

## June Council Meeting Minutes

<b>Date/Time of Meeting:</b>	Monday, June 28 <sup>th</sup> , 2021 / 9:00 a.m. – 2:30 p.m. (8:30-9 In-Camera Session)
<b>Council Present:</b>	Jennifer Pereira, Chair, Teresa Bendo, Leslee Brown, Victoria Nicholson, Mary Pat Moore, Ryan Wight, Chad McCleave, Candace Glowa, Susan Garfat, Marie Cousineau, Ben Matthie, Ben Phalavong, Graydon Raymer, Brad Markis
<b>Staff Present:</b>	Nancy Leris, Lara Thacker, Danielle Lawrence, Keisha Simpson, Daniel McIntyre, Kat Elesin
<b>Facilitator:</b>	Shenda Tanchak
<b>Regrets:</b>	Sara Gottlieb, Elwin Lau
<b>Observers:</b>	JONATHAN STRAUSS, CEO OF PEDORTHIC ASSOCIATION OF CANADA, DON GRACEY, CG MANAGEMENT & COMMUNICATIONS INC, ARIEL ZOHAR, R. KIN, COMMITTEE MEMBER-AT-LARGE, ROB BURNS

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### 1. Call to Order/Introductions

Jennifer Pereira, Chair, welcomed Council and called the meeting to order at 9:02 a.m.

As a 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. Conflict of Interest Declarations

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

### 3. Approval of Agenda

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

### 4. Approval of Minutes

*UPON A MOTION duly made by Ben Matthie and seconded by Leslee Brown it was resolved that the March 1<sup>st</sup>, 2021 minutes be approved as amended. **Carried.***

## 5. Action Items Arising from Previous Meetings

- Further research to be conducted by College staff regarding the Executive Committee Terms of Reference, (i.e., term limits, cooling off periods, and providing the option of the past President to continue serving on the Executive Committee). **Ongoing – tabled for September 2021 meeting.**
- Proposed Council and committee eligibility criteria by-law amendments to be presented to Council at June Council meeting. **Completed.**
- Screening Committee and Terms of Reference for a Committee – Council voted to defer this item to the June Council Meeting, before deciding, and approving the Resolution. **Completed.**
- Staff to revise the Committee slate to address Benjamin Phalavong’s appointment to the Exam Appeals Committee. Council noted that Benjamin should not be appointed to any panels of either the Registration or Exam Appeals committees until this is resolved. **Completed.**

Jennifer welcomed newest public member, Brad Markis, to Council.

## 6. Competency-based Assessment & Education (Lara Thacker – Progress Report & Proposed by-law amendments)

Lara Thacker, Director Quality Assurance, provided a progress report on the Council and committee competency-based assessment framework, and presented proposed by-law 10 amendments. Lara welcomed back Shenda Tanchak, facilitator for the next agenda item. Key changes were highlighted:

- a new by-law provision stipulates that a member is eligible for election to Council if “before the nomination deadline, the member has successfully completed any qualification process established by the Council”;
  - the registrant “has not resigned from Council within the past three years other than for “health or personal reasons acceptable to Council”;
  - New conflict of interest provision stipulating: “the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College”;
  - An amendment expands the cooling off period for serving as an employee, officer or director of any professional association or certifying body in the health care and health related fields from one to three years prior to the date of nomination for the Council;
  - Removing the requirement for supporting signatures for nominations;
  - it was noted that the gathering of signatures for nominations are quite limiting, especially for individuals living in remote areas;
- i. It was suggested that “group” in by-law 10.09 and 10.29 provisions “the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College” be more clearly defined in a companion Conflict of Interest Policy.

*UPON A MOTION duly made by Teresa Bendo and seconded by Chad McCleave it was resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendments to By-law 10 regarding eligibility criteria for election of Council members for circulation. Final proposed changes will be presented to Council at its September 2021 meeting. **Carried.***

**7. Council & Committee Competency-Based Assessment & Education: Entity to screen for eligibility Shenda Tanchak**

Shenda Tanchak opened the discussion and thanked Council members for their time. The objectives of today's Council discussion were to identify a mechanism to review eligibility of those seeking to stand for election, and if a Committee is selected for this purpose, determine what other responsibilities such a Committee might have. Council engaged in extensive discussion.

