



## Council Meeting Draft Agenda

**Date:** December 7, 2020 **Time:** 10:30am **Location:** Zoom

<https://us02web.zoom.us/j/82564026236>

Meeting ID: 825 6402 6236

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	Time	Discussion Item	Presenter/ Speaker	Document Included	Action
1	10:30am	Call to order, roll call, Welcome	J. Pereira	Yes	Information
2	10:35am	Conflict of interest declarations	J. Pereira	No	Decision
3	10:40am	Approval of agenda	J. Pereira	Yes	Decision
4	10:45am	Approval of Minutes – September 14, 2020	J. Pereira	Yes	Decision
5	10:50am	<p><b>Action Items from the June 29 Meeting</b></p> <ul style="list-style-type: none"> <li>• Conflict of Interest and Code of Conduct forms to be recirculated to Council members for their signatures. <b>COMPLETED</b></li> <li>• Section #8 of the Executive Committee Terms of Reference -options to be investigated further and recirculated to Council for final review and approval at the next Council meeting. <b>COMPLETED –agenda item #11</b></li> <li>• Review the “cooling off period” of three (3) years for members, Council, etc., who want to become staff - this would require By-Law change if not in place. <b>COMPLETED – agenda item #11</b></li> <li>• Committee Slate to be amended. Jennifer Pereira is currently listed as a public member under the Fitness to Practice committee. <b>COMPLETED</b></li> </ul>			



6	10:55am	<p>Committee Reports</p> <ul style="list-style-type: none"> <li>• Discipline</li> <li>• ICRC</li> <li>• Registration</li> <li>• Quality Assurance</li> <li>• Patient Relations</li> <li>• Q1 Finance Report/Dashboard</li> <li>• Specialties Committee</li> </ul>	Committee Chairs	Yes	Information
7	11:05am	Drafted Audited Financial Statements	Auditors	Yes	Decision
8	11:35am	Annual Report	R. Pestana	Yes	Decision
9	11:45am	<p>Registrar's Report</p> <ul style="list-style-type: none"> <li>• CPMF Report</li> <li>• HPRO Collaboration Project</li> </ul>	N. Leris	Yes	Update
10	12:00pm	President's Report	J. Pereira	No	Information
11	12:15pm	Draft Terms of Reference- Executive Committee	N. Leris	Yes	Information
12	12:30pm	Council and Committee Competencies Profile	L. Thacker	Yes	Decision
13	1:00pm	2021 Council Meeting Dates	J. Pereira	No	Discussion
14	1:10pm	Review of Action Items	J. Pereira	No	Review
<b>ADJOURNMENT</b>					

## Council Meeting Minutes

<b>Date/Time of Meeting:</b>	September 14, 2020 / 9:00am (3:30pm In-Camera Session)
<b>Council Present:</b>	Jennifer Pereira, Chair, Teresa Bendo, Sara Gottlieb, Elwin Lau, Leslee Brown, Victoria Nicholson, Graydon Raymer, Mary Pat Moore, Ryan Wight, Chad McCleave, Alis Bonsignore, Candace Glowa, Susan Garfat, Marie Cousineau, Ben Matthie
<b>Staff Present:</b>	Brenda Kritzer, Nancy Leris, Vivian Fragale, Ryan Pestana, Lara Thacker
<b>Guests Presenters:</b>	Rebecca Durcan, Steinecke Maciura Leblanc; Natasha Danson, Steinecke Maciura Leblanc; Emily Lawrence, Paliare Roland Rosenberg Rothstein LLP;
<b>Observers:</b>	Don Gracey, the Ontario Athletic Therapist Association; Stuart Moulton, Ontario Kinesiology Association, Michael Robinson, Canadian Athletic Therapists Association; Doug Ross, Ministry of Health and Ministry of Long-Term Care

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### 1. Call to Order

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

Jennifer announced that the College received a resignation from Professional Member, Derek DeBono. She thanked him for his contributions to Council and Committee and wished him the best.

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. Introductions

Jennifer welcomed new members of Council, including Candace Glowa, Marie Cousineau, Alis Bonsignore, and Susan Garfat. Susan previously served as a member-at-large on Committees.

All Council members introduced themselves.

Brenda Kritzer introduced Abby Fontaine, who has recently joined the College from Lakehead University as part of their co-op program. Abby will be on board from September 1 until December 15 as a Junior Analyst.

### 3. Conflict of Interest Training

Rebecca Durcan of Steinecke Maciura Leblanc provided conflict of interest training. A PowerPoint presentation was included in the meeting package.

Jennifer requested that Conflict of Interest and Code of Conduct forms be recirculated to Council members for their signatures.

### 4. Conflict of Interest Declarations

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

Susan Garfat informed Council that she is a member of the OATA.

### 5. Approval of Agenda

*UPON A MOTION duly made by Mary Pat Moore and seconded by Graydon Raymer, it was resolved that the agenda be approved as amended. **Carried.***

### 6. Approval of Minutes

It was noted that there is a spelling mistake on page #5, second last paragraph. “Kinesiologist” is misspelled.

*UPON A MOTION duly made by Susan Garfat and seconded by Victoria Nicholson, it was resolved that the June 29, 2020 Minutes be approved as amended. **Carried.***

### 7. Action Items Arising From Previous Meetings

- Staff to provide a timeline in regards to anti-racism with action items and anticipated completion dates. To be reported by Registrar.
- Brenda to revise the Executive Committee Terms of Reference. To be reported by Registrar.
- The President to investigate the reason for resignations from Council. To be reported by President.
- Brenda to share a copy of the Human Resources policies with Council once ready for distribution. September 14 meeting of Council

## 8. 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.

Mary Pat Moore, Chair of the Specialties Committee, provided a brief verbal report. She recognized Ryan Wight, Graydon Raymer and Sara Gottlieb as members of the Specialties Committee. She reminded Council that the OATA has made submissions concerning risk of harm to the public, although not sufficient. The Committee continues to analyze the materials. The Committee will meet next on September 23. A draft work plan has been developed for review during that meeting.

As noted at the June Council meeting, Graydon Raymer and the Registrar developed a list of educational experts who could be approached to assist the Committee in reviewing the education of athletic therapists to determine whether it meets the requirements described in the Assessment Framework for Specialties.

Mary Pat Moore noted that the Committee had concerns regarding the requirements for consultation by the Committee as described in the Assessment Framework. The Committee has as part of its work plan for the next few months review of the policy particularly with regard to consultation.

## 9. Director's and Officer's Liability Insurance

Chad McCleave, Chair of the Finance and Planning Committee, provided an overview of the Directors and Officers Liability Insurance. He noted that the insurance is renewed annually. The current policy term covers the period of January 1, 2020 to January 1, 2021. The limit is \$5,000,000 and the deductible is zero. The premium for the insurance package for Liability and Crime with Hiroc is \$6,918.00 annually excluding taxes. This insurance protects the Directors in the event of being sued for wrongdoing, i.e., miss-management, poor governance, etc.

## 10. Registrar's Report

Brenda Kritzer noted the following in her Registrar's Report.

