were 202 inquiries from kinesiologists, the public and other stakeholders. More than 75 per cent of the inquiries were made by kinesiologists.

The most frequent inquiries were:

- Scope of Practice, Controlled Acts and Delegation
- General questions and inquiries, including those pertaining to COVID-19 control measures (including questions regarding in-person treatment and services)
- Inquiries relating to clinical practice.

2021-2022 PRACTICE ADVICE INQUIRIES

Advertising and social media	6
Clinical practice	25
Conflict of Interest/Code of Ethics	5
Consent/capacity	4
Discharge	1
Education/supervision of students	3
Employment issues	11
Fees & billing	13
IPAC	9
Insurance	13
Interprofessional collaboration	9
Other	30
Privacy/confidentiality	1
Professional boundaries/sexual abuse	3
Record keeping	13
Scope of Practice/Controlled Acts/Delegation	33
Supervision: students and support personnel	3
Titles & designation	19
Dual practice	1

College Council, Committees and Staff

COUNCIL MEMBERS

A Council, similar to a board of directors, guides the College's work. Council is made up of kinesiologists elected by their peers and individuals appointed by the Ontario Government.

Jennifer Pereira, *R.Kin - College President*

Mary Pat Moore - *College Vice-President*

Teresa Bendo

Leslee Brown (*until February 2022*)

Marie Cousineau, *R. Kin (until March 2022)*

Candace Glowa, *R. Kin*

Sara Gottlieb

Elwin Lau, *R.Kin (until December 2021)*

Ben Matthie, *R.Kin*

Chad McCleave

Victoria Nicholson

Ben Phalavong, *R. Kin (until March 2022)*

Graydon Raymer, *R.Kin*

Jana Smith

Ryan Wight, *R.Kin*

NON-COUNCIL COMMITTEE MEMBERS AS OF AUGUST 31, 2022

Each year, Council appoints kinesiologists to sit on committees as non-Council committee members.

Kristin Baker

William Gittings

Francesca McKenzie

Abiy Wolde-Michael

Jaclyn Benn

Adeola Giwa

Alicia Oliveira

Holly Wykes

Kimberly Finnie

Evan Irani

Xana Ouellette

Michelle Young

Miriam Fong

Mashood Khan

Pamela Paquette

Ariel Zohar

Mardon Frazer

Alyssa King

Amber Provencal Levesque

Douglas Freer

Edward Madou

Leanne Smith

Jane Gage

Aaron McCullagh

Sasha Topolniski-Atkinson

COLLEGE STAFF

Nancy Leris, *Registrar and CEO*

Lynn Butler, *Manager, Communications*

Michelle Bianchi, *Director of Operations and Financial Services*

Brian Fehst, *Manager, Professional Practice*

Fiona Teape, *Director, Registration*

Samuel Hanna, *Coordinator, Professional Practice*

Magda Reder, *Manager, Registration and Examinations*

Colleen Foster, *Program Coordinator*

Lisa Groten, *Program Assistant, Registration*



Independent Auditors' Report

(CONTENT TO COME)

**COLLEGE OF
KINESIOLOGISTS
OF ONTARIO**



College of Kinesiologists of Ontario

160 Bloor Street East, Suite 1402
Toronto ON, M4W 1B9

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F (416) 961-7009

E info@coko.ca

Resolution: Approval of 2021/2022 Annual Report

Whereas the College is required to prepare and submit an annual report to the Ministry of Health and post the report to the College website; and

Whereas Council was provided with a draft annual report for 2021/2022; and

Whereas the report as presented fairly represents the College's achievements throughout 2021/2022;

Resolution

Therefore, be it resolved that Council accept and approve the draft annual report for 2021/2022 for submission to the Ministry of Health and posting to the College website.

Moved by:

Seconded by:

Date: Monday, December 5, 2022

Issue or Decision Note

Issue or Decision: Proposed Framework for Policy, Document and Material Development and Review
Prepared for: Council
Date: December 5, 2022

Background:

In 2020, the Government of Ontario introduced the College Performance Measurement Framework (“CPMF”). The stated goal of the CPMF is to answer, on an ongoing basis, the question: “how well are Colleges executing their mandate which is to act in the public interest?” Health care regulatory Colleges are required to submit an annual CPMF report to the Ministry of Health.

The CPMF allows the College to provide evidence and information that describes how the College performs its duties and whether its performance meets the applicable standards. The aim of the CPMF reporting process is two-fold:

1. Strengthen accountability and oversight of Ontario’s health regulatory Colleges; and
2. Help Colleges improve their performance

The CPMF is broadly organized based on three primary areas of focus that cover a College’s statutory and organizational functions:

- Organizational Focus
- Applicant/Registrant Focus
- Results and Improvement

Each of the above areas include seven specific Domains. These Domains include:

- Governance
- Financial and Human Resources
- System Partnerships with external stakeholders (including other regulatory Colleges)
- Information Management
- Regulatory Activities

- Suitability to Practice
- Measurement, Reporting and Improvement

Standard 8 (included in Domain 5: Regulatory Activities) of the 2021-2022 CPMF included a Measure (Measure 8.1) asking the College to describe the extent to which:

“All policies, standards of practice, and practice guidelines are up to date and relevant to the current practice environment (e.g., where appropriate, reflective of changing population health needs, public/societal expectations, models of care, clinical evidence, advances in technology).”

The College’s response indicated that it partially meets this Standard. Having been identified, via the CPMF, as an opportunity for process improvement and development, the College has undertaken to develop a formal approach to the development and review of policies and other materials (including practice standards and guidelines) published by the College.

Issue for Consideration:

Policy and Material Development and Review Framework

Upon the direction of the Registrar, College staff performed an environmental scan. Included in this environmental scan:

- A review of applicable legislation (the *Regulated Health Professions Act, 1991* and the *Kinesiology Act, 2007*)
- A review of best practices, including resources available from/published by:
 - Public Health Ontario
 - the National Collaborating Centre for Healthy Public Policy
- A scan of other College’s CPMF reports pertaining to the relevant Domain(s), Standard(s) and Measure(s)
- Consultation (via teleconference and email correspondence) with representatives from other regulatory Colleges with relevant subject matter expertise

The results of this environmental scan were used to inform the development of a Draft Policy, Document and Material Development and Review Framework (“the draft Framework”), which is presented here for review.

In summary, the draft Framework is proposed as a cyclical 8-step process:

- **Step 1: Identify, describe and analyze the need, issue or problem**
- **Step 2: Identify and analyze options to address the need, issue or problem**
- **Step 3: Determine and understand stakeholders, decision-makers and influencers**
- **Step 4: Assess readiness for policy/document/other material development**
- **Step 5: Develop an action plan**
- **Step 6: Implement the action plan**
- **Step 7: Facilitate the adoption and implementation of the policy/document/other material that has been developed**

- **Step 8: Monitor and evaluate policies/documents/other materials**

Acknowledgement

The College thanks and acknowledges the review and feedback provided by staff of the College of Nurses of Ontario, the College of Optometrists of Ontario and the College of Dietitians of Ontario.

The College thanks and acknowledges the College of Respiratory Therapists of Ontario for their permission to adapt and incorporate their framework and supporting information (including a visual representation of their framework) into this draft Framework.

Public Interest Rationale

This formal and documented process will benefit the public by providing documented evidence of the College's robust approach to the development and review of College Policies and other materials (including Practice Standards and Guidelines). This supports the College's public protection mandate by ensuring that the materials that guide and direct its functions and operations are clear and in keeping with current legislation and best practices.

Efforts have been made to embed Equity, Diversity, Inclusion and anti-Bias principles into the draft Framework. This is in keeping with the College's stated commitment to anti-racism and will, along with other ongoing initiatives, demonstrate and operationalize the College's commitment EDI-B.

Recommendation:

Staff recommends the following next steps:

- a. Council to review the Draft Policy, Document and Material Development and Review Framework for approval.
- b. Upon approval by Council, staff to implement the Policy, Document and Material Development and Review Framework into College operations.

Policy

Type:	General		
Number:			
Name:	Policy, Document and Material Development and Review Framework		
Status:	Draft	Version #:	2
Date Approved:		Date Revised:	

Background

Health profession regulatory Colleges are expected to operate in a manner that is seen as transparent, objective, impartial and fair. College functions are set out in legislation (the *Regulated Health Professions Act, 1991*, as well as the *Kinesiology Act, 2007*), with the College having the ability to develop and apply operational policies and other materials intended for registrants and/or the public. In keeping with these duties, the College of Kinesiologists of Ontario (“the College”) has developed this Policy, Document and Material Development and Review Framework (“the Framework”).

The Framework will support the College’s public protection mandate by ensuring that materials created and published by the College are clear, concise, consistent, up-to-date and compatible with all applicable legislation.

The Framework is intended to describe and govern the following processes:

- Development of new Policies that govern College operations.
- Development of new materials (such as Practice Standards and Guidelines) that direct and guide registrants’ practice.
- Development of new materials intended for use by other stakeholders in the Province of Ontario, as well as materials intended for review by the general public.
- Review and update of currently existing Policies, Practice Materials and other documents and materials.

Policy

General

1. The Framework incorporates a cyclical, stage-based approach based on Public Health Ontario’s “Eight Steps for developing healthy public policies” (see Appendix A for a visual representation).
2. The Framework and the associated processes are intended to be used as a guide and resource, with some flexibility where a particular need, issue, problem or proposed policy/document/other material may require an approach that differs or diverges from the

Framework.

3. For the purposes of this framework, College operations will be divided into the following portfolios:
 - Registration
 - Professional Practice
 - Professional Conduct
 - Finance and Operations
 - Communications
4. In the event of inconsistency between legislation, regulatory best practices and the Framework and/or portfolio-specific practices, the legislation shall govern.
 - In the event of inconsistency or incompatibility between all or part of the Framework and best practices applicable to a given College portfolio, the latter may govern.
5. The process set out in this framework should be documented and tracked (example trackers are included as Appendices to this Framework).
6. All policies, standards, guidelines and other materials developed in accordance with this Framework will be published in accordance with any applicable College-approved templates and style guides.
7. Development of a new materials and review/revision of existing materials can be initiated by:
 - New regulations
 - Legislative changes
 - Process or resource changes
 - Council or Staff recommendations
 - Internal portfolio reviews by staff
 - Changing evaluation of risks that pertain to the College, the public and/or the profession
 - Other issues that may arise
8. One or more of the following measures may be used to conduct an environmental scan:
 - Review of internal data/information from various College portfolios (ICRC, Discipline, Fitness to Practise, Practice

Step 1: Identify, describe and analyze the need, issue or problem

Step 2: Identify and analyze options to address the need, issue or problem

Advice, Registration, Quality Assurance). This review will be weighted, in most cases, towards aggregate data and trends rather than specific or individual instances.

- Review of applicable published reports from other Colleges (e.g. College Performance Management Framework, Annual Reports, Strategic Plans)
- Literature review or other research activities to determine best practices
- Review of regulatory practices in the College's jurisdiction, as well as national and international regulatory practices where appropriate and relevant
- Identify the type of document/material that most closely addresses the need, issue or problem
- Where possible, an Equity, Diversity, Inclusion and anti-Bias (EDI-B) lens will be applied to the need, issue or problem

9. The environmental scan/consultation process should take place over a 60-day period. This timeline may be extended or reduced depending on circumstances and with approval by the individual or body responsible for the material development or review process (i.e., Council, the Registrar/CEO or the Director or Manager of the College Portfolio).