- Council agreed in principle to establish a new Committee that would be comprised of mostly but not only Council members, who would have three areas of responsibility:
  - I. Screen for election eligibility;
  - II. Recommend Committee slates;
  - III. Oversee Council and Committee performance evaluation process.

The draft terms of reference functions for the new committee include:

- Screen applicants for eligibility for election to Council;
- Evaluate applications and indications of interest for Committee membership and recommends all other Committee slates to Council;
- Oversee administration of Council/Committee performance evaluation process;
- Receive and report results of Council evaluation;
- Based on evaluation results, and recommendations from Council and Committees
  - Review and make recommendations about updating competency profile
  - Identify continuing development needs for Council and Committee members
  - Identify particular recruitment needs (Equity, Diversity and Inclusion, (EDI) for example)
- To be composed of 5 to 7 individuals, at least one of whom has governance or HR expertise, with at least one member who is not a member of College Council, a College Committee or staff; and
- Accountable to Council.

Council agreed on the following additional considerations:

- Committee to be supported by a senior College staff member;
- External Committee member to be drawn from another College or a 'friendly' stakeholder with no specific connection to kinesiology and no potential real or perceived conflict of interest; and
- Executive Committee or Council should recommend the slate for this Committee; and
- Council determined the name "Governance & Nomination Committee" for the new committee.

*UPON A MOTION duly made by Sue Garfat and seconded by Teresa Bendo it was resolved that the Council of the College of Kinesiologists of Ontario approves, in principle, a by-law revision to establish a Committee which will have, inter alia, the following responsibilities:*

- *to ensure those seeking to stand for Council election meet the eligibility requirements established in the by-laws;*
- *to ensure those seeking appointment to committees meet the eligibility requirements established in the by-laws;*
- *to review applications for committee appointments based on identified competency and diversity needs and recommend to Council slates for committee appointments; and such other duties as may be identified and approved by Council. The proposed by-law provision*

*will be circulated externally, and final amendments will be presented to Council at its September 2021 meeting. Carried.*

## **8. COMMITTEE REPORTS**

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

## **9. REGISTRAR'S REPORT**

Nancy Leris, Acting Registrar/CEO, provided the Registrar's Report.

Brad Markis, a newly appointed public member, was oriented in June prior to his first Council meeting.

Nancy also informed Council that the College successfully completed the College Performance Measurement Framework and submitted the report to the MOH in March 2021.

The College submitted its annual fair registration practice report to the Office of the Fairness Commissioner (OFC) in May 2021. In its June 2021 newsletter, the OFC highlighted and commended the College on its innovative remedial process for applicants seeking a third attempt at the College's entry-to-practice examination. The OFC noted this process/policy as a commendable best practice for other regulators.

The College successfully completed and submitted the Health Professions Database Report (HPDB) report to the MOH and the Registration Report to the Office of the Fairness Commissioner in May 2021.

The College is an active participant in the Health Profession Regulators of Ontario (HPRO) working group on anti-BIPOC racism. Updates and next steps from this working group was provided in the Council package. On July 5<sup>th</sup>, training will be offered to all Registrars, additionally, a survey, open to healthcare professionals and the public, will be launched. Focus groups will be held to directly involve internal stakeholders, e.g. Registrars and staff, and select Council/Committee members.

Nancy provided an elections update. Nominations were completed as of June 22<sup>nd</sup>, 2021. District 4 had two vacancies, District 5 and 6 had one vacancy each. In District 4 and District 5, two candidates will compete for one vacancy, as the other was acclaimed by Jennifer Pereira. The vacancy in District 6 was acclaimed by Ben Phalavong. Elections will be open online from July 13<sup>th</sup> – July 20<sup>th</sup>.

Nancy attended several Ministry of Health meetings with HPRO board members for the proposed regulation of PSWs and proposed legislative review of the RHPA 1991 Procedural Code on governance reform to help reduce the burden placed on the 26 regulated health Colleges to respond swiftly to emerging needs and to increase efficiency as a result of the pandemic. A letter from the Ministry was provided in the Council package with a draft response to the Ministry for Council's attention. The College completed a draft response to the letter from Assistant Deputy Minister Sean Court's on governance reform which was provided to Council for perusal.

