



December Council Meeting Minutes

Date/Time of Meeting:	Monday, December 5, 2022 – 10 a.m.
Council present:	Jennifer Pereira, Corby Anderson, Teresa Bendo, Matthew Daher, Susan Garfat, Sara Gottlieb, Ben Matthie, Brad Markis, Chad McCleave, Victoria Nicholson, Jana Smith, Leanne Smith, Heather Westaway, Ryan Wight
Staff members:	Nancy Leris, Michelle Bianchi, Lynn Butler; Brian Fehst, Colleen Foster, Magdalena Reder, Fiona Teape
Guest presenters:	Usman Paracha CPA, CA, CGA, LPA, CIA, CFE, FCCA, Associate Partner, Hilborn LLP Dr. Nafeesa Jalal, PhD
Guests/observers:	Lucksini Raveendran, Ministry of Health Christine Forsyth

1. Call to order, roll call, welcome

Jennifer Pereira, Chair and Council President, called the meeting to order at 10 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, President and Chair, welcomed the following guests to Council:

- Dr. Nafeesa Jalal, PhD
- Usman Paracha, Associate Partner at Hilborn LLP
- Lucksini Raveendran, Ministry of Health

Jennifer provided a brief update on the November by-elections to Council and welcomed new Council member Matthew Daher who was elected in District 4 by acclamation.

Jennifer also noted that the by-elections in Districts 2 and 6 did not produce any candidates and that the College is reviewing its options for filling these two Council seats.

Jennifer reminded meeting attendees that the College requires cameras to remain on during meetings to support and encourage engagement. She also noted that, due to a packed agenda, the strategy for getting through it efficiently would be to use a “parking lot” approach to any questions and comments unrelated to the agenda, and that these items would be reviewed at the end of the meeting and/or would be brought forward to the next Council meeting.

3. Conflict of Interest Declarations

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

Jennifer also reminded Council members that they must complete the following forms annually:

- Confidentiality and Non-disclosure Agreement form
- Council and Committees Annual Declarations and Attestations form
- Professional Affiliations form.

The completed forms are required under the College’s By-law 16.05 – Conflicts of Interest/Declaration Forms. These forms are in addition to the Conflict-of-Interest form that members must sign before each meeting.

4. Approval of Agenda

UPON A MOTION duly made by Victoria Nicholson and seconded by Teresa Bendo, it was resolved that the agenda be approved. Carried.

5. Approval of Minutes from the September 26, 2022 Council Meeting

UPON A MOTION duly made by Corby Anderson and seconded by Sara Gottlieb, it was resolved that the minutes be approved. Carried.

6. Action Items from the September 26, 2022 Council Meeting

- 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. **Completed**

Fiona Teape, Director of Registration, presented a report on candidate registration post-examination and the percentage of successful entry-to-practice examination candidates who become registered with the College.

Recommendations for increasing candidate registration post-examination include:

- Increased and regular communication to potential applicants
- Streamlined instructions regarding the process to become registered
- Survey non-registrants to gain further insight.

- 2) 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? **Completed**

Lynn Butler, Manager of Communications, presented a report on the format of future Council meetings based on a survey of Council members.

Recommendations for the format of future Council meetings include:

- Consider holding hybrid Council meetings
- Plan to hold a two-day in-person Council meeting in September 2023.

Resolution – Approval of two-day hybrid Council meeting in September 2023

*UPON A MOTION duly made by Sara Gottlieb and seconded by Heather Westaway, it was resolved that Council approves moving forward with a hybrid (in-person and virtual) two-day Council meeting in September 2023 with an option for other hybrid meetings following a cost analysis for holding in-person meetings. **Carried.***

7. Training – EDI-B Education

Jennifer Pereira introduced Dr. Nafeesa Jalal, the founder and CEO of N. Jalal Global Consulting, a boutique firm that was established to help build understanding, competence and capacity around DEI, anti-racism and ally-ship. Dr. Jalal provided training in EDI-B to Council members and College staff.

8. Committee Reports

Reports were provided in the Council package highlighting committee meetings, activities, changes, and discussions that took place since the September 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 had 100 new registrants by the end of the quarter. He indicated that there are no concerns about the College's financial situation and that the College is on track to meet financial goals.