10. Once complete, the environmental scan should result in a clear problem statement based on consideration and analysis of an issue that may have emerged. This statement will include a public interest statement.

Step 3: Determine and understand stakeholders, decision-makers and influencers

11. The process of identifying and inviting stakeholders to support material development and review will include an EDI-B lens in recognition of the diverse and unique perspectives and knowledge.

12. Develop a list of stakeholders and Subject Matter Experts (SMEs) who may be impacted by the material that will be created or reviewed.

13. Develop a list of key decision-makers and influencers who may be affected by and responsible for the implementation of the final material, as well as what influence they may have.

14. Once identified, stakeholders, decision-makers and influencers may be consulted for their perspective(s) on the issue.

Step 4: Assess readiness for policy/document/other material development

15. The following analytical framework (which incorporates risk-based assessment as well as a right-touch regulatory approach) will be applied to the proposed policy/document/other material:

- Effects:

- i. Effectiveness
- ii. Unintended Effects
- iii. Equity (e.g. Equity Impact Assessment)
- Implementation:
 - i. Cost
 - ii. Feasibility
 - iii. Acceptability

16. In addition to the above analytical framework, a logic model may be used to evaluate connections between the need, issue or problem, the proposed solution and the desired outcome.¹

Step 5: Develop an action plan

17. The action plan will include the following:

- The nature of the material to be created, and whether a new document is required or an existing document will be revised.
- Expected date(s) of internal review (e.g. various drafts, internal review of communication/implementation plan)
- Expected date(s) for preliminary consultation period(s)
 - External review/consultation may include legal review or other Subject Matter Expert (“SME”) consultation regarding the proposed/revised material(s)
 - The length of this preliminary consultation period may be, where permissible, determined by the College staff most responsible for the material development or review
- Expected date(s) of initial Committee review and referral to Council
- Expected date(s) of initial Council review and any Council-approved or required external consultation
 - The length of any external consultation may be set

¹ The following resources provide guidance regarding the use of logic models:

https://www.ncchpp.ca/docs/LogicModeleLogique_En.pdf

[State Heart Disease and Stroke Prevention Program Evaluation Guide: Developing and Using a Logic Model Evaluation Guide \(cdc.gov\)](#)

out in legislation (i.e., 60 days) or, if not set out in legislation, determined by College staff

- Expected completion date (including final approval by Council)
- Communication planning (to be directed by and coordinated with Communications staff)
- A plan to embed the material into College programs
- A plan to update related/associated College materials to accurately reflect new materials or revisions to existing materials.

Step 6: Implement the action plan

18. New materials (policies, standards, guidelines or other documents) will be created using the College's Style Guide and any relevant templates.

19. Review of existing materials will be conducted using change/edit tracking features, with the original content preserved for the duration of the review/revision process.

20. All changes, edits and revisions to materials (whether new or existing) will include reference to the rationale for the change to facilitate.

- Edit tracking may be accepted and comments may be removed once the material has been approved for publication.
- Versions/drafts submitted for external consultation may be published without edit tracking/comments, provided that a draft or master copy with comments/edit tracking is preserved.

21. Progress towards milestones to be reported as appropriate or necessary.

22. Progress may not always proceed in a linear fashion. As more information becomes available or is requested, earlier stages of the process may be revisited (or may occur at the same time as ongoing work is done on developing the material)

Step 7: Facilitate the adoption and implementation of the policy/document/other material that has been developed

23. Communication plans regarding material created or reviewed according to the Framework (with key performance indicators in place (where possible) to ensure effectiveness) fall under the College's Communications portfolio and will be overseen by Communications staff.

Step 8: Monitor and evaluate policies/documents/other

24. College policies, materials and other documents will be assigned a review-by date when created or reviewed, according to the following

materials

criteria:

- Policies: 3 years from creation or last review
- Practice Standards and Guidelines: 5 years from creation or last review
- By-laws: 3 years from creation or last review
- Strategic Plan: new strategic plans are released every 4 years

25. It is the responsibility of staff and the relevant Committee to determine and prioritize a portfolio-specific review schedule, which will be based in part on the review-by date of a given material and partly based on any risk associated with the material's being out-of-date.

26. Staff in each portfolio are responsible for the identification of potential or emergent trends, changes and issues, which may be identified through the following channels (or other sources):

- Changes to Registration best practices, legislation and/or regulations, including trends observed in examination eligibility or results
- Changes to Financial best practices, legislation and/or regulations, which may include changes in how information is collected, stored and used
- Changes to Communications best practices, legislation, regulations and/or developing trends (such as new technology or modes of communication)
- Changes to Quality Assurance/the Professional Practice environment, including practice trends or issues observed through Quality Assurance program participation, as well as legislation and regulatory changes that may affect the practice environment
- Observed or identified trends in Professional Conduct (Discipline, Fitness to Practice) matters that may come to the College's attention.

27. Staff responsible for each portfolio may provide update(s) to Council, Committee and/or the Registrar (based on established review-by date associated with any given material), specifying:

- Which, if any, currently existing materials may require review/revision/removal
- Whether (and why) development or creation of a new policy or other document is required

28. Updates to Council regarding material creation or review may be

presented in one or more of the following forms:

- Included in Committee reports to Council
- Included in the Registrar's report to Council (if not covered by a Committee report)
- Included as a separate Council agenda item (where required)
- Any other form or manner that may be required under the circumstances

Note re: Accessibility, Equity, Diversity, Inclusion and anti-Bias

29. The College of Kinesiologists is committed to the principles of accessibility, reasonable accommodation, equity, diversity, inclusion and anti-bias (EDI-B). An EDI-B lens (which may include an Equity Impact Assessment) will be applied to all materials developed and published by the College.

Note:

As per the By-Laws of the College of Kinesiologists, the following definitions apply:

- 1.05: Calculating Time: A reference to the number of days between two events means calendar days and excludes the day on which the first event happens and includes the day on which the second event happens.
- 1.06: Holidays: A time limit that would otherwise expire on a holiday or a weekend is extended to include the next day that is not a holiday or a weekend.

Attachments:

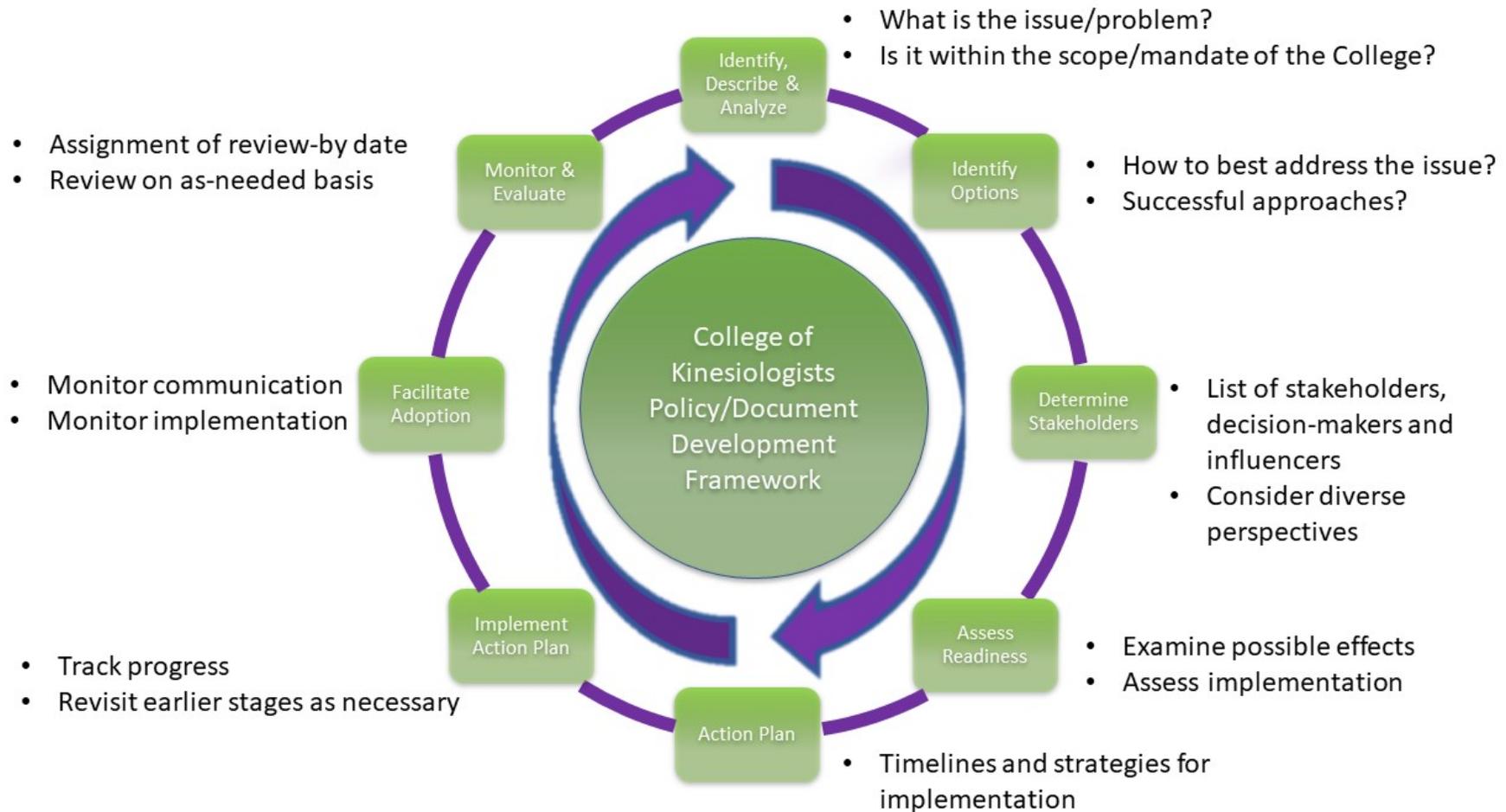
- APPENDIX A: Development and Review Cycle
- APPENDIX B: Types of Materials and their Applications
- APPENDIX C: Material Creation and Review Action Plan (Template)
- APPENDIX D: Material Creation and Review Tracker (Template)
- APPENDIX E: Document Management Tracker (Template)

Acknowledgement

The College thanks and acknowledges the review and feedback provided by staff of the College of Nurses of Ontario, the College of Optometrists of Ontario and the College of Dietitians of Ontario.

The College thanks and acknowledges the College of Respiratory Therapists of Ontario for their permission to adapt and incorporate their framework and supporting information into this Framework.