- College staff continue to work from home with a few individuals working occasionally from the office. Keisha Simpson is expected to return to work within two to four weeks.
- The College has an external resource consolidating a Manual for Management and Administration of the Professional Conduct Portfolio, and reviewing materials to ensure that they are consistent with the provisions of legislation.
- The College is recruiting for a Practice-Advisor/ Policy Lead for the College.
- The Ontario Health Colleges Collaboration Project has identified the types of projects which the College should be pursuing and project requirements have been laid out for each possible initiative. Projects include potential for shared space and shared staffing resources, etc. There is a cost to the College but costs are shared by participants and costs will be determined by what the College wants to collaborate on with others.
- Included in the Council's package was correspondence from Assistant Deputy Minister Sean Court, concerning the College Performance Measurement Framework.

- Brenda met with representatives for the national organization of Orthotists and Prosthetists. This group is investigating regulation. Brenda previously engaged with the orthotists and prosthetists at the provincial level in 2010 through to late 2012.
- Brenda met with the university educators and the British Columbia Association of Kinesiologists (BCAK) at the request of BCAK. The purpose of the meeting was to provide the BC universities with information concerning the profession of kinesiology and the identified education gaps.
- Brenda is chairing a working group of HPRO concerning the identification of needs and development of tools which would support the colleges in addressing systemic racism.

Chad McCleave noted that at the last Finance & Planning Committee meeting, the committee reviewed a draft Request for Proposal for a consultant skilled in working with organizations to enhance and evaluate anti-racism and anti-discrimination initiatives and management tools. The committee recommended that staff explore cost sharing opportunities with other colleges.

### **11. President's Report**

Jennifer Pereira provided a brief update. She noted the following:

- Regular update meetings with the Registrar.
- On August 19, Jennifer participated in a College orientation training session for new council members.
- As a member of the Finance and Planning Committee she supported the request that the College continue to work through the HPRO group and possibly look at other opportunities to collaborate on initiatives related to anti-racism.
- The Executive committee developed a committee slate for Council to review and approve which is on the agenda.
- As requested at the June Council meeting, Jennifer reached out to past council members and inquired into the reasons for their leaving. This is still underway.

### **12. Draft Terms of Reference - Executive Committee**

As the staff have noted that Terms of Reference for Executive Committee were not previously approved by Council, Brenda provided a draft Terms of Reference for Council's consideration. A brief analysis was also provided, which describes both the reasoning and the source or authority of certain provisions in the draft.

Council proceeded to review the sections of the draft Terms of Reference.

- Section 5: Three (3) members of the Executive Committee must be members of the College.
- Section 6: The quorum of the Executive Committee is three (3) members.
- Section 9: All Executive Committee members are required to attend an annual executive orientation session.
- Section #8: College to investigate how this provision is handled by other regulators, and to develop options for Council's consideration at the next Council meeting.
- Add "Executive" in front of references to the committee.

Jennifer reminded Council that once approved the Terms of Reference will be posted on the College's website as part of a Schedule to the By-laws.

### **13. Draft Redeployment During Health Emergencies**

Lara Thacker, Director, Quality Assurance, presented the *Draft Redeployment During Health Emergencies FAQ* to Council for information purposes. While originally conceived as a standard, feedback from the membership indicated that this would be more useful as a FAQ document which can be easily adapted to changing needs. The FAQ is based on questions received over the last several months since the March directive from the Chief Medical Officer for Ontario.

### **14. Human Resources Policies**

Natasha Danson, from Steinecke Macuire LeBlanc, gave a presentation on the College's Human Resources policy Manual. She covered topics such as the role of Council versus the Registrar, obligations of the College, and the legislative framework governing employer and employee responsibilities. A PowerPoint presentation was included in the meeting package.

The College's updated Human Resources Policy Manual was also provided to Council for information purposes.

### **15. Discipline Training**

Jennifer introduced Emily Lawrence, of Paliare Roland Rosenberg Rothstein LLP who will be acting as Independent Legal Counsel (ILC) on various cases.

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.

### **16. Performance Reporting**

Brenda Kritzer provided a brief overview of project, College Performance Measurement Framework. Referencing the letter for Assistant Deputy Minister Sean Court, she described the background and history to the project and the plan for a phased rollout. The College will be working on this over the Fall and the first report, which will also be published on the College website, is due early 2021.

Assistant Deputy Minister Sean Court's correspondence concerning the College Performance Measurement Framework was included in the Council package.

She noted that all colleges are required to participate in the performance reporting process. She described that actions had already been taken and will continue, which position the College to report including provisions in the draft Executive Committee Terms of Reference aimed at improving transparency and accountability.

She will continue to keep Council informed of the process.

## 17. Return to Work Strategy

Nancy Leris, Director of Operations and Financial Services, and Magda Reder, Health and Safety Representative, provided a high level overview of the return to the office strategy. They reviewed the various protocols including hand hygiene and respiratory protocols, the use of face masks in public spaces, entry and exit rules, and rules regarding kitchen use.

Returning to work is currently on a voluntary basis. Currently, there is one staff member who is back in the office full time. Moving forward, only six individuals will be permitted to be in the office at any given time. Staff continue to conduct meetings virtually. It was also noted that investments have been made to upgrade our computers and we will upgrade our phone system as well.

Chad McCleave suggested that the college might consider implementing a safety protocol requiring staff who are working alone, to call a designee on a regular basis and when arriving and leaving at the office.

## 18. Vacancy- District 6

Communications Manager, Ryan Pestana, presented the Decision Note for the vacancy in District 6. A long term vacancy was created as a result of Derek DeBono's resignation. Ryan noted that Council can either appoint a successor from among the membership or hold a by-election.

Council considered the options.

*UPON A MOTION duly made by Graydon Raymer and seconded by Leslee Brown, it was resolved that Council directs the Registrar to hold an election to fill the vacancy in District 6. **Carried.***

On a question from Mary Pat Moore concerning eligibility to become a Council member, discussion ensued on variously related matters such as whether the bylaws specify a cooling off period, for example, if a Council member wished to become a staff member. Council members felt that such questions should be addressed in the bylaws.

The Registrar noted that the College is planning a review of all by-laws to ensure that they are comprehensive and clear, and pointed to another bylaw provision which requires revision. It was accepted that this is work to be undertaken.

## 19. Election of Executive Committee

*UPON A MOTION duly made by Mary Pat Moore and seconded by Susan Garfat, it was resolved that the Registrar assume the chair for the portion of the meeting relating to election of officers. **Carried.***

*UPON A MOTION duly made by Elwin Lau and seconded by Ben Matthie, it was resolved that Vivian Fragale and Lara Thacker be appointed as scrutineers. **Carried.***

Nominations were received for Jennifer Pereira for President, Mary Pat Moore for Vice-President, Ben Mattie and Elwin Lau as professional members, and Leslee Brown as a public appointee.

Jennifer Pereira was elected as President by acclamation.



Mary Pat Moore was elected as Vice-President by acclamation.

Ben Matthie and Elwin Lau were elected by acclamation to Executive Committee as professional members.

Leslee Brown was elected by acclamation to the Executive Committee as a public appointee to Council.

*UPON A MOTION duly made by Teresa Bendo and seconded by Victoria Nicholson, it was resolved that Jennifer Pereira be appointed President; Mary Pat Moore be appointed Vice-President; Ben Matthie, Leslee Brown, and Elwin Lau, be appointed as members of the Executive Committee. **Carried.***

*UPON A MOTION duly made by Teresa Bendo and seconded by Ryan Wight, it was resolved to return the chairing of the meeting to Jennifer Pereira. **Carried.***

## **20. Approval of Committee Membership**

Jennifer Pereira noted that the Executive Committee met to consider committee composition for 2020/2021. 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 Council members' preferences, applications received from the general membership, the workloads of each committee and geographic factors, to form the proposed slate.