9. Registrar's Report

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

The College moved from a hybrid model, to working fully remote again, to reduce the risk of critical illness on the College's ability to deliver services.

The College has also reviewed the three-year strategic plan, which ends in December of 2022 and has noted the following achievements in the last year.

The College's strategic plan focused on three goals.

Goal #1 - Strengthen the College's decision-making capacity to improve patient/client safety and reduce the risk of harm to patients/clients.

Plan:

- Develop a profile of qualifications and expertise to use in the selection of Council and committee members that seeks the following skill sets: technical, leadership, decision-making and interpersonal. We will also focus on Equity, Diversity and Inclusion.
- Develop training mechanisms for Council and committees that focus on the public interest and reducing risk of harm to patients/clients.
- Increase openness around our processes to select Council and committee members.

Results:

- Developed Terms of Reference for Governance and Nominations Committee.
- Developed External Member Selection Policy for Governance and Nominations Committee.
- Developed a Succession Planning and Mentorship Program Policy, to support the onboarding of new Council members and to promote continuity of participation and decision-making approaches on Council.
- Developed and published experience and competency profile for Council and committees, as well as publishing the nomination eligibility criteria.
- Published an updated Conflict of Interest Policy and by-laws.
- Introduced requirement that all Council members must sign a Conflict-of-Interest Declaration Form.
- Developed pre-nomination Council orientation modules.

Goal #2 - Promote competent, safe and ethical kinesiology practice that is patient/client centred. Promote collaboration among health professions to further protect patients/clients.

Plan:

- Develop a definition of patient/client-centred care in the context of kinesiology practice.
- Increase communication to kinesiologists on recommended practices to reduce risk of harm.
- Increase communication to various groups on the importance of working with other regulated health professionals.
- Increase resources to patients/clients of kinesiologists to empower them in the management of their care.

Results:

- The COVID-19 pandemic resulted in significant changes to the practice environment, some of which are ongoing.
- The College provided a dedicated website COVID-19 section to ensure that kinesiologists and patients/clients had accurate, up-to-date information regarding how kinesiology treatment, care and services may be provided during the pandemic.
- The College collaborated with other health care professional regulatory colleges to develop and publish practice materials pertaining to issues such as virtual practice.
- The College has adopted the Spousal Exception to the sexual abuse provisions in the RHPA, 1991 and the Health Professions Procedural Code. This was seen as an opportunity to take a risk-based “right-touch” approach to regulation, by ensuring that the College’s resources may be allocated to highest-risk conduct, while still maintaining cautions and safeguards against inappropriate behaviors that present a lower risk to the public.
- The College has reviewed and, where necessary, revised its Practice Standards, Guidelines and mandatory learning materials pertaining to sexual abuse.

Goal #3 - Analyze and report on data and information that demonstrates our progress toward reducing risk of harm and how we protect the public.

Plan:

- Publicly report on progress towards achieving the goals in the College's strategic plan and how the public interest is served by these goals.
- Continually improve business and regulatory processes to enhance public protection.

Results:

- The College has actively engaged with the provincial government's College Performance Measurement Framework (CPMF) reporting process. The annual CPMF report provides an opportunity for the College to reflect on its business and regulatory processes across several key domains. This report also includes quantitative context measures for college portfolios including quality assurance and professional Conduct.
- The College also completes an annual report to the Ontario Fairness Commissioner (OFC)
- The College has supported Healthcare Workforce Planning initiatives by submitting Health Professions Database reports to the provincial government.
- The College reviews its internal risk management plan twice each year. As part of this process, the risk management plan (and any proposed changes or amendments) is presented at Council meetings, which are open to the public.
- The College's website includes a page where public feedback can be provided regarding proposed policies, processes, standards and by-laws.

The results of the strategic plan provide context as to why the documents have deadlines that coincide with the reporting of the CPMF to the Ministry.

The College's next strategic planning process will begin in early 2023. An RFP has been developed for the recruitment of a facilitator.

Staff performance appraisals

As the College has new staff where probationary periods are ending and some are reaching their first-year anniversary with the College, the focus has been on staff performance appraisals to be concluded in January of 2023.