Appendix A: Framework Review Cycle



Appendix B: Types of Materials and Their Applications

Material Type	Purpose	Enforceability	Ownership/Accountability
By-Law	To establish and describe the rules by which the College operates.	Compliance is mandatory.	Council approval required, may be reviewed by appropriate Committee.
Policy	Directs College activities and functions based on legislation and regulation.	Required. Exceptions and exemptions typically clearly indicated in a given policy (or a policy is created to codify specific exemptions to another policy).	Council approval required, may be reviewed by relevant Committee(s) depending on the specific policy
Essential Competencies of Practice	Define the knowledge, skill, judgement and attitudes required for kinesiologists to practise in the public interest. Serve as the basis for Practice Standards and Guidelines.	May be applied as a benchmark to measure and assess or evaluate performance. May also be used to inform College (Committee, staff) decision-making, as well as practice advice provided to members.	Council approval, review by Registration Committee and other Committee/working group(s) as required.
Code of Ethics	Defines how kinesiologists should uphold the integrity of the profession, serve the interests of patients/clients and act in a manner that justifies the public trust.	May be applied or considered when required to determine whether professional obligations and/or responsibilities have been maintained.	Council approval
Practice Standard	Outlines the expectations for kinesiologists in order to promote public protection. Inform kinesiologists of their accountabilities. Inform the public what to expect of kinesiologists.	Kinesiologists are accountable for meeting the practice standards. Non-compliance could be considered professional misconduct.	Council approval, may be reviewed by relevant Committee(s), depending on the specific Practice Standard and the specific issue being addressed.
Practice Guideline	Support safe and ethical decision-making by kinesiologists by helping them to understand their responsibilities.	Compliance is considered best practice and is expected, could be used as a benchmark against which a kinesiologist's performance is assessed	Council approval, may be reviewed by relevant Committee(s), depending on the specific Practice Standard and the specific issue being addressed.

		or evaluated.	
Article	Material/information provided by the College (via its Standards and Resources webpage) to clarify the College's expectations as set out in Practice Standards. Intended to provide information regarding professional practice.	Intended to inform kinesiologist's practice. Not necessarily intended to be used in assessing conduct, knowledge, skill or judgement.	College staff.
Webinars	Pre-recorded videos available on the College's website and social media channel (YouTube). Provides additional details and perspectives regarding to specified Practice Standards and Guidelines. Also includes discussion of commonly-encountered practice questions relating to those Practice Standards and Guidelines.	Intended to inform and guide kinesiologists, not by themselves intended for use in assessment or evaluation of a kinesiologist's knowledge, skills, judgement and/or conduct.	College staff. If development or review may require third-party service provider/vendor, procurement process will require appropriate approvals (may include Committee review and Council approval).
Explainer Videos	Videos (animated) posted to the College's website and social medial (YouTube) channel. Provide overview and summary of selected Practice Standards, Guidelines and Articles.	Intended to inform kinesiologists and the public.	College staff. If development or review may require third-party service provider/vendor, procurement process will require appropriate approvals (may include Committee review and Council approval).
eLearning modules	To promote continuous practice improvement though increased understanding and awareness of particular practice issues and topics. eLearning modules include topic-specific information and practical scenarios, with multiple-choice responses.	All kinesiologists in the general class must complete the College's eLearning modules at least once throughout their registration with the College. Kinesiologists are expected to use their results to inform and guide their self-assessment and individual learning plan(s).	Committee (including review by the Quality Assurance Committee of aggregate eLearning module results) and College staff.
Sample Tools and Checklists and FAQs	Educational and consultative services	Intended to guide and inform kinesiologists	College staff.

	intended to help kinesiologists understand practice standards and how to apply them to their practice.	regarding best practices, practice standards and guidelines. May not be considered strictly enforceable from the perspective of professional conduct.	
Continuing Professional Development directory	<p>A list of courses and other resources to guide kinesiologists in selecting Continuing Professional Development activity.</p> <p>The directory is not intended to be a complete list of all possible professional development options/service providers, nor is inclusion in the list considered an endorsement or approval by the College.</p>	<p>Kinesiologists are required by the College to participate in self-directed continuing professional development.</p> <p>Kinesiologists are not mandated or required to only pursue professional development that is included in the directory.</p>	College staff.

Appendix C: Material Creation and Review Action Plan (Template)

Need/Issue/Problem	Type of Material Required	Owner (Staff)	Research/Environmental Scan To Include:	Stakeholders/Influencers	Effects: Effectiveness? Unintended Effects? Equity Impact?	Implementation: Cost? Feasibility? Acceptability?

Appendix D: Material Creation and Review Tracker (Template)

Material Name	Owner (Portfolio)	Project Start Date	Research Completed Date	Committee Review Date	Council Initial Review Date	External Consultation Date Range	Approved by Council (date)?

Appendix E: Document Management Tracker (Template)

Document Name	Document Type	Related Documents	Approval/Revision Date(s)	Next Revision Date	Owner (Portfolio)	Owner (Committee)	Council Review Required?

Resolution – Policy and Material Development and Review Framework

Whereas Domain 5, Measure 8, Standard 8.1 (“the Standard”) of the College Performance Measurement Framework (“CPMF”), requires that regulatory Colleges report on their development and review of their policies and other internal and external materials; and

Whereas the College of Kinesiologists of Ontario (“the College”) has, in its 2021 CPMF submission, reported “partially” meeting the requirements of the Standard; and

Whereas the College has indicated that it plans to meet the requirements of the Standard by developing and implementing a formal approach to development and review of materials (policies, standards, guidelines and other materials); and

Whereas the College, in collaboration with other health regulatory Colleges, has developed a draft Policy and Material Development and Review Framework (“the Framework”); and

Whereas the Framework has been presented to Council for review and approval;

Therefore, be it resolved that Council approves the Framework for publication and use by College staff.

Moved by: _____

Seconded by: _____

Date: December 5, 2022

Issue / Decision Note

Issue or Decision: Governance and Nominations Committee Terms of Reference
Prepared for: Council
Date: December 5, 2022

Issue

Review and amendment of the Terms of Reference of the Governance and Nominations Committee.

Background

The provincial government of Ontario has proposed a series of governance reforms and modernization initiatives which will apply to health profession regulatory colleges. To meet the expected requirements of these legislative changes, the College of Kinesiologists of Ontario (“the College”) has committed to identifying and applying governance best practices into its operations. Part of this initiative is establishing a Governance and Nominations Committee (“the Committee”) as a non-statutory committee of the College.

At the September 2021 Council meeting, Council reviewed proposed amendments to and approved the draft Terms of Reference (“TOR”) for the Committee. On November 23, 2021, the Executive Committee’s review of the External Member Selection Policy for the Committee included feedback that had implications for the wording of the TOR, as follows:

- More specific criteria
- Exec and Council – provide “direction” rather than “guidance” to staff
- Remove reference to “friendly stakeholder” re perceived conflict of interest
- “Selecting” means “recruitment” and “identifying” in Policy
- Be specific re frequency of Council performance evaluation

Public Interest

This matter serves the public interest by describing, in clear terms, how the Governance and Nominations Committee will ensure that Council and committee members have the knowledge, skills, and judgement needed to effectively discharge their fiduciary role and responsibilities pertaining to the College mandate. This will ensure that decisions are made in the public interest, and enhance transparency around the selection, appointment, assessment, evaluation and training processes as they pertain to Council and committees.

Issues for Consideration and Discussion

The TORs were reviewed by an external consultant, who provided recommendations based on the Executive Committee's feedback as well as her expertise in Governance.

Amendments and revisions have been proposed based on this review of the TORs.

A high-level overview of changes, amendments and revisions includes the following:

- Revision to the wording contained in the "Definitions" section to promote clarity regarding the Committee's duties and responsibilities.
- Changes made to areas of the TORs highlighted by Council and Executive Committee, including (but not limited to):
 - clarifying the frequency of assessment and evaluation of Council effectiveness and performance
 - clarify terminology, such as references to "senior" staff and "friendly" stakeholders, where feedback indicated the original wording of the TORs may have been unclear
 - clarifying composition of the Committee, which was described as being "mostly but not only Council members."
- Changes made for formatting/readability purposes that did not impact the content of the TORs, including moving paragraphs to more appropriate sections of the TORs, as well as re-naming sections of the TORs if indicated and appropriate.
- Change made to highlight and emphasize the role of external members on the Committee (including altering the quorum requirement to indicate that at least 1 external member is required for quorum).

The resulting amendments to the TORs have been reviewed by the Executive Committee on November 21, 2022. The Executive Committee has referred the amended TORs to Council and they are presented here for Council's review, consideration and approval.

Attachment 3 to Schedule 4 – Terms of Reference for the Governance and Nominations Committee

Attachment 3 to Schedule 4

Terms of Reference for the Governance and Nominations Committee

Definitions

“Governance and Nominations Committee” (“the Committee”) means a standing committee of Council appointed by Council to assist with competency-based assessment of nominees’ eligibility to stand for election to Council, selection of appointees to committees of the College and the assessment, evaluation and training of Council and committee(s) of the College.

1. Purpose and Responsibilities

The Committee, supported by College staff, is responsible for:

- 1) screening applicants seeking election to serve on Council for eligibility;
- 2) evaluating applications for committee membership;
- 3) recommending committee slate appointments to Council;
- 4) oversight of the Council and committee performance evaluation process as follows:
 - a. ensuring the Council has implemented a performance evaluation framework;
 - b. ensures that Council performance is evaluated every 3 years; and
 - c. engages a third-party vendor to perform such evaluations; and
 - d. receiving and reporting results of Council and committee evaluation
- 5) oversight of Council and committee training and development based on evaluation results, and recommendations from Council and committees:
 - a. reviewing and making recommendations about updating the Council and Committee Competency Profile;
 - b. identifying continuing development needs for Council and committee members; and
 - c. identifying specific recruitment needs (e.g., ensuring representation from diverse groups).

2. Accountability

The Committee is a standing committee of Council and is accountable directly to Council.

Members of the Committee will receive training and support in their role for the effective discharge of their responsibilities on the Committee.

3. Reporting

The Committee shall report to Council at least once annually and shall prepare a report for Council's review and approval.

4. Membership / Committee Composition

The Committee shall be composed of five (5) to seven (7) individuals, with a maximum three (3) members who are not a member of College Council or committee or staff and who have governance and/or human resources expertise and are free from real or perceived conflict(s) of interest that may pertain to the profession of kinesiology, the College and/or the duties of the Committee.

The Committee will be supported by a College staff member or consultant appointed by the Registrar.

5. Term of office

The term of office of a Committee member shall commence immediately after the appointment and shall continue for one (1) year. An appointment may be renewed by the Council each year after the first year, for a maximum term length of three (3) consecutive one-year terms. A person who has served on the Committee for each of the previous three (3) years is not eligible for appointment to the Committee.

6. Selection of Governance and Nominations Committee members

Each year, College staff will issue invitations to serve on the Governance and Nominations Committee.

Council will appoint the slate for the Committee. The Committee shall elect a Chair of the Committee ("the Chair") at the first meeting of each term. Any person elected as the Chair shall be eligible for a maximum of two (2) consecutive one-year terms.

In reviewing applications, Council will consider the current composition of the Committee and may appoint new members as necessary. Consideration will be given to the knowledge, skill and expertise of the Committee and diversity of representation, including:

- 1) Gender identity and/or expression;
- 2) Sexual orientation;
- 3) Indigenous peoples;
- 4) Physical and/or intellectual disability/attributes;
- 5) Race;
- 6) Ethnicity;
- 7) Religion;
- 8) Education;
- 9) Language (French or English);
- 10) Geographic/regional representation;

- 11) Knowledge, expertise and experience with governance transformation, competency-based assessment/education;
- 12) Years of experience serving on a regulatory body Council or committee; and
- 13) Other relevant competencies and experience.

7. Quorum and minimum composition

The quorum of any Committee meeting is three (3) members, at least one (1) of whom shall be a Professional member of Council, at least one of whom shall be an external member of the Committee and at least one of whom shall be a member of the Council who was appointed to Council by the Lieutenant Governor in Council.

8. Structure of Meetings of the Committee and Panels of the Committee

College staff may identify Committee member availability to serve on panels of three (3) or more members of the Committee, selected by the Chair of the Committee, to conduct the business of the Committee.

The agenda for each meeting will be developed jointly between the Chair of the Committee and the Registrar or their designate.

Any meeting of the Committee may be conducted by means of teleconference or any other means that permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously (including audio or video conferencing). Persons participating in the meeting by such means are deemed to be present at the meeting. The Committee's business will be conducted in a manner that is accessible, flexible and cost effective and supports virtual meetings of the Committee.