## 10. PRESIDENT'S REPORT (Council & Committee Evaluation)

Jennifer Pereira, President, provided the following update:

In April 2021, Health Regulators received training from HPRO. Council members took part in this training.

The president participated in the orientation session held for the new Council member Brad Markis on June 10<sup>th</sup> and attended the webinar "All Things Privacy", a joint initiative of the CKO and the College of Physiotherapists. In accordance with the requirements of the CPMF the president conducted a performance evaluation of the CKO Council. The CPMF requires the College post a summary of the evaluation survey on the College website. This is scheduled to take place promptly after the meeting of Council.

Nancy Leris was announced as the new Registrar for the College of Kinesiologists of Ontario effective immediately.

## 11. APPOINTMENT TO COMMITTEE: REVISED COMMITTEE SLATE

Jennifer Pereira welcomed Brad to Council and provided an update for an appointment to Committee, with a revised committee slate. Brad Markis expressed interest in serving on the Quality Assurance Committee. Council discussed Brad also serving on the Specialties Committee as well as ICRC.

*UPON A MOTION duly made by Chad McCleave and seconded by Victoria Nicholson it was resolved that the Council of the College of Kinesiologists of Ontario appoints Brad Markis to the following Committees: Quality Assurance, ICRC, and Specialties Committee. **Carried.***

## 12. BUDGET 2021-2022 & PERFORMANCE PLAN

Nancy Leris, Ag. Registrar, presented the draft budget and performance plan for 2021/2022. Both were included in the Council package and posted with other Council materials for discussion on the public website.

On June 24<sup>th</sup>, the Finance and Planning Committee reviewed the proposed Budget presented by the College and considered whether provision has been made to meet the requirements of the College to carry out the performance plan during the new fiscal year September 1<sup>st</sup>, 2021 to August 31<sup>st</sup> 2022.

An amendment was made to the agenda: Chad McCleave will provide the recommendation from the Finance and Planning Committee following the approval of the 2021-2022 Budget.

*UPON A MOTION duly made by Leslee Brown and seconded by Chad McCleave it was resolved that the Council of the College of Kinesiologists of Ontario approves the budget and performance plan for the new fiscal year 2021-2022, beginning September 1, 2021. **Carried.***

### **13. RECOMMENDATION FROM THE FINANCE & PLANNING COMMITTEE (Chad McCleave)**

Chad McCleave, chair of the Finance & Planning Committee, expressed concern on College resources in terms of increasing the number of staffing as the College matures to face the demands on the College which will have a direct impact on the College budget for 2021/22.

The Finance & Planning Committee recommended a possible task force or Finance Committee to review membership fees. Chad suggested only public members be included on this Committee to avoid the potential for a COI by a Professional member. If the Finance committee is selected for this role, the mandate of the Committee would need to be amended.

Chad put forth a recommendation by the Finance & Planning Committee for renewal in 2021. It was proposed that members renewing between September 1, and September 30 not be charged a late fee. Additionally, members suspended on October 1, 2021, for non-renewal who reinstate between October 1 and October 31 will not pay a re-instatement fee or a late fee. Chad noted that the Finance & Planning Committee acknowledges that some members continue to experience financial hardship due to public health restrictions due to COVID-19. While the fees for renewal are already among the lowest for any health profession regulator of a comparable size, the Committee agreed that some relief is warranted for those members who may be experiencing hardship. There is opportunity to make individual arrangements such as fee payment by installments. There is also opportunity for the College to demonstrate concern for members as they get back to work by allowing members additional time if necessary to pay their renewal fees without penalty. Graydon Raymer inquired whether registrants would be advised about this change, Keisha Simpson confirmed it would be on a case-by-case basis.