CNAR attendance

The Canadian Network of Agencies for Regulation (CNAR) 2022 hybrid conference was an opportunity to learn from, share information and connect with other regulatory professionals and subject matter experts from across Canada.

In October, two members of Council and three staff members attended (online and in-person, respectively). This was part of the professional development of staff and Council.

Sessions attended by staff included:

- Impact of the COVID-19 pandemic on mental health and how regulators have navigated the pandemic and its impact on regulators, members and the public
- A full-day pre-conference workshop about Equity, Diversity and Inclusion (EDI)
- Indigenous Cultural Safety, Cultural Humility and Anti-Racism
- Evidence-based Standards of Practice Reform
- Workplace Standards – A Component of Quality Practice.

College Performance Management Framework (CPMF)

Earlier in November, the Ministry of Health conducted a “soft launch” of the 2022 CPMF reporting tool. As part of this soft launch, the College attended a meeting with the MOH. This meeting was a discussion regarding the College’s March 2022 submission of the College Performance Measurement Framework.

The College shared information regarding:

- Examples of how the College engages with other health regulatory colleges and system partners
- The cooperative and collaborative relationships that the College maintains to ensure responsiveness to changing public expectations
- Examples of how the College responds in a timely and effective manner to changing public expectations (e.g., Diversity, Equity and Inclusion, and Public Engagement); and
- The College’s progress towards improvement commitments identified in the College’s March 2022 CPMF submission.

The Ministry provided feedback regarding the March 2022 CPMF submission:

- There were no areas where the College’s response(s) were misaligned with the relevant CPMF Domain, Standard, Measure or required Evidence.
- The Ministry made some suggestions about formatting of the College’s responses.
- The Ministry identified responses from the College they considered to be exemplary.

Overall, the College feels that it has satisfied the Ministry with its submission on Domain 3. The next steps will be for staff to begin assembling the required information to be able to report fully and appropriately in March.

HPRO EDI-B/anti-racism Group

The goal of the working group, which began work in 2020, is to facilitate efforts by all 26 HPRO members to identify and implement timely, tangible, and coordinated actions to actively work against racism and promote equity, diversity and inclusion.

The Government of Canada has partnered with HPRO to advance equity and anti-racism in health profession regulation. HPRO has received an \$88,000 grant from the Government of Canada’s Community Support, Multiculturalism, and Anti-Racism Initiatives (under the Department of Canadian Heritage and the Minister of Housing and Diversity and Inclusion).

This grant will support the following:

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

A consultant has been selected to complete the project deliverables, with guidance from an HPRO Steering Committee, of which the College is a member.

The College will also continue to make collaborative and individual efforts to combat systemic racism. As part of this exercise, Dr. Nafeesa Jalal spoke to our Council members on this topic.

Bill 106

On April 14, 2022, the Ontario government enacted Bill 106, the *Pandemic and Emergency Preparedness Act, 2022*, which introduced changes to the Registration Requirements regulation under the *Regulated Health Professions Act, 1991*.

On October 25, 2022, the government announced the following new registration requirements, which will be in force by January 1, 2023:

- Restrictions on the requirement for Canadian work experience as a condition of registration
- A requirement to accept English or French language proficiency testing that is accepted for the purposes of immigration to Canada
- Mandatory timeframes for registration decisions and responses, including timelines applicable to the Registrar's decision about an application, or referral of the application to the Registration Committee.

Additionally, all health regulatory Colleges will be required to establish an emergency class certificate of registration by August 31, 2023. The government has stipulated that the regulations establishing the emergency class certificate must identify:

- The circumstances that would prompt the issuance and renewal of the emergency class certificate
- The circumstances in which the holder of an emergency class certificate could be exempt from certain registration requirements if applying for another class of certificate of registration.

The College has been working on fulfilling the requirements under Bill 106 by policy and procedure development, including aligning existing policies and procedures to address some of these requirements. Additional work on an updated Language Proficiency policy will be shared with the Registration Committee for approval.

College staff have started work identifying the circumstances associated with the emergency class certificate of registration. The College is also working with other regulators to ensure consistency where possible. More information will be available to Council in the new year.