A summary of each meeting will be prepared and circulated to members of the Committee within 30 days of the meeting. The approved minutes shall be maintained by the Registrar or their designate according to the College Knowledge Management Policies.

9. Voting

Unless specifically provided for otherwise under the Health Professions Procedural Code ("the Code") or the By-laws of the College, every motion which properly comes before the Committee shall be decided by a simple majority of the votes cast at the meeting by the Committee members present.

If the Chair is a member of a Committee panel, the Chair may vote.

10. Expenses and remuneration of members

Remuneration of members of standing committees will be equivalent to the remuneration of Council and committee members as per the By-laws of the College of Kinesiologists of Ontario.

Members who are required to travel to participate in meetings will be reimbursed for travel expenses according to approved policies on reimbursement of travel expenses of the College.

11. Expected time commitment

Panels of the Committee will convene for meetings to review and screen applicants' submissions and determine eligibility to run for election to Council.

Following the election and throughout the year as necessary, panels of the Governance and Nominations Committee will convene for meetings to review and screen applicants' submissions and determine eligibility for appointment to committee(s) and recommend a slate of committee appointments to Council.

As required, panels of the Governance and Nominations Committee may convene to complete special tasks relating to the review and update of the Council and committee Competency Profile and Council and committee performance evaluation processes and tools.

Not all Committee members may be requested to participate in a panel in any given year. The total time commitment and number of meetings will vary depending upon the number of applicants that need to be reviewed, and the degree of review and revision required of the Council and Committee Competency Profile and competency-based selection, assessment, evaluation and training processes and tools.

12. Conflict of Interest

All Committee members will adhere to the College's Conflict of Interest By-Law and Policy. Members of the Committee shall sign a form annually identifying potential conflicts of interest and confirming that they will abide by the College's Conflict of Interest By-law and any applicable policies. In addition, every member shall submit a Conflict of Interest Pre-meeting Declaration Form in advance of each Committee meeting to the Registrar. The Form will be disseminated with the meeting agenda and will require the committee member to identify and declare any conflict(s) with respective agenda items and describe the nature of the conflict(s). At every Committee meeting, Members shall declare if they have a conflict of interest with any agenda items being discussed. Every declaration of a conflict of interest shall be recorded in the minutes of the meeting together with a description of the nature of the conflict(s).

13. Confidentiality

Appointees to the Committee will have access to private and confidential information. Any breach of confidentiality could result in liability and serious costs to the College. The College requires each appointee to sign and adhere to a binding Confidentiality and Non-disclosure Agreement.

14. Expectations and Duties of all Committee Members

As per the College By-laws, every Committee member shall, in the performance of their duties:

- 1) familiarize themselves with the *Kinesiology Act, 2007*, the *Regulated Health Professions Act, 1991 (RHPA)*, the College by-laws and any policies of the College;

- 2) familiarize themselves with any other records, documents and guidelines that may be necessary for the performance of their duties;
- 3) comply with the provisions of the Act, the RHPA, the by-laws, any policies/standards and guidelines of the College and rules that are adopted by Council, from time to time;
- 4) regularly attend meetings on time and participate constructively in discussions;
- 5) ensure that confidential matters coming to their attention as a member of Committee are not disclosed by them, except as required for the performance of their duties or as permitted by the RHPA;
- 6) conduct themselves in an appropriate manner with College staff, other members of Council or members of the Committee, registrants and members of the public;
- 7) comply with the College's Code of Conduct, which is attached as Schedule 3 to the by-laws and forms part of these Terms of Reference;
- 8) avoid, or where that is not possible, declare all conflicts of interest in the manner set out in by-law and policy; and
- 9) perform the duties associated with their position conscientiously and with due care and diligence in a manner that serves and protects the public interest.

15. Confidence

The Committee is a standing committee supporting the College's mandate to protect the public.

All Committee members are expected to adhere to the Code of Conduct approved by Council. Members of the Committee, in accepting appointment to the Committee, will be held to the Code of Conduct.

16. Insurance and Liability

No members of the Committee are liable for any act, neglect or default of an act done in good faith in the performance or intended performance of a duty, or in the exercise or the intended exercise of a power under the *Regulated Health Professions Act, 1991* or a regulation or the College By-law under the *Kinesiology Act, 2007*.

The College has contracted with an insurer for:

- 1) Directors and Officers and Errors and Omissions Liability;
- 2) Commercial General Liability; and
- 3) Board member, Employee and Volunteer Accident Death and Dismemberment Travel Insurance.

Resolution – Governance and Nominations Committee Terms of Reference

Whereas the Ontario Ministry of Health has introduced a requirement that all Council and statutory committee candidates have met pre-defined competency/suitability criteria and attended an orientation training; and

Whereas in its 2019-2022 Strategic Plan, the College committed to strengthening its decision-making capacity through:

- i. Developing a profile of qualifications and expertise to use in the selection of Council and committees;
- ii. developing training mechanisms for Council and committees; and
- iii. increasing openness around processes to select Council and committee members; and

Whereas the College of Kinesiologists has proposed Terms of Reference for a non-statutory Governance and Nominations Committee; and

Whereas the Terms of Reference have been approved by Council; and

Whereas the Executive Committee, having reviewed a policy associated with the Terms of Reference, provided feedback that also pertained to the Terms of Reference such that further review of the Terms of Reference was deemed necessary; and

Whereas an external consultant with relevant subject matter expertise has reviewed and proposed revisions and amendments to the Terms of Reference based on specific and general feedback from the Executive Committee; and

Whereas the Executive Committee has reviewed and referred the revised Terms of Reference to Council;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the Governance and Nominations Committee Terms of Reference.

Moved by:

Seconded by:

Date: December 5, 2022

Issue / Decision Note

Issue or Decision: Governance and Nominations Committee External Member Selection Policy
Prepared for: Council
Date: December 5, 2022

Issue

Review of a proposed External Member Selection Policy pertaining to the Governance and Nominations Committee.

Background

The provincial government of Ontario has proposed a series of governance reforms and modernization initiatives which will apply to health profession regulatory colleges. To meet the expected requirements of these legislative changes, the College of Kinesiologists of Ontario (“the College”) has committed to identifying and applying governance best practices into its operations. Part of this initiative is establishing a Governance and Nominations Committee (“the Committee”) as a non-statutory committee of the College. On February 28, 2022, the Executive Committee reviewed a proposed External Member Selection Policy (“the Policy”) for the Committee. That review resulted in suggestions regarding the Policy. The Policy was subsequently reviewed by the Executive Committee on November 21, 2022.

The Policy is presented here for Council’s review and approval.

Public Interest

This matter serves the public interest by ensuring that the Committee will include members who have relevant knowledge, skills, judgement and expertise, but are also free from real, perceived or possible conflicts of interest with respect to the College and the profession of kinesiology. The participation of such external members will support the Committee member’s discharge of their fiduciary role and responsibilities pertaining to the College’s mandate, ensure that decisions are made in the public interest, and enhance transparency around the selection, appointment, assessment, evaluation and training processes that pertain to Council and committees of the College.

Issues for Consideration and Discussion

The Policy was reviewed by an external consultant who has relevant subject matter expertise and experience. The consultant’s review included considerations of best practices in governance and feedback received from the Executive Committee.

A high-level overview of the Policy includes the following:

- The process by which potential external members of the Committee may be identified based on:
 - competencies (including human resources and governance experience);
 - Committee needs; and
 - a lack of real, potential or perceived conflicts of interest with respect to the College or the profession of kinesiology
- Embedding the principles of Equity, Diversity, Inclusion and anti-Bias (EDI-B) in the Policy.

The Policy is presented here for Council's review, consideration and approval.

Policy

Type:	Governance		
Number:			
Name:	Governance and Nominations Committee External Member Selection and Appointments Process Policy		
Status:	Draft	Version:	4
Date Approved:		Date Revised:	November 21, 2022

Background

Drawing from the Health Professions Procedural Code (“The Code”), the Ontario Ministry of Health’s College Performance Measurement Framework (CPMF), and the mission, vision and values of the College, the aim and purpose of the Governance and Nominations Committee (“the Committee”) is as follows:

- To improve Council decision-making capacity by assisting with competency-based assessment of nominees’ eligibility to stand for election to Council, selection of appointees to committees of the College and the assessment, evaluation and training of Council and committee(s) of the College.

The objectives of the Governance and Nominations Committee External Member Selection Policy (“the Policy”) are to:

- 1) Provide direction to College staff in carrying out the process of identifying and recommending potential candidates for appointment as external members of the Committee; and
- 2) Provide greater clarity about the considerations in making the external Committee member appointment.

Principles

By taking steps to include external experts on the Committee, the College is proactively seeking the resources and perspectives that reflect current best practices in governance and human resources to reflect public expectations of a body mandated to serve and protect the public interest.

The principles that underpin this policy include:

- 1) Objectivity and Impartiality - The College includes third-party participation in governance and nominations processes, deliberations and decisions to ensure that these processes are objective, impartial and adhere to any relevant criteria and identified best practices; and
- 2) Transparency – The College is transparent about the selection criteria and the process for appointing external members to the committee.

Applicable By-Law and Regulatory Requirement

- 1) College of Kinesiologists of Ontario's By-Laws (By-Law 13, Schedule 4, Attachment 3); and
- 2) Ontario Ministry of Health's CPMF Governance and Regulatory Policies Domains requirements.

Policy

General

1. To fulfill the requirement of appointing external members to the Committee, College staff and/or an external consultant are authorized to engage in a process to identify one or more individuals who meet the Committee's eligibility criteria as described in the Committee Terms of Reference and are willing to serve as external members of the Committee.
2. Staff or the external consultant will seek applications from individuals with governance and/or human resources expertise and no real, potential or perceived conflict(s) of interest with respect to the College or the profession of Kinesiology.
3. As indicated in the TOR, the Registrar (or the staff or external consultant designated by the Registrar) has a role in issuing invitations to prospective Committee members and in supporting the Committee in all its processes. The staff or consultant role in recommending potential external members - with human resource and governance experience in particular - suggests that they could assist the Council by providing a list of individuals who have indicated, in response to a College staff or consultant enquiry, that they would be willing to serve in the role of an external committee member.
4. Consideration will be given to the specific needs of the Committee and to the principles of Equity, Diversity, Inclusion and anti-Bias to ensure a broad range of experiences, perspectives and expertise are represented on the Committee.
5. Staff or the consultant will present applications to Council, who, within the maximum authorized size of the Committee (7 members) and maximum authorized number of external members (3), will review and may make the recommended external Committee member appointment(s) for the term of one (1) year.

Resolution – Governance and Nominations Committee External Member Selection Policy

Whereas in its 2019-2022 Strategic Plan, the College committed to strengthening its decision-making capacity through:

- i. Developing a profile of qualifications and expertise to use in the selection of Council and committees;
 - ii. developing training mechanisms for Council and committees;
 - iii. increasing openness around processes to select Council and committee members;
- and

Whereas the Council of the College of Kinesiologists, in keeping with the Provincial Government’s proposed Governance reforms and modernizations initiatives, and identified Governance best practices, has proposed Terms of Reference for a non-statutory Governance and Nominations Committee (“the Committee”); and

Whereas in keeping with the requirement in the Terms of Reference that the Committee include external member(s) not connected to the College or the profession, a Governance and Nominations Committee External Member Selection Policy (“the Policy”) was developed; and

Whereas the Executive Committee has reviewed and provided feedback on the Policy, including requesting additional revisions to the Policy; and

Whereas an external consultant with relevant subject matter expertise has reviewed the Policy and Executive Committee’s feedback regarding the Policy and has proposed revisions and amendments to the Policy; and

Whereas the Executive Committee has reviewed the draft Policy and, with amendments, referred the draft Policy to Council;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the Governance and Nominations Committee External Member Selection Policy.