It was noted that Jennifer Pereira was listed as a public member under the Fitness to Practice committee.

*UPON A MOTION duly made by Susan Garfat and seconded by Graydon Raymer, it was resolved that the Council of the College of Kinesiologists of Ontario appoints the committee members and chairs as per the attached amended slate developed and recommended by the out-going Executive Committee. **Carried.***

It was noted that Sara Gottlieb raised a concern about being appointed to the Patient Relations Committee, but communications issues made it impossible for the President to resolve the question. The President noted that if changes to Committee appointments are required this can always be brought back to Council.

## 21. Review of Action Items

- Conflict of Interest and Code of Conduct forms to be recirculated to Council members for their signatures.
- Section #8 of the Executive Committee Terms of Reference -options to be investigated further and recirculated to Council for final review and approval at the next Council meeting.
- Committee Slate to be amended. Jennifer Pereira is currently listed as a public member under the Fitness to Practice committee.
- Review the “cooling off period” of three (3) years for members, Council, etc., who want to become staff - this would require By-Law change if not in place.

## 22. Closing Comments

Jennifer noted that all matters on the agenda to be addressed in open session were complete and that Council would enter into an in-camera session to address human resources matters. She further noted that following this in-camera item Council would be adjourned as no other items of business remain.

**The public portion of the meeting was terminated at 3:15pm and Council members signed into a new conference call for the in-camera portion of the meeting**

Discipline Committee Report

<b>Committee: Discipline</b>
<b>Prepared for:</b> Council
<b>Date:</b> December 7, 2020

**Meetings**

The Discipline Committee did not meet during the period of September 14 to December 7, 2020.

There were no hearings scheduled during that time.

Three discipline matters are pending.

## ICRC Report

<b>Committee:</b> ICRC
<b>Prepared for:</b> Council
<b>Date:</b> December 7, 2020

### **Meetings**

The ICRC met twice since the last report to Council to review an investigator's report and to deliver an oral caution, for which the member did not participate (due to a scheduling conflict).

### **Complaints**

One complaint was in process, but now resolved.

Three Registrar's Reports are underway.

1 matter appealed to HPARB.

## Registration Report

<b>Committee:</b> Registration
<b>Prepared for:</b> Council
<b>Date:</b> December 5, 2020

### Registration Committee meetings

The Registration Committee has met twice since the last report to Council on September 14, 2020. Referrals to Panels included matters specific to education equivalency, reinstatement into the General Class, registration after one year following successful completion of the examination, and exceptional circumstances relevant to examination timelines.

The Registration Committee also met as a whole to review two registration polices, and submissions from The University of Ottawa and the University of Guelph to determine if the degree programs they submitted were substantially equivalent to a four or five year bachelor's degree in kinesiology offered in Ontario.

Training and orientation meetings were also held on October 26, 2020 and November 9, 2020, for new and existing members of the Registration Committee.

### Fall Examination

The spring sitting of the College's entry-to-practice examination which was scheduled to take place in April was rescheduled for September 19, 2020 across all writing centres.

The College scheduled an additional exam in Toronto on September 26 in consideration of the restrictions on group sizes for public gatherings due to COVID-19 pandemic, and to accommodate the high number of applicants wanting to write in Toronto. The College also accommodated one applicant in Calgary, Alberta to reduce the risk related to travel during the pandemic.

A total of 443 candidates registered for the fall exams, this includes 9 candidates who requested testing accommodations, one candidate who requested writing the exam in French, and 68 candidates who either withdrew from the exam or postponed writing.

In 2020, a total of 375 candidates wrote the exam. The number decreased by 21.4% compared to the previous year.

<b>Number of Candidates</b>	<b>Spring</b>	<b>Fall</b>	<b>Total</b>
2013	100	141	<b>241</b>
2014	141	252	<b>393</b>
2015	174	271	<b>445</b>
2016	207	265	<b>472</b>
2017	226	281	<b>507</b>
2018	211	240	<b>451</b>
2019	191	286	<b>477</b>
2020	Deferred to Fall	375	<b>375</b>

### Membership Renewal

Renewal notices were sent to all eligible registrants on July 1, 2020. Registrants had until August 31, 2020 to complete their renewal. Registrants who did not renew as of August 31, 2020 were sent a notice of intention to suspend their registration. The late penalty fee was waived for a sixty-day period, beginning on September 1, 2020, for registrants who renewed after August 31, 2020. Additionally, registrants who were suspended on October 2, 2020 for non-renewal, but applied for reinstatement between October 2, 2020 and October 31, 2020 were not charged a reinstatement fee or a late fee. The waiver of the late penalty fee and reinstatement fee for the above noted registrants was approved by Council as a one-time exception in consideration of the financial hardships experienced by kinesiologists because of the COVID-19 pandemic.

Below is a breakdown of registrants who were eligible for renewal as of August 31, 2020 and their renewal outcome:

<b>Renewal Eligibility and Outcome</b>	
Renewed in the general class - On or before August 31, 2020	2020
Renewed in the inactive class - On or before August 31, 2020	306
Renewed in the general class - On or after September 1, 2020	236
Renewed in the inactive class - On or after September 1, 2020	123
Suspended for non-payment of fees	147
Deceased	0
Resigned	92

## Membership Update

During the period September 1, 2020 to November 25, 2020 the College registered 24 new registrants. This number is low due mainly to the results of the entry-to-practice examinations being released in late October. The College anticipates a significant increase in the number of new registrants by the end of the second quarter.

As of November 25, 2020, the total membership stands at 2716 registrants, with 2292 in the General Class and 424 in the Inactive Class. The total number of registrants includes newly registered, and reinstated registrants.

### Registration Numbers as of November 25, 2020

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

## Committee Report

<b>Committee: Quality Assurance Committee</b>
<b>Prepared for: Council</b>
<b>Date: December 7, 2020</b>

The Quality Assurance Committee (the Committee) met twice since the last report made on September 14, 2020.

### Orientation and Training

All Committee members completed orientation and training covering the legislative framework; mandate and powers; program components and policies; process for reviewing peer and practice assessment cases; and governance.

### Peer and Practice Assessment

A panel met to review two registrants' submissions from Fall 2019 Peer and Practice Assessments (PPA) where follow up was directed. In cases where the Committee determines that the registrant has yet to demonstrate sufficient knowledge, skills and judgement in the areas assessed, the Committee may direct the registrant to undergo competency enhancement. Registrants directed to submit a demonstrated change report are required to submit a written report identifying: the practice resources consulted; what they have learned; the changes made to their practice based on the new knowledge; and how the new knowledge impacts client service.