Governance Reform and Regulatory Modernization

In January 2022, the Ministry of Health met with regulated health colleges and sought feedback on a policy proposal for governance reform, regulatory modernization and reducing barriers to registration. To date, the Ministry has only moved forward with reforms to reducing barriers to registration, through the enactment of Bill 106.

Under modernization reforms, the Ministry has proposed the inclusion of Colleges under the French Language Services Act (FLSA) through legislative amendments designating colleges as public service agencies. If approved, there would be increased requirements for colleges to provide French-language services.

In February 2022, following a special meeting of Council, the College reaffirmed its compliance with the existing legislative requirements and its provision of French language documents and translation services. The College noted that full compliance with the FLSA would create significant financial and resource challenges. The College recommended a gradual and phased compliance timeline for implementation in consideration of the limited operational budget of smaller colleges. It was also noted that regulators have a history of collaboration on Ministry and operational initiatives, and the College is open to sharing resources to achieve the proposed French language service mandate.

Work is ongoing to amend/revise the Governance and Nomination Committee Terms of Reference, as well as revise the proposed external member selection policy for this Committee. This was presented to Executive Committee on November 21, 2022. This work should be completed in time for the submission of the CPMF in March of 2023.

Work is also ongoing to develop a formal approach to Council and Committee Succession Planning and Mentorship program. This was presented to Executive Committee on November 21, 2022 and will ensure that steps have been taken to build and maintain leadership and institutional knowledge on the College's Council and Committees.

Review of by-laws

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 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 a one-time increase).

Proposed by-law amendments will be presented to Council for consideration and, with Council's approval, will be sent for 60-day public consultation. Final approval is expected at the March 2023 Council meeting.

Online exam update – fall 2022

The College's fall 2022 online entry-to-practice exam was held on September 21, 2022. A total of 218 applicants wrote the exam including one who wrote the exam in French. The College secured an additional session for candidates who were unable to complete the exam on September 21 due to technical issues. Nine applicants were rebooked for September 22 and one candidate was rebooked for September 23.

A total of 144 applicants passed the exam and 74 failed – a pass rate of 66 per cent. The College received seven incident reports from the exam provider but upon review no further action was required. Overall, the exam session was successful and no requests for an appeal were received. The next exam is scheduled for April 19, 2023.

iMIS Upgrade Road Map

In fall 2022, the Registration Department engaged in discussions with the College's database vendor to determine the best path forward as well as to establish relationships with new staff. Staff also surveyed and consulted with other Ontario regulators to learn more about their current system experiences.

In January/February 2023, the College will begin implementing required updates for system and security optimization. Between March and June 2023, the College will work with its system partners to realign the database and forms. This should result in improvements to the renewal experience for registrants in July 2023.

Financial audit and annual report

The financial audit and accompanying annual report were completed for 2021-2022. Draft audited financial statements and the annual report for 2021-2022 will be submitted to the Ministry after approval by Council.

In December, the College is planning a staff team-building event to build on and encourage team collaboration and cohesiveness. The College will be closed for a half day to focus on team development. The College is also closed for the holidays from December 26 to 30.

10. President's Report

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

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.

The President also noted that she attended the CNAR Conference (remotely) along with Council member Vicky Nicholson. Both agreed that the conference was very interesting, and the president provided an overview of some of the topics discussed. Council asked if recordings from the CNAR conference can be shared with all Council meetings. College staff will follow up with CNAR.

11. Draft Audited Financial Statements

Jennifer Pereira called upon the College's auditor, Usman Paracha, Associate Partner at Hilborn LLP, to present the draft audited financial statements. The auditors presented a clean opinion.

The auditors proceeded to provide a high-level overview of the Auditor's Report, Statement of Financial Position, Statement of Changes in Net Assets, and the Statement of Operations. They also provided a brief review of the notes to the financial statements and responded to questions posed by Committee members.

Resolution – Approval of Audited Financial Statements

UPON A MOTION duly made by Brad Markis and seconded by Vicki Nicholson, it was resolved that Council approves for circulation, and submission to the Minister of Health, the audited financial statements for 2021/2022 as presented. Carried.

12. RFP and Steering Committee for Strategic Planning

1) Strategic Planning RFP

The College has come to the end of the implementation of the College's 2019 – 2021 Strategic Plan and is now preparing for a new three-year cycle.