*UPON A MOTION duly made by Leslee Brown and seconded by Victoria Nicholson it was resolved that the Council of the College of Kinesiologists of Ontario approves that in this year of disruption due to the COVID-19 pandemic, late membership fees be waived up to sixty days and that registrants who are renewing by September 30 not be charged a late fee. Registrants who have not renewed by September 30 will be suspended on October 1. Such registrants, if they re-instate by October 31, will not be charged a late fee or a re-instatement fee. **Carried.***

### **14. ENTERPRISE RISK MANAGEMENT, BUSINESS CONTINUITY & DISASTER PREPAREDNESS PLAN**

Danielle Lawrence, Practice Advisor and Policy Lead, presented the Risk Management, Business Continuity and Disaster Recovery plans. Danielle provided a risk matrix example for Council members (Danielle specified the risk matrix for COI will be reviewed in light of recent discussions around COI). Jennifer inquired on how often the document will be reviewed, Danielle confirmed it is reviewed annually and should be reflected in all communication going forward. Jennifer also remarked that the College has not had a business continuity plan or disaster recovery plan previously. Nancy confirmed after collaborating with other Colleges, a business continuity plan will be from part of the risk management plan moving forward. Council agreed that the business continuity and disaster recovery plan be amended and brought back to Council in September 2021. College staff to edit the risk management plan, review risk ratings, and bring additional changes in mitigation and control option. Changes were made to the following areas:



- 1) Information Management:
  - Signed confidentiality agreements
  - Use of secure file sharing application
  - VPN access to files for staff working remotely
  - Cyber insurance coverage (including Ransom insurance)
- 2) Human Resources:
  - Measures in place for reporting to Registrar or designate staff
- 3) Loss of Confidence in CKO:
  - Soliciting feedback from registrants on CKO program components and services
  - Anti-virus and malware protection, use of CKO professional virtual accounts
- 4) Governance/Compliance:
  - Conflict of Interest Policy – clear examples, clear communication of consequences for breaching COI (risk matrix under review)
  - Council & Committee Feedback and performance evaluation on meeting mandate

*UPON A MOTION duly made by Mary Pat Moore and seconded by Graydon Raymer it was resolved that the Council of the College of Kinesiologists of Ontario accepts the Risk Management Plan, Business Continuity and Disaster Recovery Plan for 2021-2022 to be revised and amended. **Carried.***

#### **15. QUALITY ASSURANCE PROGRAM POLICY AMENDMENTS:**

Lara Thacker presented the proposed Quality Assurance Program policy amendments to Council for review and approval:

- 1) **DEFERRAL OF PEER & PRACTICE ASSESSMENT POLICY 3.2**
- 2) **PEER & PRACTICE ASSESSMENT EXEMPTION POLICY 3.3**

Certain circumstances may arise that will affect a registrant's ability to participate in PPA requiring referral to a later date or exemption from having to complete the PPA. Requests for deferral and exemption should be carefully considered, seeking to balance the needs of the registrant with the public interest. Policies have been amended to provide legislative context, clarify principles that underpin the policies, reflect updated terminology, and expand grounds for deferral and exemption.

*UPON A MOTION duly made by Brad Markis and seconded by Graydon Raymer it was resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendments to the Quality Assurance Program Policies: Deferral of Peer and Practice Assessment Policy (3.2) and Peer and Practice Assessment Exemption Policy (3.3) as circulated. **Carried.***

#### **16. REVIEW OF ACTION ITEMS**

Kat Elesin provided the following action items noted throughout the Council meeting:

- Staff to define the word “group” or “defined group” in a Conflict-of-Interest Policy in relation to the proposed by-law 10 amendments pertaining to Council eligibility requirements;
- College staff to circulate proposed by-law 10 amendments externally for consultation and present final amendments and consultation report to Council for review and approval at September 2021 meeting;

- College staff to draft proposed by-law 13 amendments based on today's discussion and present to Council for review and approval for external consultation at September 2021 Council meeting;
- Risk management plan to define timeline in documentation (i.e., annual review or more than once per year, to bring back at the September Council meeting);
- Revised QA Program policies to be posted to College website.
- College staff to refine risk management plan and present proposed amendments to numbers assigned in risk matrix to Council at its September 2021 meeting;
- Business Continuity and Disaster Recovery Plan for 2021-2022 to be amended and revised, brought back to Council during September 2021 meeting;
- College staff to post a summary of the Council evaluation survey on the College website;

#### **17. Closing Comments/Motion for Adjournment**

Nancy thanked everyone for their efforts.

Jennifer thanked staff and Council for their continued dedication and wished everyone well during summer.

*Chad moved to terminate the meeting at 2:23 p.m.*