### Ethics and Professionalism and Prevention of Sexual Abuse e-Learning Modules

This year, over 300 registrants completed the College's Ethics and Professionalism module, and over 400 registrants completed the Prevention of Sexual Abuse Module between August 1<sup>st</sup> and October 31, 2020. All kinesiologists registered in the General Class are required to complete the mandatory e-learning modules at least once. The Ethics and Professionalism e-Learning Module helps registrants better understand the application of the Code of Ethics and the process of making ethical decisions. The Prevention of Sexual Abuse e-Learning Module helps registrants understand what constitutes a boundary violation and sexual abuse; how to recognize warning signs; and what to do if boundary violations occur. Both modules contain multiple choice practice scenarios to help test registrants' application of the College's practice standards and identify opportunities for improvement.



The College is pleased to report the best compliance rates to date: 89% completed the Prevention of Sexual Abuse e-Learning Module and 93% completed the Ethics and Professionalism e-Learning Module by the October 31<sup>st</sup> deadline.

### **2020-21 Self-Assessment**

The 2020-21 Self-Assessment began on December 1, 2020. All General Class registrants must submit a self-assessment by March 1, 2021. Notices were sent to registrants and published in the e-newsletter.

Last December Council approved the following policy revision: the self-assessment must be submitted every two years instead of every year.

This year's assessment has been refined to focus on risk areas in kinesiology practice. Some sections have been compressed, making completion easier and faster. Instructions were added for registrants who are not working and must complete the self-assessment.

Registrants who fail to complete the Self-Assessment are eligible for Peer and Practice Assessment and may be referred to the Inquiries, Complaints and Reports Committee for non-compliance.

### **Peer Circles**

The College facilitated four content development working group sessions for the new continuing professional development initiative – peer circles. Peer circles are virtual workshops that will provide small groups of registrants opportunities to discuss topical practice issues in areas of risk, and work together to develop enhanced problem solving skills and understanding of the application of the standards. Facilitation and participation will tie back to competencies and learning objectives and may be counted towards registrants' continuing professional development requirements and competencies for participation in College work.

Working group participants reviewed and discussed practice scenarios pertaining to the COVID-19 pandemic, informed consent, record keeping, practising in support roles, virtual service, discharging a patient, and scope of practice.

Next steps will include facilitator training, establishing evaluation metrics, publishing information packages, and registering participants.

## Committee Report

<b>Committee:</b> Patient Relations
<b>Prepared for:</b> Council
<b>Date:</b> December 7, 2020

Since the September Council meeting, the Patient Relations Committee met once. The purpose of the meeting was to provide orientation to Committee members. Several new Council members were appointed to the Committee, as were several new non-Council committee members. Committee also reviewed a workplan that included key deliverables for the fiscal year 2020/2021.

# REVENUES

COLLEGE OF KINESIOLOGISTS OF ONTARIO - REVENUE REPORT FOR QTR 1  
(SEPT - OCT 31 2020 Interim) FOR THE FISCAL YEAR 2020/2021

updated 23/11/2020

	1	2	3	4	5
CATEGORY	APPROVED REVENUE FORECAST (Sept 1 2020 to Aug 31, 2021)	PROJECTIONS QTR 1 SEPT 1 - NOV 30, 2020	REVENUES RECEIVED QTR 1 SEPT 1 - OCT 31, 2020 (INTERIM)	VARIANCE QTR 1	
	\$	\$	\$	\$	\$
<b>Revenue:</b>					
Jurisprudence Fee (\$48.25)	24,125	1,408	619	-789	
Application Fee (\$100)	47,500	2,000	1,400	-600	
Examination Fee (\$400)	190,000	0	1,080	1,080	
Registration Fees*	1,823,438	236,238	219,692	-16,546	
Interest Income	25,000	6,250	1,393	-4,857	
<b>TOTAL REVENUE</b>	<b>2,110,063</b>	<b>245,896</b>	<b>224,184</b>	<b>-21,712</b>	
<b>*Registration Fees made-up of:</b>	<b>Approved Forecast</b>	<b>Projections Q1 (Sept- Nov)</b>	<b>Interim Actual (Sept- Oct)</b>	<b>Variance Q1</b>	
	\$	\$	\$	\$	
New Registrants					
- Sept - Nov (\$650)	35,750	35,750	9,100	-26,650	
- Dec - Feb (\$487.50)	48,750		1,950	1,950	
- Mar - May (\$325)	24,375	0	325	325	
- Jun - Aug (\$162.50)	8,125	0	0	0	
Renewal (\$650)	1,607,450	162,500	177,129	14,629	
Change in status (members back to active)	3,088	3,088	4,950	1,862	
Professional Corporation	1,200	1,200	2,400	1,200	
Professional Corporation Late fee	400	400	600	200	
Inactive Renewal (\$200)	80,800	22,800	27,400	4,600	
Inactive Renewal Late Fee(\$50)	3,000	3,000	100	-2,900	
Renewal Late Fee (\$100)	6,000	6,000	100	-5,900	
Re-instatement Fee (\$325)	4,500	1,500	300	-1,200	
Refunds			-4,663		
<b>Total</b>	<b>1,823,438</b>	<b>236,238</b>	<b>219,691</b>	<b>-11,884</b>	

**Notes**

We are not expecting to meet projections under some categories by end of Q1.

**Details:**

*Jurisprudence and Application revenues are expected to come lower in Q1 as a result of the April exam being deferred to September. Exam results went out on November 2.*

**Registration Fees**

*New Registration Sept to Nov variance: shortfall in Q1 due to April exam being postponed. New registration application to increase in Q2. Inactive Renewal variance: decrease in inactive class renewal and increase in general class renewal. Reduction in suspensions: 2019: 153 vs 2020: 139. Renewal late fee and reinstatement fee was deferred as per Council decision to provide relief for membership due to COVID-19*

*Interest income: lower than expected in Q1 as a result of the pandemic. Interest on laddered GIC to mature in Feb 2021*

# EXPENDITURES

COLLEGE OF KINESIOLOGISTS OF ONTARIO - EXPENDITURE FORECAST FOR QTR 1 (SEPT-OCT. 31 2020 Interim) FOR THE FISCAL YEAR 2020/2021					
	1	2	3	4	5
CATEGORY	APPROVED BUDGET Sept 1 2020 to Aug. 31, 2021	PROJECTIONS QTR 1 SEPT - NOV 30, 2020	ACTUAL EXPENSES QTR 1 SEPT - OCT 31, 2020 (INTERIM)	VARIANCE QTR 1	
	\$	\$	\$	\$	
<b><u>Expenditure:</u></b>					
Council & Committees	84,100	10,500	5,150	5,350	
Professional Fees	49,000	26,000	2,000	24,000	
Communications & Media	158,500	23,856	3,673	20,183	
Rent & Facility Costs	228,465	56,290	56,290	0	
Office & General	114,654	19,600	4,584	15,016	
Salaries & Wages	1,137,914	302,388	257,114	45,274	
Registration	269,992	36,500	19,332	17,168	
Quality Assurance	35,656	13,560	0	13,560	
Professional Conduct	47,500	11,725	6,308	5,417	
<b>TOTAL EXPENDITURE</b>	<b>2,125,781</b>	<b>500,419</b>	<b>354,452</b>	<b>145,968</b>	

## Major Highlights:

### Council and Committee

Payment of expenses for Council and Committees and orientation/training of new members in Q1.

### Professional Fees

Expenses for general legal fees in Q1. Projections for end of Q1 for payment of legal counsel, accounting services and partial payment for the 2019/20 audit.