The RFP was reviewed by the Executive Committee on November 21 and is recommended to Council for approval. The proposal explains the strategic planning process and provides information on the work to be completed. The strategic planning process requires expertise and dedicated time. In the past, the College has selected one consultant (through a competitive process) for strategic planning. This consultant has provided competitive pricing for their work on behalf of the College to-date.

Council must consider its direction to the College, as there may be a desire to engage a different consultant or multiple consultants. Using the same consulting firm as in previous years will require an exemption from the Procurement Policy. An allocation for this project was approved in the 2022/23 fiscal budget.

The objective of the proposal is for the College to engage a consultant to prepare materials for and facilitate a two-day strategic planning workshop to guide key initiatives over the next three to five years.

The goals of the Strategic Plan are to:

- 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.

The scope of works for the consultant and the goals of the workshop are highlighted in the RFP. Staff will subsequently develop a business plan to address the goals and initiatives in the strategic plan.

Resolution – Approval of RFP for Procurement of a Facilitator for Strategic Planning

*UPON A MOTION duly made by Chad McCleave and seconded by Vicky Nicholson, it was resolved that Council approves the Request for Proposal for Procurement of a facilitator for Strategic Planning to be posted on Merx as presented. **Carried.***
There was one abstention: Matthew Daher

2) Steering Committee.

To ensure a productive and meaningful strategic planning workshop that meets Council's expectations and provides future directions for the College, considerable upfront work is required including an environmental scan, issues analysis, and procurement of a facilitator.

This requires that a Steering Committee be appointed for the specific purpose of working with the Registrar to manage the planning process, confirm analysis, agenda, and priority issues.

The Steering Committee will be tasked with:

- the procurement of the facilitator and
- will identify strategic issues and prioritize them in terms of importance, timing and feasibility. These issues will be discussed at the workshop.

The Executive Committee has reviewed and is recommending three Council members to serve on the Steering Committee for strategic planning for your approval.

Resolution – Appointment of Strategic Planning Committee

UPON A MOTION duly made by Susan Garfat and seconded by Corby Anderson, it was resolved that Council approves the appointments of Jennifer Pereira, Chad McCleave and Victoria Nicholson to lead the Strategic Planning Steering Committee for the development of the new Strategic Plan as presented. Carried.

13. Business Case for Fees and By-law 19 Updates

Registrar Nancy Leris and the Director of Operations and Financial Services, Michelle Bianchi, presented the Business Case on Fees Increase and the updates to By-law 19 – Fees.

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 have forced the College to review its fee structure and plan 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. Specifically, it is proposed that the College increase fees to offset increasing operating costs. 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.

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.

Resolution – Amendments to the College's Fee Schedule

UPON A MOTION duly made by Jana Smith and seconded by Ben Matthie, it was resolved that Council approves the proposed amendments to the College's Fee Schedule for a 60-day external consultation. Carried.

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.

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.

Resolution –Amendments to By-law 19 - Fees

UPON A MOTION duly made by Teresa Bendo and seconded by Chad McCleave, it was resolved that Council accepts and approves the proposed amendments to By-law 19 - Fees for a 60-day external consultation. Carried.

14. Draft Annual Report

Lynn Butler, Manager of Communications, presented the draft 2021/2022 Annual Report for review and approval. The College is required by law to submit an Annual Report to the Ministry of Health and to post it on the College's website.

Resolution – Approval of 2021/2022 Annual Report

UPON A MOTION duly made by Susan Garfat and seconded by Heather Westaway, it was resolved that Council accepts and approves the draft 2021-2022 Annual Report for submission to the Ministry of Health and for posting to the College website. Carried.

15. Registration and Examination Statistical Report Presentation

The College's Director of Registration, Fiona Teape, presented to Council on the Registration and Examination Statistical Report.

16. Policy Material Development and Review Framework

Brian Fehst, Manager of Professional Practice provided an update on the policy material development and review framework.

The College has developed a formal approach to the development and review of policies and other materials (including practice standards and guidelines) published by the College.

College staff performed an environmental scan, and the results have informed the development of a draft Policy, Document and Material Development and Review Framework. Upon approval by Council, the Policy, Document and Material Development and Review Framework will be implemented into College operations.