Moved by:

Seconded by:

Date: December 5, 2022

Issue Note

Issue: 18. Vacancies in Electoral Districts 2 and 6
Prepared for: Council
Date: December 5, 2022

Background

In December 2021, the professional member from District 4 resigned from Council, prior to their term end in July 2023. In March 2022, the professional members from Districts 2 and 6 also resigned. The District 2 member's term ends in July 2023 and the District 6 member's term ends in July 2024.

According to College By-law 10.33, the resignations created long-term vacancies in Districts 2, 4 and 6 since the seats became vacant more than 12 months before the members' terms of office expired.

At the Council meeting on September 26, 2022, and in accordance with the by-laws, Council approved running by-elections in Districts 2, 4 and 6. The by-elections concluded in November 2022 with a new member being acclaimed to Council in District 4. The nomination period did not produce any candidates in Districts 2 and 6.

As the vacancies in Districts 2 and 6 are long-term, and in accordance with the by-laws, Council may consider any of the following options:

- appoint as a councillor the eligible candidate, if any, who had the most votes of the unsuccessful candidates in the last election for that electoral district or if that candidate is not willing to accept the appointment, the eligible candidate with the next highest number of votes; or
- in the case of a vacancy declared pursuant to By-law 10.31 (ii), appoint a successor from among the members of the College who would be eligible for election if an election were held; or
- if there is no eligible candidate under 10.33(i) direct the holding of a by-election for that electoral district which shall be held in a manner consistent with the elections held under this By-law.

Options for consideration

The two openings in Districts 2 and 6 are long-term vacancies and given the scrutiny that all colleges are under, proceeding with appointing a previous candidate or a successor from among the

membership may diminish trust and confidence in the College's governance processes. If Council decides to proceed with this option, they will need to demonstrate that this process of appointment was fair and transparent.

However, since the annual election process will begin again in March 2023, the elections for Districts 2 and 6 can be held at that time. The process will be viewed as open, fair, and transparent. This will also eliminate the additional time and costs that would be incurred by running another by-election.

Resolution– Vacancies in Electoral Districts 2 and 6

Whereas two professional members of Council from Districts 2 and 6 resigned in March 2022;

Whereas according to College By-Law 10.33, this created long-term vacancies in these districts since the seats became vacant more than 12 months before the members' terms of office expired; and

Whereas in the event of a long-term vacancy Council can appoint the second or third place candidate from the last election; appoint a successor from among the membership; or hold a by-election; and

Whereas Council discussed all options and felt that appointing eligible members from the districts was not the most transparent process;

Whereas the by-elections held in November 2022 did not produce any eligible candidates in Districts 2 and 6; and

Whereas the annual election process begins in March 2023;

Therefore, be it resolved that Council directs the Registrar to include the vacancies in Electoral Districts 2 and 6 in the annual election process that begins in March 2023.

Moved by:

Seconded by:

Date: December 5, 2022

Resolution- Revised Committee slates for 2022/23

Whereas Executive Committee is required to appoint Council members and non-Council members to committees; and

Whereas after the College's by-elections, newly elected Council member (s), were canvassed for their interest regarding which committees they wished to serve on for the coming year; and

Whereas per By-law 13, the Executive Committee at its last meeting revised the proposed slate for committee membership based on the needs of each committee and the interests and skills of Council members;

Therefore, be it resolved that Council approve the following changes to the 2022/2023 Committee slate:

- Registration Committee,
 - removal of Kristen Baker
 - removal of Sherry Parent
 - Adding Ryan Wight
- Patient Relations Committee, removal of Logan Strasser
- Addition of Matthew Daher to the Quality Assurance Committee, the Patient Relations Committee, and the Examination Appeals Committee.

Moved by:

Seconded by:

Date: December 5, 2022

Resolution to approve the Appointment of a Steering Committee

Whereas a Steering Committee is required to review, lead consultation, and provide recommendation and oversight to the College's Revalidation of the Kinesiologist Core Competency profile; and

Whereas half of the members off the Steering Committee will be comprised of voluntary Council members, which will oversee the selection of the remaining Steering Committee members and project participants from voluntary registrants within the profession;

Whereas the Executive Committee has been presented and reviewed the criteria for selection of the Steering Committee and the project work involved,

Therefore, be it resolved that the Executive Committee, having reviewed the information regarding the appointment of a Steering Committee for the Revalidation of the Kinesiologist Core Competency profile, recommends the slate for the initial Committee members to Council for approval.

Moved by: _____

Seconded by: _____

Date: November 21, 2022

Issue / Decision Note

Issue or Decision: Council and Committee Succession Planning and Mentorship Program Policy
Prepared for: Council
Date: December 5, 2022

Issue

Review of a proposed Succession Planning and Mentorship Program Policy.

Background

The provincial government of Ontario has mandated that all health regulatory Colleges report on their activities, processes and procedures via the College Performance Measurement Framework (CPMF). The CPMF includes a specific area of organizational focus, or Domain, that pertains to Governance. This Domain includes specific Standards and Measures which are intended to reflect:

- College efforts to ensure Council and Committees have the required knowledge and skills to warrant good governance;
- Integrity in Council decision making; and
- College efforts in disclosing how decisions are made, planned to be made, and actions taken that are communicated in ways that are accessible to, timely and useful for relevant audiences.

In keeping with its commitment to meet the Standards of the CPMF, as well as to meet and exceed organizational Governance best practices, the College of Kinesiologists of Ontario (“the College”) has proposed the development and implementation of a Succession Planning and Mentorship Program for Council and Committee members. In September 2021, Council reviewed and approved the Succession Planning and Mentorship Program.

In keeping with the goal of ensuring that College operations are transparent and in keeping with best practices, a formal Succession Planning and Mentorship Program Policy (“the Policy”) is presented here for Council’s review and approval.

Public Interest

This matter serves the public interest by ensuring that Council and committee members will have access to guidance and support from more experienced Professional and Public members. Such mentorship will support each member’s discharge of their fiduciary role and responsibilities pertaining to the College’s mandate, ensure that decisions are made in the public interest, and enhance transparency around the selection and appointment process of

individuals to Council and committees of the College. This program will further support the succession planning process, ensuring that essential institutional knowledge is transmitted to ensure appropriate decision-making continuity.

Issues for Consideration and Discussion

The Policy was developed by an external consultant with relevant subject matter expertise.

As high-level overview, the Policy is divided into 6 general sections:

- Mentor Qualifications
 - Describes when a member may be eligible to serve as a Mentor.

- Process – Expressions of Interest to Serve as a Mentor
 - Describes the criteria that should be included in a member’s expression of interest to serve as a Mentor.
 - Also describes the timelines associated with submission of expressions of interest.

- Process – Matching Mentors and Mentees
 - Describes the process by which Mentors and Mentees are matched.

- Type of Support
 - Describes the context in which Mentors may typically offer support to Mentees.

- Other Support
 - Describes alternative/optional support that a Mentor may offer a Mentee.

- Program Evaluation
 - Describes the process by which the Succession Planning and Mentorship Program will be assessed and evaluated.

On November 21, 2022, the Policy was reviewed by the Executive Committee and has been referred to Council. The Policy is presented here to Council for review, consideration and approval.

Policy

Type:	Governance		
Number:			
Name:	Succession Planning and Mentorship Program Policy		
Status:	DRAFT	Version:	2
Date Approved:		Date Revised:	November 21, 2022

Background:

This Succession Planning and Mentorship Program Policy (“the Policy”) contributes to fulfilling the College Performance Measurement Framework (“CPMF”) College Governance Standards by promoting ongoing training/learning, building confidence in newer Council and Committee members’ ability to participate and contribute effectively to meeting discussions, thus achieving greater transparency about how and why Council and Committee decisions are made in the public interest.

The content of the CPMF Domain, Standards and Measures pertaining to Governance is based on the following principles:

1. Council and statutory committee members have the knowledge, skills, and commitment needed to effectively execute their fiduciary role and responsibilities pertaining to the mandate of the College.
2. Council decisions are made in the public interest.
3. The College acts to foster public trust through transparency about decisions made and actions taken.

Specifically, the Policy serves to formalize the process by which the Succession Planning and Mentorship Program (“the Program”) is implemented by the Council and Committees of the College of Kinesiologists of Ontario (“the Council” and “the Committee”)

The Policy has been informed by “the needs identified by Council and Committee members” (CPMF 1.2.c). Council members have approved the Program and subsequent training sessions have emphasized the benefit of ongoing peer support.

The Policy also responds to the need to have in place “processes and procedures for succession planning” (CPMF 4.1.c) at the level of Council and Committees, as CPMF (2022) requires for ensuring continuing “success and sustainability” of College resources.

The Policy will ensure that members of Council and Committees have ongoing access to an experienced member of Council to:

- Support the development of members with less than two years' experience on Council and/or on a Committee as they adjust to their governance responsibilities on a not-for-profit board;
- Provide a venue for informal conversations that would not be possible in formal meeting settings;
- Share information that a new member would find valuable as they enter their first term as a Council and/or Committee member;
- Be a resource during and in between meetings, bearing in mind that the focus between meetings should be on process and protocols, and not on discussion of agenda content and issues;
- Provide support for newer Council or Committee members to contribute to the requirement that Council foster *discussion of matters at the meeting* (HPPC 7.1.1) and the College By-law 15 requirement that Council and Committee members *participate constructively in discussions*;
- Serve to develop the next cohort of chairs and vice-chairs, the expectation being that each new Council and Committee member be mentored to becoming a chair/vice chair within three years of their first election/appointment;
- Capture and pass on the valuable skills, experience and legacy knowledge of Council and Committee members coming to the end of their term with the College.

Policy:

Mentor Qualifications

1. Mentors should have sufficient length of experience on the Council or a Committee (guideline: 2 years), at which point each Council and committee member will be expected to take on a mentoring role with newer members
2. Mentors should have sufficient breadth of experience on Council and/or committees (guideline: serve(d) on at least 2 committees of Council)

Process – Expressions of Interest to Serve as a Mentor

3. Generally, Council will request expressions of interest after the regularly scheduled election of Council members, with the reminder that ensuring succession is one of the fiduciary duties of a Council member
4. Expressions of interest shall include the following information:
 - The Mentor's total years of experience in governance/senior leadership roles;
 - Areas of Council and/or Committee governance and processes in which the Mentor may be competent to provide guidance;
 - The Mentor's potential availability (including, but not limited to, before/after meetings, outside scheduled meeting times);
5. Expressions of interest will be submitted prior to the first meeting of Council following the election.

Process – Matching Mentors and Mentees

6. A slate of mentors and mentees will be developed by staff for review and approval by the Governance and Nominations Committee. The slate will be presented at the first Council meeting following the election of member(s) to Council.
7. In the case of mid-term elections and/or public appointments, staff will recommend to the Governance and Nominations Committee possible matches with currently serving Council and Committee members.
8. The matching process will take into consideration:
 - Desirability of having the mentor serve on the same committee(s) as the mentee
 - Importance of ensuring members have access to expertise of both Professional and Public Council and committee members

Type of Support

9. Mentors and mentees will arrange for an informal check-in prior to each Council or Committee meeting. A debrief session will also be held after each Council or Committee meeting.
10. The check-in and debrief sessions should include the following discussion topics:
 - Understanding the materials in relation to the applicable legislation, regulation(s), by-laws and policies, which may be new to the member, and help the member to situate the issues within these frameworks.
 - Clarification regarding processes at the College and the respective roles of Council and the management/staff team and the appropriate relationship between them.
 - Areas where further guidance is required to effectively carry out duties, such as how to prepare, how to manage time, the importance of participation in discussion and how to do so.
 - These sessions should not include discussion or debate of specific agenda issues.