### Communications & Media

Payment for IT Support, annual report design, and constant contact in Q1. Projections by end of Q1 for monthly IT support and public awareness.

### Office & General

Payment for bank charges, equipment rental, office supplies and postage and courier in Q1. Projection by end of Q1 for bank charges, professional development and training for council, Telephone /fax expenses.

### Salaries & Wages

Payment includes retro pay and salary/benefits adjustments for staff in Q1. Projections by end of Q1 for November pay periods.

### Registration

Payment for database maintenance and hosting cost in Q1. Projection by end of Q1 for support on foundational work on the database management system and hosting cost.

Quality Assurance

Projections for end of Q1 for self assessment portal annual licence and maintenance fee.

Professional Conduct

Expenditures for investigations and legal advice in Q1. These expenditures are demand driven and can occur at any time. Projections for end of Q1 for investigations and hearings.



## 2020/2021 Performance Report

Overall highlights:



28 new registrants

1 investigation, 3 Discipline matters pending

September 19 Exam: 287 registered (all centres)

(230 rescheduled from April + 57 new)

September 26 Exam: 156 registered (Toronto only)

Operational highlights (Q1: Sept to Nov 2020)

Focus	Deliverables	Status	Comments and Impacts
<i>Governance</i>	Competency-based assessment and education of Council and committee members		<p>Conducted literature review of recent reports and promising practices in health profession regulation and enviro scan of regulatory bodies' governance transformation work.</p> <p>Prepared for Council review and approval:</p> <ul style="list-style-type: none"> <li>• Issue/decision note on competency-based assessment and education of Council and committee members</li> <li>• Council and Committee Competency Profile</li> <li>• Roadmap of competency-based assessment and education for Council members</li> <li>• Roadmap of competency-based assessment and education for committee members</li> <li>• Proposed By-Law amendments</li> <li>• Governance Committee Terms of Reference</li> </ul> <p>Next steps:</p> <ul style="list-style-type: none"> <li>• Circulate proposed By-Law amendments for external consultation</li> <li>• Design and implement Eligibility Course and Exam, applicant screening process and tools</li> <li>• Stakeholder communications re policy changes</li> </ul>
<i>Corporate</i>	Annual Financial Audit 2019/2020		Completion of the College's Annual Financial Audit for 2019/2020
	Recruitment		Onboarding of the Practice Advisor/Policy Lead
	College Performance Measurement Framework		<ul style="list-style-type: none"> <li>• Submission of Domain 3- System Partner to the Ministry of Health. Meeting held with the Ministry to discuss submission.</li> <li>• Work underway to complete other domains</li> </ul>

Focus	Deliverables	Status	Comments and Impacts
	Collaboration projects with HPRO		<ul style="list-style-type: none"> <li>College participation on the working group to address anti-racism and anti-discrimination.</li> <li>College working with a group of regulators on ways to collaborate on the CPMF project. First project was to pilot and complete an inventory tool to address gaps in colleges' progress to completing the CPMF and to identify possible areas to achieve consistency and collaboration. Summary report to be developed for colleges participating in the project.</li> <li>College's participation on several other collaboration projects including space sharing, human resources, and training. These projects have been sunsetted due to lack of interest from other Colleges to proceed at this time.</li> </ul>
<i>Communications</i>	Administer elections to Council in District 6		<ul style="list-style-type: none"> <li>Nomination period launched shortly after September Council meeting. No candidates submitted a nomination, and a second round was called.</li> <li>Sound round of nomination resulted in two candidates eligible for election. Election occurred from November 16-20.</li> <li>New Council member provided with orientation before the December Council meeting</li> </ul>
	Creation of 2019/2020 Annual Report		<ul style="list-style-type: none"> <li>Graphic designer and portfolio leads engaged to begin developing content and gathering statistics</li> <li>Focus on COVID response and College's enhanced role in public protection</li> <li>Financials to be inserted after the Council meeting and report will be submitted to the Ministry of Health and posted to the website</li> </ul>
	Regular and timely communication to R.Kins		<ul style="list-style-type: none"> <li>Regular newsletters sent in October and November with key updates, including reminders of re-opening guidance and infection prevention and control</li> <li>Following a move of some regions in Ontario back into Stage 2 and closure of fitness facilities, the College corresponded with the Ministry of Health's Emergency Operations Centre to clarify the definition of a fitness facility and the impact on R.Kins. Emails sent to R.Kins with clarification and guidance.</li> </ul>
	Annual universities tour		<ul style="list-style-type: none"> <li>10 virtual visits completed to-date and some visits scheduled for January and February</li> </ul>
<i>Registration</i>	Annual Renewal and Suspension		<ul style="list-style-type: none"> <li>Annual renewal launched on July 1</li> <li>A total of 2325 registrants renewed</li> <li>A total of 139 registrants were suspended for non-payment of the annual fee</li> </ul>
	September Exams		<ul style="list-style-type: none"> <li>A total of 375 applicants wrote the exams held in September 2020 (across all writing centres)</li> </ul>
	Registration Policies		<ul style="list-style-type: none"> <li>Updated Inactive Class policy - Pending further review by Registration Committee</li> <li>Development of Re-Issuance policy - Pending further review by Registration Committee.</li> <li>Review of existing registration policies/ Development of new registration policies - Ongoing</li> </ul>
	Registration Committee Orientation and Training		<ul style="list-style-type: none"> <li>Two Registration Committee orientation and training meetings held</li> </ul>
	Registration Committee Meeting and Panel Meetings		<ul style="list-style-type: none"> <li>Review of referrals from the registrar - Decisions pending ratification of meeting minutes</li> <li>Review of two universities application for substantial equivalency</li> </ul>



Focus	Deliverables	Status	Comments and Impacts
	Audit of Professional Liability Insurance (PLI)		<ul style="list-style-type: none"> <li>Development of internal processes for submission of updated PLI prior to expiry and identification of invalid polices submitted during renewal.</li> </ul>
	Revocation of registrants suspended greater than three years		<ul style="list-style-type: none"> <li>Notification to registrants of timeline for suspension and option to reinstate prior to official revocation.</li> </ul>
<i>Quality Assurance</i>	Quality Assurance Committee Orientation and Training		Two panel meetings held to facilitate Quality Assurance Committee orientation and training.
	QA Committee panel met and rendered two final decisions and reasons on files requiring competency enhancement from Fall 2019 Peer and Practice Assessments		Next steps: <ul style="list-style-type: none"> <li>Send decisions and reasons letters to PPA participants</li> </ul>
	Self-Assessment Portal changes complete		<ul style="list-style-type: none"> <li>Content revisions and biennial functionality migrated to production environment and tested</li> <li>Notices sent to registrants and newsletter article published</li> <li>Launched 2020-21 Cycle on December 1<sup>st</sup></li> </ul>
	2020 Ethics and Professionalism and Prevention of Sexual Abuse e-Learning Modules complete		<ul style="list-style-type: none"> <li>Over 300 registrants completed Ethics and Professionalism e-learning Module</li> <li>Over 400 registrants completed Prevention of Sexual Abuse e-Learning Module</li> <li>Achieved 89% compliance on Prevention of Sexual Abuse e-Learning Module and 93% on Ethics and Professionalism e-Learning Module by October 31<sup>st</sup> deadline</li> </ul>
	Peer Circles		<ul style="list-style-type: none"> <li>Facilitated four working group practice scenario content development sessions.</li> </ul> Next steps: <ul style="list-style-type: none"> <li>Facilitator training</li> <li>Registrant communications – info packages and webinar dates, participant pre-registration</li> <li>Develop evaluation metrics</li> </ul>
<i>Professional Conduct</i>	Investigations		1 investigation resolved. 1 investigation appealed to HPARB.
	Hearings held by Disciplinary Committee		Three hearings pending.
	Professional Conduct and compliance matters		1 member ordered to complete an undertaking.