Resolution – Approval of Policy and Material Development and Review Framework

*UPON A MOTION duly made by Teresa Bendo and seconded by Vicki Nicholson, it was resolved that Council approve the Policy and Material Development and Review Framework as presented. One abstention. Carried.
There was one abstention: Brad Markis*

17. Governance

Brian Fehst presented on governance including the Governance and Nominations Committee Terms of Reference and the External Member Selection Policy.

The government of Ontario has proposed a series of governance reforms and modernization initiatives that will apply to health profession regulatory colleges. To meet the expected requirements of these legislative changes, the College has committed to identifying and applying governance best practices into its operations. This includes establishing a Governance and Nominations Committee as a non-statutory committee of the College.

Resolution – Governance and Nominations Committee External Member Selection Policy

*UPON A MOTION duly made by Teresa Bendo and seconded by Corby Anderson, it was resolved that Council approve the Governance and Nominations Committee External Member Selection Policy as presented. **Carried.***

At the September 2021 Council meeting, Council approved proposed amendments to 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, which was then reviewed by an external consultant. The resulting amendments to the TOR were reviewed by the Executive Committee on November 21, 2022 and referred to Council for approval.

Resolution – Approval of Governance and Nominations Committee Terms of Reference

*UPON A MOTION duly made by Susan Garfat and seconded by Heather Westaway, it was resolved that Council approves the Governance and Nominations Committee Terms of Reference. **Carried.***
There was one abstention: Matthew Daher

18. Elections Update

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

UPON A MOTION duly made by Teresa Bendo and seconded by Susan Garfat, it was 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. Carried.

19a. Revised Committee Slate

At the September Council meeting Council approved a slate for committee members. Since then, there have been the following changes to the Committee slate.

- Registration Committee:
 - Removal of Kristen Baker
 - Removal of Sherry Parent
- Patient Relations Committee
 - Removal of Logan Strasser
- Registration Committee
 - Addition of Ryan Wight for continuity on Committee.

Addition of Matthew Daher to the:

- QA Committee
- Patient Relations Committee
- Exam Appeals Committee

Resolution – Revised Committee Slate for 2022/2023

UPON A MOTION duly made by Susan Garfat and seconded by Teresa Bendo, it was resolved that Council approves the revised 2022/2023 Committee Slate as presented. Carried.
There was one abstention: Matthew Daher

19b. Kinesiologists Core Competency Profile

The Kinesiologists Core Competency Profile has not been reviewed since the College's inception and was approved by Council in January 2012. Council, at its meeting of June 2022, approved the appointment of a consultant to perform a comprehensive review of the profile.

The competency revalidation project will rely on the participation of Subject Matter Experts (SME) through various stages of the project. A Steering Committee will be required to define and update the Core Competency Profile and oversee recruitment of SMEs.

The Executive Committee met on November 21 and reviewed and recommended six members of Council to serve on the Steering Committee based on the following selection criteria:

- Knowledge of the profession. Members must collectively have essential knowledge about all aspects of the profession.
- Members should represent all geographic regions. They should reflect the gender, ethnic and racial composition the profession. Members of other equity groups (i.e., members of visible minorities, aboriginal peoples, and persons with disabilities) should also be included.
- Members should represent the profession in terms of practice setting, job title, and educational level.
- The majority of the members should be practitioners. As well, the involvement of educators is recommended.
- Most members should have substantial years of experience in the field; however, it is also recommended to include a few junior professionals who have recently obtained registration.
- It is recommended that all major areas of specialization or practice settings are represented.

This initial group of Council members will determine the selection of the remaining Steering Committee members and volunteer SMEs from the wider profession using the selection criteria provided.

The Steering Committee will oversee the selection of the SMEs to participate in the following phases of the competency profile development:

1. Interviews with key leaders and CKO professionals (six SMEs)

In these series of interviews, each SME will be interviewed by a psychometrician on a one-to-one basis to understand major practices and trends in the profession. The interview will last for approximately an hour.

2. Steering Committee Discussions (8-12 SMEs): Pre- and Post- Validation Survey

Pre-validation Survey: In this phase, the Steering Committee will be requested to provide written feedback on a competency profile draft prior to the meetings. During the meetings, the panel will update the profile. The meetings will be organized, facilitated, and documented by a psychometrician.