11. Mentors and mentees may obtain coordination assistance from the College to help get them started.

12. Such meetings between Mentors and Mentees will be considered part of meeting prep time for the purposes of per diem payments.

Other Support

13. Mentors and mentees may connect via email, zoom or phone between Council meetings as necessary, however the discussions should focus on understanding of process, protocols, expectations, duties and how to manage them, etc. and not on agenda content.

Program Evaluation

14. A feedback/evaluation process on the efficacy of the program in meeting the participants' needs and fulfilling the purpose of the Succession Planning and Mentorship Program will be conducted at the end of the first year of the program to inform and enhance the program going forward.
15. The Governance and Nominations Committee will consider the findings of the feedback and evaluation process when recommending improvements to the Program to ensure it meets its purpose of preparing Council and Committee members to discharge their duties and responsibilities and to participate effectively in the business of the College.
16. The feedback/evaluation process will be repeated in subsequent years as required.

Resolution – Succession Planning and Mentorship Program Policy

Whereas the provincial government of Ontario has implemented the College Performance Management Framework (CPMF) as a reporting tool to be used by health professional regulatory Colleges; and

Whereas the CPMF includes Domain 1, with associated Standards and Measures, pertaining to Council and Committee governance processes and policies; and

Whereas the College, in keeping with the governance Domain of the CPMF, has proposed a Succession Planning and Mentorship Program (“the Program”) for Council and Committees; and

Whereas the Executive Committee and Council have reviewed and approved the Program; and

Whereas an external consultant with relevant subject matter expertise, has reviewed the Program and has drafted a Succession Planning and Mentorship Program Policy (“the draft Policy”); and

Whereas the Executive Committee have reviewed and referred the draft Policy to Council for review, consideration and approval;

Therefore, be it resolved that Council approves the Succession Planning and Mentorship Program Policy.

Moved by:

Seconded by:

Date: December 5, 2022

Issue / Decision Note

Issue or Decision: Proposed Amendments to By-law 6: Election of Officers
Prepared for: Council
Date: December 5, 2022

Issue:

Review and revision of By-law 6 in keeping with Governance reform and modernization initiatives.

Background:

The government of the Province of Ontario has proposed a series of reforms and modernization initiatives that will impact the governance of health professional regulatory colleges in Ontario. The College of Kinesiologists of Ontario (“the College”) will be required to implement and abide by these reforms once they have been incorporated into legislation, including the *Regulated Health Professions Act* (RHPA, 1991).

To that end, the College has undertaken a review of its By-laws, including By-law 6, which pertains to the election of officers of the College (“officers”). Officers are elected from among members of Council and include the President and Vice-President of Council, and “[...]such other officers as Council may determine from time to time.” The intent of the College is to ensure that By-laws pertaining to the nomination and election of officers are clear, relevant and consistent with current and anticipated legislation and best practices.

Issue for Consideration:

College staff were tasked with a review of the By-laws for consistency with anticipated governance reforms and modernization. This review included an environmental scan, which considered the By-laws of the following bodies:

College of Chiropractors and Podiatrists of Ontario
 College of Medical Laboratory Technologists of Ontario
 College of Medical Radiation Technologists of Ontario
 College of Chiropractors of Ontario
 College of Physiotherapists of Ontario
 College of Occupational Therapists of Ontario
 College of Registered Psychotherapists of Ontario
 College of Psychologists of Ontario
 College of Homeopaths of Ontario
 Royal College of Dental Surgeons of Ontario
 College of Dental Hygienists of Ontario
 College of Dental Technologists of Ontario
 College of Pharmacists of Ontario

College of Respiratory Therapists of Ontario
 College of Dietitians of Ontario
 College of Audiologists and Speech-Language Pathologists of Ontario
 College of Opticians of Ontario
 College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
 College of Naturopaths of Ontario
 College of Midwives of Ontario
 College of Optometrists of Ontario
 College of Physicians and Surgeons of Ontario
 Ontario College of Teachers
 College of Social Workers and Social Service Workers
 College of Nurses of Ontario
 Electrical Safety Association

The College’s environmental scan focused on two key areas relevant to Governance reforms and current best practices:

- Council and committee terms (including, but not limited to, maximum term limits and cooling-off periods)
- Election processes (including, but not limited to, eligibility and nominations)

The information gathered in the environmental scan was used to inform proposed amendments to the College’s By-laws. A high-level overview of proposed amendments to By-law 6 is included in the table below:

By-law:	Proposed Change:	Rationale:
6.03	Insert wording stating that time spent as President of the College to fill a vacancy is not considered for the purposes of determining an individual’s maximum term limit.	This was identified in the environmental scan as an approach taken by 5 other Colleges (including the College of Nurses of Ontario (CNO), whose Vision 2020 document and by-laws may be seen to be consistent with proposed governance reforms). The intent is to remove potential barriers to service where needed to fill a key vacancy.
6.04	Insert wording stating that time spent as Vice-President of the College to fill a vacancy is not considered for the purposes of determining an individual’s maximum term limit.	See Rationale for proposed change to By-law 6.03.

Public Interest Rationale:

Unclear or inconsistent By-laws pertaining to selection and appointment of Officers of the College (including selection or appointment of individuals to fill a vacancy or vacancies):

- 1) Could result in decisions or processes that are not based on principles that apply universally;
- 2) Could result in decisions or processes that create an unfair advantage or disadvantage (or the perception of an unfair advantage or disadvantage);
- 3) Could result in a decision or process that does not consider risk of harm and protect the public;

- 4) Could bring discredit to the College and undermine public confidence in the College's ability to govern the profession in the public interest;
- 5) Could result in a governance complaint against the College; and/or
- 6) Could create liability for either the College and/or the person involved.

Stakeholder Consultation

Proposed amendments to By-law 6 will, upon approval in principle by Council be circulated externally for consultation. Following this consultation period, further amendments may be made to the By-law based on stakeholder feedback. The By-law will then be referred to Council for final approval.

Recommendations:

Staff recommend that Council adopt the following:

- 1) Approve the proposed amendments to By-Law 6 for a 60-day external consultation;

Proposed Amendments to By-Law 6 of the College of Kinesiologists of Ontario

DRAFT

The following are proposed amendments to By-Law 6 of the College of Kinesiologists of Ontario.

Document Layout

The document is structured in a table that sets out the current by-law provision, the proposed changes (additions are in red, deletions are struck out) and the rationale for the change.

Consultation

Upon approval of the proposed By-law 6 amendments for circulation, a 60-day external consultation will take place in advance of presenting final proposed changes to Council at its March 2023 meeting. College staff will review all feedback received during the consultation, and Council will be provided with final changes and information obtained during the consultation process for Council’s review and approval in March 2023. Once the amendments are approved, staff will communicate these changes to registrants and other stakeholders.

By-Law 6: Election of Officers

Current by-law provision	Proposed change	Rationale / Explanation
<p>6.03 Filling Vacancies (President) In the event that the President is removed from office, resigns or dies or the position of President becomes vacant for any reason, the Vice-President shall become the President for the remaining term of the office and the office of the Vice-President shall become vacant.</p>	<p>6.03 Filling Vacancies (President) In the event that the President is removed from office, resigns or dies or the position of President becomes vacant for any reason, the Vice-President shall become the President for the remaining term of the office and the office of the Vice-President shall become vacant. <u>Time spent as President of the College to fill a vacancy is not considered for the purposes of determining an individual’s maximum term limit.</u></p>	<p>This was identified in the environmental scan as an approach taken by 5 other Colleges (including the College of Nurses of Ontario (CNO), whose Vision 2020 document and by-laws may be seen to be consistent with proposed governance reforms). The intent is to remove potential barriers to service where needed to fill a key vacancy.</p>
<p>6.04 Filling Vacancies (Vice-President) In the event that the Vice-President is removed from office, resigns or dies or the position of Vice-President becomes vacant for any reason, Council may elect a new</p>	<p>6.04 Filling Vacancies (Vice-President) In the event that the Vice-President is removed from office, resigns or dies or the position of Vice-President becomes vacant for any reason, Council may elect a new Vice-President to hold office for the</p>	<p>See Rationale for proposed change to By-law 6.03.</p>

Vice-President to hold office for the remainder of the term.

remainder of the term. Time spent as Vice-President of the College to fill a vacancy is not considered for the purposes of determining an individual's maximum term limit.

DRAFT



Resolution – Amendments to By-law 6: Election of Officers

Whereas the College of Kinesiologists of Ontario (“the College”) is committed to the adoption and implementation of best practices in governance; and

Whereas the government of the Province of Ontario has proposed a series of governance reforms and modernization initiatives; and

Whereas these reforms and modernization initiatives may impact the eligibility criteria and processes associated with nomination and election of Council members as Officers of the College; and

Whereas other health regulatory Colleges’ by-laws have begun to reflect some of the measures proposed by the Provincial government to reform and modernize health profession regulation governance; and

Whereas the College has reviewed its nomination and election processes and is proposing amendments and revisions to By-law 6 in keeping with proposed governance reforms, modernization initiatives and practices at other Colleges that may be recognized as exemplars or best practices;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendments to By-law 6 for a 60-day external consultation.

Moved by:

Seconded by:

Date: December 5, 2022

Issue / Decision Note

Issue or Decision: Proposed Amendments to By-law 10: Election of Council Members
Prepared for: Council
Date: December 5, 2022

Issue:

Review and revision of By-law 10 in keeping with Governance reform and modernization initiatives.

Background:

In January 2022, the government of the Province of Ontario proposed a series of reforms and modernization initiatives that will impact the governance of health professional regulatory colleges in Ontario. The College of Kinesiologists of Ontario (“the College”) will be required to implement and abide by such proposed reforms as may be incorporated into legislation, including the *Regulated Health Professions Act (RHPA, 1991)*.

To that end, and from the perspective of streamlining and facilitating the College’s elections processes, the College has undertaken a review of its By-laws, including By-law 10, which pertains to the election of members of the Council of the College (“Council”). The intent of this review of By-law 10 is to ensure that By-laws pertaining to the Council nomination and election process are clear, relevant and consistent with current and anticipated legislation and best practices in regulatory governance.