Legend: Completed



Ongoing



Incomplete



**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**FINANCIAL STATEMENTS**  
**AUGUST 31, 2020**

DRAFT

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**FINANCIAL STATEMENTS**

**AUGUST 31, 2020**

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## INDEPENDENT AUDITORS' REPORT

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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, 2020, and the statement of operations, statement of changes in net assets and statement of 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, 2020, and its results of 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 *Auditors' 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 included in the Annual Report, but does not include the financial statements and our auditors' report thereon.

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 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. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

### ***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 College's ability 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 College's financial reporting process.

### ***Auditors' 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 auditors' 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 these 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 College's internal control.
- 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 College's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' 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 auditors' 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.

Chartered Professional Accountants  
Licensed Public Accountants

Toronto, Canada

DRAFT

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**STATEMENT OF FINANCIAL POSITION**  
**At August 31**

**2020**

**2019**

**ASSETS**

**Current**

Cash - unrestricted	\$ 2,077,258	\$ 1,079,520
Cash - restricted, internally (Note 3)	290,000	290,000
Prepaid expenses	88,095	114,259
Short-term investments (Note 4)	105,074	209,754

**2,560,427**      1,693,533

**Investments (Note 4)**      **419,826**      315,378

**Capital assets (Note 5)**      **145,964**      194,038

**\$ 3,126,217**      \$ 2,202,949

**LIABILITIES**

**Current**

Accounts payable and accrued liabilities (Note 10)	\$ 287,282	\$ 206,988
Deferred revenue	1,528,000	581,351
Loan payable (Note 7)	30,000	-

**1,845,282**      788,339

**Deferred rent**      **102,992**      117,172

**1,948,274**      905,511

**Commitment and contingencies (Notes 9 and 10)**

**NET ASSETS**

**Net assets invested in capital assets**      **145,964**      194,038

**Internally restricted net assets (Note 3)**      **290,000**      290,000

**Unrestricted net assets**      **741,979**      813,400

**1,177,943**      1,297,438

**\$ 3,126,217**      \$ 2,202,949

*The accompanying notes are an integral part of the financial statements*

On behalf of the Board

Director

Date

Director

Date

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**STATEMENT OF CHANGES IN NET ASSETS**

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<b>Year ended August 31</b>	Net assets invested in capital assets	Internally restricted net assets	Unrestricted net assets	<b>2020</b>	2019
Net assets, beginning of year	\$ 194,038	\$ 290,000	\$ 813,400	<b>\$ 1,297,438</b>	\$ 1,218,362
Excess (deficiency) of revenue over expenses	(48,074)	-	(71,421)	<b>(119,495)</b>	79,076
Net assets, end of year	\$ 145,964	\$ 290,000	\$ 741,979	<b>\$ 1,177,943</b>	\$ 1,297,438

*The accompanying notes are an integral part of the financial statements*

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**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**STATEMENT OF OPERATIONS**

**Year ended August 31**

**2020**

**2019**

**Revenue**

Registration fees	\$ 1,705,973	\$ 1,700,950
Examination fees	124,751	178,550
Application fees	54,000	53,700
Interest income	34,171	36,775
Jurisprudence fees	25,572	25,378
Government assistance (Note 7)	22,042	-

**1,966,509**

**1,995,353**

**Expenses**

Salaries and benefits	1,066,784	1,007,907
Professional fees	252,510	74,168
Rent	219,713	217,278
Registration costs	169,371	189,622
Communications and media costs	75,411	46,145
Council and committee costs	74,155	90,486
Office and general	64,427	65,015
Processing fees	57,158	42,447
Professional conduct (Note 10)	34,386	74,831
Quality assurance	24,015	39,415
Amortization of capital assets	48,074	68,963

**2,086,004**

**1,916,277**

**Excess (deficiency) of revenue over expenses**

**\$ (119,495)**

**\$ 79,076**

*The accompanying notes are an integral part of the financial statements*

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**STATEMENT OF CASH FLOWS**  
**Year ended August 31**

**2020**

**2019**

**SOURCES (USES) OF CASH**

**Operating activities**

Excess (deficiency) of revenue over expenses \$ (119,495) \$ 79,076

*Items not involving cash*

Amortization of capital assets 48,074 68,963

Amortization of deferred rent (14,180) (15,984)

(85,601) 132,055

**Changes in non-cash working capital items**

Prepaid expenses 26,164 (12,328)

Accounts payable and accrued liabilities 80,294 4,935

Deferred revenue 946,649 (945,799)

**Cash provided by (used in) operating activities 967,506 (821,137)**

**Investing activity**

Maturity (purchase) of investments 232 (525,132)

Acquisition of capital assets - (13,018)

**Cash provided by (used in) investing activity 232 (538,150)**

**Financing activities**

Loan payable 30,000 -

**Cash provided by financing activities 30,000 -**

**Net increase (decrease) in cash 997,738 (1,359,287)**

**Cash, beginning of year 1,369,520 2,728,807**

**Cash, end of year \$ 2,367,258 \$ 1,369,520**

**Represented by:**

Cash - unrestricted \$ 2,077,258 \$ 1,079,520

Cash - restricted, internally 290,000 290,000

**\$ 2,367,258 \$ 1,369,520**

*The accompanying notes are an integral part of the financial statements*

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**NOTES TO FINANCIAL STATEMENTS**  
**August 31, 2020**

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**1. Purpose of the organization and income tax status**

The College of Kinesiologists of Ontario (the College) was created April 1, 2013 pursuant to the proclamation of the Kinesiology Act, 2007. The College is a non-profit organization mandated through legislation and regulations to regulate the profession of kinesiology in Ontario in the interest of the public. The College is committed to ensuring excellent professional practice by registered kinesiologists. Through the establishment of entry-to-practice requirements and through the provision of continuous practice support, the College ensures that registered kinesiologists deliver competent, safe and ethical services.

The College is exempt from income tax under Section 149(1)(1) of the Income Tax Act. Registration remains valid so long as the College continues to fulfill the requirements of the Income Tax Act and regulations in respect of non-profit organizations.

**2. Significant accounting policies**

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations.

**Use of estimates**

The preparation of financial statements in accordance with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the statement of financial position date and the reported amounts of revenue and expenses during the reporting period. In particular, significant estimates are contained in the hearing costs for discipline cases (Note 10). Actual results could differ from those estimates.

In March 2020, the World Health Organization characterized the outbreak of a strain of the novel coronavirus (“COVID-19”) as a pandemic which has resulted in a series of public health and emergency measures that have been put in place to combat the spread of the virus. The total duration and impact of COVID-19 is unknown at this time. Thus, it is not possible to reliably estimate the impact that the length and severity of these developments will have on the financial results and condition of the College in future periods.