Post-Validation Survey: In this one-day meeting, the Steering Committee will review survey results and finalize the competencies. The meeting will be facilitated by a psychometrician, including presentation of survey results.

3. Blueprint Development Meeting (8-12 SMEs): In this meeting, the Examination Blueprint will be updated to reflect the changes to the Competency Profile, including the percentile weighing of each competency domain. The meeting will be facilitated and documented by a psychometrician. This phase of the project is scheduled to occur in Summer 2023.

Resolution – Steering Committee for the Review of the Kinesiology Core Competency Profile

UPON A MOTION duly made by Ben Matthie and seconded by Vicky Nicholson, it was resolved that Council approves the appointment of the Steering Committee and recommends the slate for the initial committee members as recommended by the Executive Committee. Carried.

20. Succession Planning and Mentorship

Brian Fehst, Manager, Professional Practice, presented to Council on succession planning and mentorship.

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 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.

A policy developed by an external consultant focusses on the following six sections:

- Mentor qualifications
- Process – expressions of interest to serve as a mentor
- Process – matching mentors and mentees
- Type of support
- Other support
- Program evaluation

On November 21, 2022, the policy was reviewed by the Executive Committee and referred to Council.

Resolution – Succession Planning and Mentorship Program Policy

UPON A MOTION duly made by Corby Anderson and seconded by Heather Westaway, it was resolved that Council approves the Succession Planning and Mentorship Program Policy as presented. Carried.
There was one opposed: Brad Markis

21. By-law Updates (6, 10, 12, 13)

Brian Fehst presented by-law updates to Council.

The government of Ontario has proposed a series of reforms and modernization initiatives that will impact the governance of health professional regulatory colleges in Ontario. In response, the College has undertaken a review of its by-laws including By-laws 6, 10, 12 and 13.

The review included an environmental scan that focused on two key areas relevant to Governance reforms and current best practices:

- Council and committee terms (including maximum term limits and cooling-off periods)
- Election processes (including eligibility and nominations).

The information from the environmental scan informed proposed amendments to each of the by-laws, and the following motions were brought forward to Council for approval to proceed to a 60-day external consultation on each by-law.

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

UPON A MOTION duly made by Teresa Bendo and seconded by Ryan Wight, it was resolved that Council approves the proposed amendments to By-law 6 for a 60-day external consultation. Carried.

Resolution – Amendments to By-law 10 – Election of Council Members

UPON A MOTION duly made by Vicky Nicholson and seconded by Teresa Bendo, it was resolved that Council approves the proposed amendments to By-law 10 for a 60-day external consultation. Carried.
There were three opposed: Matthew Daher, Ben Matthie, Ryan Wight

Resolution – Amendments to By-law 12 – Committees

UPON A MOTION duly made by Susan Garfat and seconded by Teresa Bendo, it was resolved that Council approves the proposed amendments to By-law 12 for a 60-day external consultation. Carried.

Brian also presented amendments to By-law 13 – Specific Composition and Selection of Committee Members. However, Council directed the Registrar that the decision to approve By-law 13 be deferred pending additional research.

23. Review of Action Items

- Investigate the costs of holding in-person meetings and report back to Council. This will be taken into consideration when determining the frequency of in-person and/or hybrid meetings.
- Determine if recordings from the CNAR conference can be shared with all Council members. If so, then share the links with Council members.
- Correct two incorrect date ranges in the draft RFP for Strategic Planning.
- Undertake 60-day public consultations on the following:
 - By-law 6 Election of Officers amendments
 - By-law 10 Election of Council Members amendments
 - By-law 12 Committees amendments
 - By-law 19 – Fees amendments
 - Business Case Fees
- Further research to be conducted by College staff regarding By-law 13 – amendments for the selection of committees

24. 2023 Council Meeting Dates

Council will next meet in 2023 on the following date:

- March 20

Adjournment

Jennifer thanked Council and staff for their continued dedication and wished everyone well during the holiday season.

UPON A MOTION duly made by Victoria Nicolson, the Council meeting of December 5, 2022 was terminated at 4:42 p.m.