Issue for Consideration:

College staff were tasked with a review of the By-laws for consistency with anticipated governance reforms and modernization. This review included an environmental scan, which considered the relevant By-laws of the following bodies:

- | | |
|--------------------------------------------------------|-------------------------------------------------------------------------------------|
| College of Chiropractors and Podiatrists of Ontario | College of Respiratory Therapists of Ontario |
| College of Medical Laboratory Technologists of Ontario | College of Dietitians of Ontario |
| College of Medical Radiation Technologists of Ontario | College of Audiologists and Speech-Language Pathologists of Ontario |
| College of Chiropractors of Ontario | College of Opticians of Ontario |
| College of Physiotherapists of Ontario | College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario |
| College of Occupational Therapists of Ontario | College of Naturopaths of Ontario |
| College of Registered Psychotherapists of Ontario | College of Midwives of Ontario |
| College of Psychologists of Ontario | College of Optometrists of Ontario |
| College of Homeopaths of Ontario | College of Physicians and Surgeons of Ontario |
| Royal College of Dental Surgeons of Ontario | Ontario College of Teachers |
| College of Dental Hygienists of Ontario | College of Social Workers and Social Service Workers |
| College of Dental Technologists of Ontario | College of Nurses of Ontario |
| College of Pharmacists of Ontario | Electrical Safety Association |

The College’s environmental scan focused on two key areas relevant to Governance reforms and current best practices:

- Council and committee terms (including, but not limited to, maximum term limits and cooling-off periods)
- Election processes (including, but not limited to, eligibility and nominations)

The information gathered in the environmental scan was used to inform proposed amendments to the College’s By-laws. An overview of proposed amendments to By-law 10 is included in the table below:

By-law:	Proposed Change:	Rationale:
10.02	Paragraph 1: Insert reference to holding a certificate of registration in good standing in the General or Inactive Class.	Explicitly permit members of the College in the Inactive Class to vote. Derived from legal advice that this is currently permitted under the By-laws, but it may be helpful to make it explicit.
	Paragraph 2: Amended to include “holds a certificate of registration in good standing with the College” and “a member of a faculty or department of kinesiology of a university in Ontario”	This paragraph pertains to eligibility to vote in electoral district 7. Amended for clarity (inserted explicit reference to holding a certificate of registration in good standing). Amended to avoid circular references in voting eligibility and eligibility to stand for election.
10.03	Inserted new by-law: “Where there may be ambiguity regarding a member’s Electoral District, the Registrar may, for the purposes of voting and election eligibility, assign the member to an Electoral District that most closely matches the member’s primary practice or primary residence.	Insertion proposed to allow for discretion/ensure that a member may vote in elections even if their primary practice or residence may not be clearly aligned with any given electoral district. This is also found in College of Physiotherapists by-laws.
10.05	Amended maximum term to “two (2) consecutive three (3) year terms”	Change proposed in keeping with CNO by-laws (which may be viewed as consistent with the CNO’s “Vision 2020”, which was broadly supported by the College, and with the provincial government’s proposed governance modernization and reforms). Included language specifying that this applies to

		<p>members elected or appointed on or after July 2023. Members elected or appointed to Council prior to July 2023 may serve for up to nine (9) consecutive years.</p> <p>Also consistent with governance practices highlighted in the Cayton Report on the College of Dental Surgeons of British Columbia (Microsoft Word - 190117 Cayton Report FINAL.docx (gov.bc.ca), pg. 75, s. 9.24) and Cayton – Williams Report on OCSWSSW (OCSWSSW-governance-report.pdf), pg. 21, s. 4.17)</p>
	Remove “the first nine-year period does not commence until after the first election in each electoral district”	Appears to be out-dated, likely a reference to the initial cycle of elections after the College was proclaimed.
10.07 (proposed)	Propose: inserting by-law or reference in this by-law regarding exceptional circumstances (not properly constituted or no quorum) where a member may exceed their maximum term limit.	Consistent with some other Colleges (for instance, CPSO, OCT). Note that such an exception may be very specific and time-limited (CPSO provision allows for 6 months).
10.09	Update title to include explicit reference to “Districts 1 through 6”	Ensure the reader is clear that this by-law pertains to those electoral districts
	10.09.i: change to “the member holds a certificate of registration in good standing with the College in the General or Inactive Class of registration”	<p>In keeping with legal advice (that Inactive Class eligibility may be made explicit as opposed to its current, implicit status).</p> <p>This also replaces the current 10.09.i, which refers to voting eligibility as impacting eligibility for election. This appeared to be a potentially confusing circular reference.</p>
	10.09.ii: add new item “the member primarily practices or, if they are not practising the profession, resides in the Electoral District in which they have been nominated”	Inserted to promote greater clarity regarding eligibility.
	10.09.v remove reference to terms, conditions and limitations; remove reference to Quality Assurance Committee.	These changes are consistent with other Colleges, as well as with the principles of the QA program (not punitive, confidential and open exchange of information). Other parts of this by-law

	10.09.vi: insert new item “the member’s certificate of registration is not subject to any terms, conditions and limitations other than those that apply to all members in the member’s class of registration”	appear to be adequate to prevent someone who may have committed professional misconduct, be incompetent or incapacitated from standing for election.
	10.09.viii. inserted: “three (3) calendar years have passed since the member last served on Council for the maximum term.”	Explicit reference to 3 year cooling-off period, consistent with other Colleges, including CNO, by-laws. Intended to promote compliance with proposed/expected governance reforms. Also consistent with recommendations from the Cayton Report regarding the College of Dental Surgeons of British Columbia (inquiry-into-the-performance-of-the-college-of-dental-surgeons-of-british-columbia.pdf (professionalstandards.org.uk)) (see pg. 21 of this document, s. 3.35).
10.09	Created new by-law (10.11) specific to Eligibility for Election (District 7)	Improve clarity of by-laws (10.09 including separate sections for Districts 1-6 and District 7 may have resulted in some confusion when citing articles/items of by-law 10.09).
	10.11.i: removed reference to “full-time” member of a faculty or department in an Ontario university degree program in Kinesiology	Consistent with language in the <i>Kinesiology Act, 2007</i> . “Full-time” faculty/department member does not appear to be a requirement in legislation.
	10.11.ii: changed to “the member holds a certificate of registration in good standing with the College”	Removed what appeared to be a circular reference to eligibility to vote as a criteria for eligibility to stand for election.
	10.11.v remove reference to terms, conditions and limitations; remove reference to Quality Assurance Committee.	These changes are consistent with other Colleges, as well as with the principles of the QA program (not punitive, confidential and open exchange of information). Other parts of this by-law appear to be adequate to prevent someone who may have committed professional misconduct, be incompetent or incapacitated from standing for election.
	10.11.vi: insert new item “the member’s certificate of registration is not subject to any terms, conditions and limitations other than those that apply to all members in the member’s class of registration”	

	10.11.viii. inserted: “three (3) calendar years have passed since the member last served on Council for the maximum term.”	Explicit reference to 3 year cooling-off period, consistent with other Colleges, including CNO, by-laws. Intended to promote compliance with proposed/expected governance reforms. Consistent with recommendations from the Cayton Report regarding the College of Dental Surgeons of British Columbia (inquiry-into-the-performance-of-the-college-of-dental-surgeons-of-british-columbia.pdf (professionalstandards.org.uk)) (see pg. 21 of this document, s. 3.35).
10.15	Paragraph 4: amended to read “[...] and a new call for nominations” and removed Paragraph 6: “The new election schedule may permit two additional calls for nomination prior to the seat of the member on Council being declared vacant.”	Revised to streamline the process of declaring a seat vacant where no nominations are received. A single additional call for nominations prior to declaring the seat vacant is consistent with other CNO by-laws. - Emerged from internal College staff discussions to ensure that the process of declaring a seat vacant is streamlined and clear.
10.28	Propose removal	Comment made that we now conduct elections electronically, so this by-law may be antiquated.
10.30	10.30.xvi: inserted item “is subject to any terms, conditions and limitations applied to the member’s certificate of registration other than those that apply to all members in the member’s class of registration” 10.30.xvi: removed “is subject to any order, direction, or term, condition and limitation of the Discipline Committee, Fitness to Practise Committee or the Quality Assurance Committee of the College or any other regulatory body”	Intended to remove explicit reference to Quality Assurance (this is in keeping with some other Colleges, as well as the intent and philosophy of the Quality Assurance Committee. Note that other items in this by-law explicitly reference professional misconduct, incompetence and incapacity.
10.32	10.32.ii changed from “two additional calls” to “one additional call”	For consistency with change to 10.15.

	Paragraph 5: inserted “Time spent as a member of Council to fill a vacancy is not considered for the purposes of determining an individual’s maximum term limit.”	Consistent with other Colleges (including CNO), also may decrease any perception of “cost” associated with serving to fill a vacancy.
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Public Interest Rationale:

Unclear or inconsistent By-laws pertaining to nomination and election of members to Council (including election, selection or appointment of individuals to fill a vacancy or vacancies):

- 1) Could result in decisions or processes that are not based on principles that apply universally;
- 2) Could result in decisions or processes that create an unfair advantage or disadvantage (or the perception of an unfair advantage or disadvantage);
- 3) Could result in a decision or process that does not consider risk of harm and protect the public;
- 4) Could bring discredit to the College and undermine public confidence in the College’s ability to govern the profession in the public interest;
- 5) Could result in a governance complaint against the College; and/or
- 6) Could create liability for either the College and/or the person involved.

Stakeholder Consultation

Proposed amendments to By-law 10 will, upon approval in principle by Council be circulated externally for consultation. Following this consultation period, further amendments may be made to the By-law based on stakeholder feedback. The By-law will then be referred to Council for final approval.

Recommendations:

Staff recommend that Council adopt the following:

- 1) Approve the proposed amendments to By-Law 10 for a 60-day external consultation.



Resolution – Amendments to By-law 10: Election of Council Members

Whereas the College of Kinesiologists of Ontario (“the College”) is committed to the adoption and implementation of best practices in governance; and

Whereas the government of the Province of Ontario has proposed a series of governance reforms and modernization initiatives; and

Whereas these reforms and modernization initiatives may impact the eligibility criteria and processes associated with nomination and election to the Council of the College; and

Whereas other health regulatory Colleges’ by-laws have begun to reflect some of the measures proposed by the Provincial government to reform and modernize health profession regulation governance; and

Whereas the College has reviewed its nomination and election processes and is proposing amendments and revisions to By-law 10 in keeping with proposed governance reforms, modernization initiatives and practices at other Colleges that may be recognized as exemplars or best practices;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendments to By-law 10 for a 60-day external consultation.

Moved by:

Seconded by:

Date: December 5, 2022

Issue / Decision Note

Issue or Decision: Proposed Amendments to By-law 12: Committees - General
Prepared for: Council
Date: December 5, 2022

Issue:

Review and revision of By-law 12 in keeping with Governance reform and modernization initiatives.

Background:

The government of the Province of Ontario has proposed a series of reforms and modernization initiatives that will impact the governance of health professional regulatory colleges in Ontario. The College of Kinesiologists of Ontario (“the College”) will be required to implement and abide by these reforms once they have been incorporated into legislation, including the *Regulated Health Professions Act (RHPA, 1991)*.

To that end, the College has undertaken a review of its By-laws, including By-law 12, which pertains to the general composition of committees of the Council of the College (“committees”). The intent of the College is to ensure that By-laws pertaining to committee composition are clear, relevant and consistent with current and anticipated legislation and best practices.