**Fund accounting**

The net assets invested in capital assets fund reports the assets, liabilities, revenues and expenses related to the College's capital assets.

The internally restricted net assets fund of the College represents resources internally restricted by the Council for specific use.

The unrestricted fund accounts for current operations as well as the College's general operations.

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**NOTES TO FINANCIAL STATEMENTS**  
**August 31, 2020**

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**2. Significant accounting policies (continued)**

**Revenue recognition**

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

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

Examination fees are recorded in the fiscal period to which they relate. Examination fees received in advance are recorded as deferred revenue.

Registration fees are recognized as revenue proportionately over the fiscal period to which they relate. Registration fees received in advance of the membership year to which they relate are recorded as deferred revenue.

**Government assistance**

The College receives government assistance in the form of a forgivable loan and a temporary wage subsidy. Government assistance programs are recognized when the College becomes entitled to receive the amounts. Government assistance received toward current expenses is included in the Statement of Operations for the year.

**Financial instruments**

The College initially measures its financial assets and liabilities at fair value.

The College subsequently measures all of its financial instruments at amortized cost using the straight-line method.

Transaction costs are recognized in the statement of operations in the period incurred.

**Capital assets**

Capital assets are recorded at cost less accumulated amortization. Amortization is provided annually on bases designed to amortize the assets over their estimated useful lives, as follows:

Furniture and fixtures	-	straight line over 5 years
Computer equipment	-	straight-line over 3 years
Computer software	-	straight-line over 3 years
Leasehold improvements	-	straight-line over 10 years

**Deferred rent**

Deferred rent includes reduced rent benefits and tenant inducements received in cash.

The College recognizes rental expenses using the straight-line method whereby any contractual rents over the term of a lease are recognized into income evenly over that term. The difference between the rental expense recognized and rental payments made is shown as deferred rent. Lease incentives received in connection with leasehold improvements are amortized to income on a straight-line basis over the terms of the lease.

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**NOTES TO FINANCIAL STATEMENTS**  
**August 31, 2020**

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**3. Interfund transfers and internally restricted net assets**

The purpose of the internally restricted net assets fund is to address unplanned expenses, any increases in investigation costs and hearings and provide support to victims of sexual abuse in the future.

These internally restricted amounts are not available for other purposes without approval of the council. The internally restricted net assets of \$290,000 (2019 - \$290,000) is comprised of the abuse therapy fund of \$30,000 (2019 - \$30,000), investigations and hearings fund of \$170,000 (2019 - \$170,000) and property and technology fund of \$90,000 (2019 - \$90,000).

\$Nil (2019 - \$13,018) was transferred from the unrestricted net assets fund to the capital assets fund in order to fund cash outlays for capital asset acquisitions.

**4. Investments**

The College's investments consists of publicly-traded fixed income instruments at cost plus accrued interest.

The investments are managed by a third party and subject to an investment policy set by the Finance and Planning Committee which has as its main objective the preservation of capital while earning a reasonable rate of return.

**5. Capital assets**

	Cost	Accumulated Amortization	2020 Net Carrying Amount	2019 Net Carrying Amount
Furniture and fixtures	\$ 131,180	\$ 130,267	\$ 913	\$ 4,713
Computer equipment	55,238	46,312	8,926	17,577
Computer software	121,863	121,616	247	3,204
Leasehold improvements	326,662	190,784	135,878	168,544
	\$ 634,943	\$ 488,979	\$ 145,964	\$ 194,038

**6. Bank loan**

The College's banking facility provides for a maximum operating line of credit of \$125,000. Borrowings under the line of credit bear interest at the prime rate of the College's banker 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, 2020.

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**NOTES TO FINANCIAL STATEMENTS**  
**August 31, 2020**

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**7. Government assistance**

(i) Canada Emergency Business Account

During the year ended August 31, 2020, the College received a \$40,000 loan from the Government of Canada under its Canada Emergency Business Account ("CEBA") program, which is designed to provide financial support to small businesses during the COVID-19 pandemic. The loan is interest-free, unsecured, repayable on December 31, 2022 and, if the loan is repaid on or before December 31, 2022, up to \$10,000 of the loan will be forgiven. The \$10,000 forgivable portion of the loan has been accounted for as government assistance and recognized in the Statement of Operations during the year as it was received toward current expenses. In addition, the portion of the loan that is not forgivable has been initially measured at its fair value of \$30,000, with the resulting discount of \$10,000 recognized as government assistance.

(ii) Temporary Wage Subsidy

During the year ended August 31, 2020, the College received an wage subsidy of \$12,042 from the Government of Canada under its Temporary Wage Subsidy ("TWS") program, which was designed to assist businesses to continue to operate during the months of March to June. This amount has been recognized in government assistance on the Statement of Operations.

**8. Financial instruments**

The College regularly evaluates and manages the principal risks assumed with its financial instruments. The risks that arise from transacting in financial instruments include liquidity risk, credit risk, market risk, interest rate risk, and foreign currency risk. The following analysis provides a measure of the College's risk exposure and concentrations. There are no significant changes in the risk exposures from the prior period.

**Liquidity risk**

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with its financial liabilities as they come due. The College is exposed to this risk mainly in respect of its accounts payable and accrued liabilities. Accounts payable are generally repaid within the credit terms.

The College is not exposed to any significant credit risk, market risk, interest rate risk, and foreign currency risk at the statement of financial position date.

**COLLEGE OF KINESIOLOGISTS OF ONTARIO**  
**NOTES TO FINANCIAL STATEMENTS**  
**August 31, 2020**

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**9. Commitments**

The College is committed under several contracts which expire between August 2021 and August 2024. The College is also committed under a long-term lease for premises which expires in June 2024. Annual contract and lease payments (exclusive of requirement to pay taxes, insurance and maintenance costs) for the next four years are approximately as follows:

Year ending August 31, 2021	\$	166,000
2022		133,000
2023		120,000
2024		100,000
		<hr/>
	\$	519,000
		<hr/>

**10. Contingencies**

The College is required to investigate and resolve complaints and disciplinary matters brought forward to it. The obligations associated with the resolution of complaints and disciplinary matters are recognized in the year the complaints are received, to the extent that the cost of hearing or resolution can be reasonably estimated. Management estimates that the ultimate liability arising from these matters will be approximately \$20,200, however, there exists a reasonable possibility of loss in excess of the accrued amount. The amount is included in accrued liabilities and professional conduct expenses.

From time to time, the College is involved in litigation, investigations or proceedings related to claims arising out of its operations in the ordinary course of business. In the opinion of the College's management, with the exception of the potential claim noted below in this note, these claims and lawsuits in the aggregate, even if adversely settled, will not have a significant impact on the College's financial statements.

Subsequent to the year-end date, the College was made aware of a potential claim. The College's management is unable to determine the likelihood of an adverse settlement and is unable to estimate the amount of ultimate loss, if any.