Issue for Consideration:

College staff were tasked with a review of the By-laws for consistency with anticipated governance reforms and modernization. This review included an environmental scan, which considered the relevant By-laws of the following bodies:

College of Chiropractors and Podiatrists of Ontario
 College of Medical Laboratory Technologists of Ontario
 College of Medical Radiation Technologists of Ontario
 College of Chiropractors of Ontario
 College of Physiotherapists of Ontario
 College of Occupational Therapists of Ontario
 College of Registered Psychotherapists of Ontario
 College of Psychologists of Ontario
 College of Homeopaths of Ontario
 Royal College of Dental Surgeons of Ontario
 College of Dental Hygienists of Ontario
 College of Dental Technologists of Ontario
 College of Pharmacists of Ontario
 College of Respiratory Therapists of Ontario
 College of Dietitians of Ontario

College of Audiologists and Speech-Language Pathologists of Ontario
 College of Opticians of Ontario
 College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
 College of Naturopaths of Ontario
 College of Midwives of Ontario
 College of Optometrists of Ontario
 College of Physicians and Surgeons of Ontario
 Ontario College of Teachers
 College of Social Workers and Social Service Workers
 College of Nurses of Ontario
 Electrical Safety Association

The College’s environmental scan focused on two key areas relevant to Governance reforms and current best practices:

- Council and committee terms (including, but not limited to, maximum term limits and cooling-off periods)
- Election processes (including, but not limited to, eligibility and nominations)

The information gathered in the environmental scan was used to inform proposed amendments to the College’s By-laws. A high-level overview of proposed amendments to By-law 12 is included in the table below:

By-law:	Proposed Change:	Rationale:
12.05	Inserted new By-law stating that: “A non-Council committee member who is elected or appointed to Council during their term as a committee member shall resign from the committee upon their election or appointment to Council. They may then be re-appointed to the committee (or other committee(s) of the College) as a Council member.	Proposed to promote greater clarity regarding a circumstance where a committee member is elected or appointed to Council. This inclusion is intended to reduce the potential for confusion regarding the interplay between Council and Committee terms and term limits.

Public Interest Rationale:

Unclear or inconsistent By-laws pertaining to committee composition:

- 1) Could result in decisions or processes that are not based on principles that apply universally;
- 2) Could result in decisions or processes that create an unfair advantage or disadvantage (or the perception of an unfair advantage or disadvantage);
- 3) Could result in a decision or process that does not consider risk of harm and protect the public;
- 4) Could bring discredit to the College and undermine public confidence in the College’s ability to govern the profession in the public interest;
- 5) Could result in a governance complaint against the College; and/or
- 6) Could create liability for either the College and/or the person involved.

Stakeholder Consultation

Proposed amendments to By-law 12 will, upon approval in principle by Council be circulated externally for consultation. Following this consultation period, further amendments may be made to

the By-law based on stakeholder feedback. The By-law will then be referred to Council for final approval.

Recommendations:

Staff recommend that Council adopt the following:

- 1) Approve the proposed amendments to By-Law 12 for a 60-day external consultation;

Proposed Amendments to By-Law 12 of the College of Kinesiologists of Ontario

DRAFT

The following are proposed amendments to By-Law 12 of the College of Kinesiologists of Ontario.

Document Layout

The document is structured in a table that sets out the current by-law provision, the proposed changes (additions are in red, deletions are struck out) and the rationale for the change. Only proposed changes are included here (by-laws for which no change was proposed have been excluded from this document).

Consultation

Upon approval of the proposed By-law 12 amendments for circulation, a 60-day external consultation will take place in advance of presenting final proposed changes to Council at its March 2023 meeting. College staff will review all feedback received during the consultation, and Council will be provided with final changes and information obtained during the consultation process for Council’s review and approval in March 2023. Once the amendments are approved, staff will communicate these changes to registrants and other stakeholders.

By-Law 12: Committees - General

Current by-law provision	Proposed change	Rationale / Explanation
N/A	<p><u>12.05 Election to Council</u> <u>A non-Council committee member who is elected or appointed to Council during their term as a committee member shall resign from the committee upon their election or appointment to Council. They may then be re-appointed to the committee (or other committee(s) of the College) as a Council member.</u></p>	<p>Proposed this insertion to promote greater clarity regarding a circumstance where a committee member is elected or appointed to Council.</p> <p>This inclusion is intended to reduce the potential for confusion regarding the interplay between Council and Committee terms and term limits.</p>



Resolution – Amendments to By-law 12: Committees - General

Whereas the College of Kinesiologists of Ontario (“the College”) is committed to the adoption and implementation of best practices in governance; and

Whereas the government of the Province of Ontario has proposed a series of governance reforms and modernization initiatives; and

Whereas these reforms and modernization initiatives may impact the eligibility criteria and processes associated with nomination and election to the Council of the College; and

Whereas the College has identified areas where the by-laws and governance of other health professional regulatory colleges in Ontario may serve as an exemplar or best practice and has compared the by-laws of the College with the by-laws of other colleges; and

Whereas the College has identified a means to reduce term overlap where a non-Council committee member may have been elected to Council, and is proposing this as an amendment to By-law 12;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendments to By-law 12 for a 60-day external consultation.

Moved by:

Seconded by:

Date: December 5, 2022

Issue / Decision Note

Issue or Decision: Proposed Amendments to By-law 13: Specific Composition and Selection of Committees
Prepared for: Council
Date: December 5, 2022

Issue:

Review and revision of By-law 13 in keeping with Governance reform and modernization initiatives.

Background:

The government of the Province of Ontario has proposed a series of reforms and modernization initiatives that will impact the governance of health professional regulatory colleges in Ontario. The College of Kinesiologists of Ontario (“the College”) will be required to implement and abide by these reforms once they have been incorporated into legislation, including the *Regulated Health Professions Act* (RHPA, 1991).

To that end, the College has undertaken a review of its By-laws, including By-law 13, which pertains to the specific composition and selection of committees of the Council of the College (“committees”). The intent of the College is to ensure that such By-laws are clear, relevant and consistent with current and anticipated legislation and best practices.

Issue for Consideration:

College staff were tasked with a review of the By-laws for consistency with anticipated governance reforms and modernization. This review included an environmental scan, which considered the relevant By-laws of the following bodies:

- | | |
|--------------------------------------------------------|-------------------------------------------------------------------------------------|
| College of Chiropractors and Podiatrists of Ontario | College of Dietitians of Ontario |
| College of Medical Laboratory Technologists of Ontario | College of Audiologists and Speech-Language Pathologists of Ontario |
| College of Medical Radiation Technologists of Ontario | College of Opticians of Ontario |
| College of Chiropractors of Ontario | College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario |
| College of Physiotherapists of Ontario | College of Naturopaths of Ontario |
| College of Occupational Therapists of Ontario | College of Midwives of Ontario |
| College of Registered Psychotherapists of Ontario | College of Optometrists of Ontario |
| College of Psychologists of Ontario | College of Physicians and Surgeons of Ontario |
| College of Homeopaths of Ontario | Ontario College of Teachers |
| Royal College of Dental Surgeons of Ontario | College of Social Workers and Social Service Workers |
| College of Dental Hygienists of Ontario | College of Nurses of Ontario |
| College of Dental Technologists of Ontario | Electrical Safety Association |
| College of Pharmacists of Ontario | |
| College of Respiratory Therapists of Ontario | |

The College’s environmental scan focused on two key areas relevant to Governance reforms and current best practices:

- Council and committee terms (including, but not limited to, maximum term limits and cooling-off periods)
- Election processes (including, but not limited to, eligibility and nominations)

The information gathered in the environmental scan was used to inform proposed amendments to the College’s By-laws. A high-level overview of proposed amendments to By-law 13 is included in the table below:

By-law:	Proposed Change:	Rationale:
13.08	Amend such that term of office is three (3) years (was originally one (1) year). Also inserted “A committee member shall be eligible for appointment for a maximum of two (2) consecutive three (3) year terms. Removed reference to term of office of chair of a committee. Inserted wording indicating that this takes effect September 2023.	This is consistent with CNO by-laws, which may themselves be seen as reflecting and consistent with the CNO’s “Vision 2020” document, which has been broadly supported by the College of Kinesiologists. Also consistent with anticipated governance reform and modernization by the provincial government. September 2023 effective date selected as this is normally the time when appointments to Committee are made.
13.09	Inserted “The chair of every statutory and non-statutory committee shall be eligible for appointment for a maximum of two (2) consecutive three (3) year terms.	As per 13.08 Rationale (see above). Note that a longer term of office for a chair may allow for improved succession planning and mentorship, as well as promoting consistent decision-making and institutional knowledge.
13.11	13.11.ii amended to read “the member holds a certificate of registration in good standing with the College”	Amended to remove implied reference to primary practice location or residence. This may permit increased participation, including by those members of the College who may not reside in Ontario and may not have a clearly-defined primary practice location (for example, if they provide virtual kinesiology treatment or services in Ontario but reside out-of-province).

	13.11.v inserted new item that “the member is not subject to any order or direction of the Discipline Committee or the Fitness to Practise Committee of the College or of any other regulatory body;”	Amended to remove explicit reference to QA. This is consistent with other Colleges, as well as with the principles of the QA program (not punitive, confidential and open exchange of information). 10.09.iii, iv and v appear to be adequate to prevent someone who may have committed professional misconduct, be incompetent or incapacitated from standing for election.
	13.11.vi amended to read “the member’s certificate of registration with the College or any other regulatory body is not subject to any terms, conditions and limitations other than those that apply to all members in the member’s class of registration”	
	13.11.xi amended to read: “three (3) calendar years have passed since the member last served on Council or a committee of the College for the maximum term”	
		Creates a formal 3-year cooling-off period, which is consistent with other Colleges’ (including the CNO) by-laws. This was specifically worded to not apply to an individual who had not served for the full maximum term (they may have resigned, not been re-elected to Council or chosen not to stand for re-election or re-appointment). Consistent with recommendations from the Cayton Report regarding the College of Dental Surgeons of British Columbia (inquiry-into-the-performance-of-the-college-of-dental-surgeons-of-british-columbia.pdf (professionalstandards.org.uk)) (see pg. 21 of this document, item 3.35).
13.12	13.12.i inserted “of the College or of any other regulatory body”	Consistent with other by-laws (by-law 10, by-law 13.11)
	13.12.ii inserted “of the College or of any other regulatory body”	
	13.12.iii inserted “of the College or of any other regulatory body”	
	13.12.iv new item “holds a certificate of registration with the College or any other regulatory body that becomes subject to	
		Consistent with other by-laws (by-law 10, by-law 13.11).

	terms, conditions and limitations other than those that apply to all members in the member's class of registration.	
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Public Interest Rationale:

Unclear or inconsistent By-laws pertaining to composition and selection of committees:

- 1) Could result in decisions or processes that are not based on principles that apply universally;
- 2) Could result in decisions or processes that create an unfair advantage or disadvantage (or the perception of an unfair advantage or disadvantage);
- 3) Could result in a decision or process that does not consider risk of harm and protect the public;
- 4) Could bring discredit to the College and undermine public confidence in the College's ability to govern the profession in the public interest;
- 5) Could result in a governance complaint against the College; and/or
- 6) Could create liability for either the College and/or the person involved.

Stakeholder Consultation

Proposed amendments to By-law 13 will, upon approval in principle by Council be circulated externally for consultation. Following this consultation period, further amendments may be made to the By-law based on stakeholder feedback. The By-law will then be referred to Council for final approval.

Recommendations:

Staff recommend that Council adopt the following:

- 1) Approve the proposed amendments to By-Law 13 for a 60-day external consultation;



Resolution – Amendments to By-law 13: Specific Composition and Selection of Committee Members

Whereas the College of Kinesiologists of Ontario (“the College”) is committed to the adoption and implementation of best practices in governance; and

Whereas the government of the Province of Ontario has proposed a series of governance reforms and modernization initiatives; and

Whereas these reforms and modernization initiatives may impact the eligibility criteria, selection processes, term lengths and maximum term limits for committees of the College; and

Whereas other regulatory colleges have previously reviewed and amended their by-laws in anticipation of these proposed governance reforms and modernization initiatives; and

Whereas the College has identified areas where the by-laws and governance of other health professional regulatory colleges in Ontario may serve as an exemplar or best practice and has compared the by-laws of the College with the by-laws of other colleges;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendments to By-law 13 for a 60-day external consultation.

Moved by:

Seconded by:

Date: December 5, 2022