**Resolution: Acceptance of Audited Financial Statements for fiscal 2019/2020**

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

**Whereas** the firm of Crowe Soberman was appointed to carry out this audit and did so during  
the month of October 2020; 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 accept  
and approve for circulation, and submission to the Minister of Health and Long-Term Care,  
the audited financial statements for 2019/2020.**

Moved by:

Seconded by:

Date: Monday, December 7, 2020





# CRITICAL RE-ACTION

**NAVIGATING CHALLENGING TIMES THROUGH  
LEADERSHIP AND PROFESSIONALISM**

2019/2020 ANNUAL REPORT

**COLLEGE OF  
KINESIOLOGISTS  
OF ONTARIO**





# BIG CHALLENGES. TIMELY RESPONSE.

## 2019/2020 ANNUAL REPORT

For the period September 1, 2019 to August 31, 2020

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# RESPONDING TO CHANGING EXPECTATIONS



**Council is the College's board of directors. It sets the strategic and policy direction, and ensures that the College is acting in the public interest. Part of this important duty means that we monitor and respond to issues impacting the patients/clients of kinesiologists and kinesiologists themselves.**

In the spring of 2020 when communities near and far marched in a global demand for justice and equality, the [College acknowledged this important fight](#). As an organization that has a duty to serve and protect the public, we acknowledged that systemic racism exists. We recognize that more must be done to root out systemic racism. Over the coming months we will turn our words into action by collaborating with other health profession regulators to improve our internal processes and provide training to kinesiologists.

We also know that expectations of how regulators like us operate are changing. The public is demanding more accountability and more information on our processes. This year we reviewed the processes of our Executive Committee and we will be publishing more information on the Committee's work, including notice of meetings, meeting agendas and approved minutes.

In the coming months we will develop and publish a profile of qualifications that all potential Council members must meet if they wish to serve on Council. This will be another important step to demonstrate how Council members are selected to represent the interests of the public.

The College's Council and staff are committed to continuously improving how we serve the public interest. I look forward to the work that lies ahead that will make us a more inclusive, responsive and accountable regulatory body.

Jennifer Pereira, R.Kin  
President

# GIVING NEW MEANING TO PUBLIC PROTECTION



**The College exists to protect the patients/clients of registered kinesiologists. This is often seen through the lens of four key activities – setting requirements to enter the profession; developing rules and guidelines for kinesiologists' practice; requiring kinesiologists to keep their knowledge and skills up-to-date; and receiving and investigating complaints against kinesiologists. In our most recent strategic plan, the College committed to reducing risk of harm to patients/clients and promoting patient/client-centred care.**

Throughout much of 2020, as the lives of Ontarians were upended by the COVID-19 pandemic, our duty and commitments to the public interest took on new meaning. As you'll see in this report, the College acted quickly and decisively to provide guidance to kinesiologists and promote public health messaging. Our actions were taken with patient/client safety top of mind.

Equally important, we worked with other health profession regulators to align messaging and develop guidance for regulated health professionals throughout the pandemic. Patients/clients benefit from the collaborative efforts of regulators, and the College of Kinesiologists is proud to lead and support efforts that improve health profession regulation.

Our ability to respond and adapt to the needs of patients/clients was tested during this health emergency. We rose to the challenge thanks to the support of kinesiologists and their commitment to providing safe care.

The next few years will present new challenges and opportunities to improve the way we operate. I am confident that the College will respond and adapt just as quickly and effectively to better serve the public interest.

Brenda Kritzer,  
Registrar and CEO

# ABOUT THE COLLEGE

The College 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**

**Developing rules and guidelines for kinesiologists' practice and conduct**

**Requiring kinesiologists to keep their knowledge and skills up-to-date**

**Investigating all complaints received about kinesiologists and disciplining when necessary**

## 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.

# THREE HIGHLIGHTS FROM THE LAST YEAR



## IMPROVED ACCESS TO INFORMATION

To help provide better information to applicants, kinesiologists and the public, the College launched a new corporate website in July 2020. All content was reviewed and revised to ensure it was easy to understand and find. More information was added on the role and expectations of Council members, such as the Code of Conduct and Conflict of Interest By-Law. The College also provided links to explain how public members are selected for the College's Council. An enhanced news feature was added to make viewing College developments easier. [Visit the website.](#)



## ENSURING PATIENTS/CLIENTS RECEIVE SAFE CARE

### Creating guidance for return to practice

When regulated health professionals were allowed to return to practice following an easing of COVID-19 restrictions, the College led a working group of health profession regulators to create return to practice guidance. This guidance follows all public health recommendations and details what kinesiologists must do to safely re-open their practice and keep patients/clients safe. [View the guidance.](#)

### Providing training on infection prevention and control

The College also led an initiative with other health profession regulators to coordinate a training webinar with Public Health Ontario. This webinar was targeted to regulated health professionals and focuses on infection prevention and control in the context of COVID-19. Over 1200 practitioners attended the live event, and the recording was distributed to all 26 health profession regulators. [View the webinar.](#)

### Creating guidance for re-deployment

Throughout the COVID-19 pandemic, health professionals can be re-deployed from their normal place of work to another setting to provide support. In response, the College created guidance for kinesiologists on their responsibilities when re-deployed. The purpose of this guidance is to help ensure that no matter where a kinesiologist is deployed during a health emergency, they are always responsible for providing service that is in the patient's/client's best interest. The College sought feedback on a [draft Practice Guideline- Working Outside Scope of Practice during a Health Emergency](#). Based on feedback received, the guideline was re-formatted into frequently asked questions that can be easily updated during a rapidly evolving situation. [View the FAQs](#).



### PROMOTING SAFE AND ACCEPTING SPACES FOR PATIENTS/CLIENTS AND KINESIOLOGISTS

Communities across the globe are at a critical turning point in a global fight for justice and equality. As an organization that exists to protect the public, the College has a duty to use its position to advance positive social change. The College released a statement in support of efforts to combat systemic racism. Over the coming months, the College will work to improve its own policies and practices, and to develop resources for kinesiologists, Council and staff. The College is chairing a group of health profession regulators that is creating resources to help all colleges address systemic racism.

[View the College's statement on systemic racism](#).

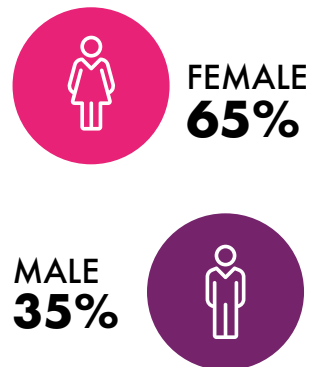
# REGISTRANT STATISTICS

All data is as of August 31, 2020. Data related to employment is collected at renewal, from R.Kins practising in Ontario, and only focuses on their primary practice profile.

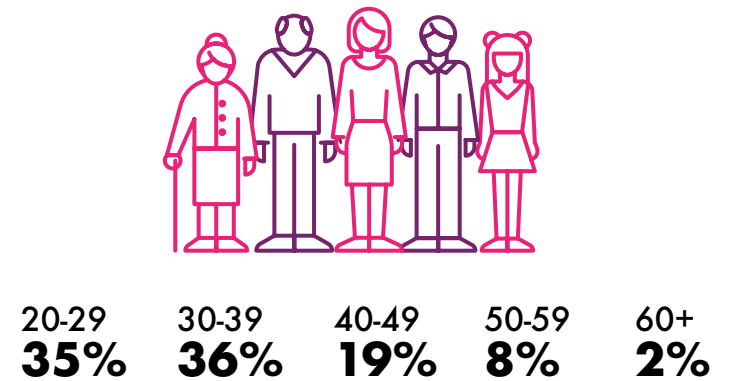
## TOTAL REGISTRANTS:



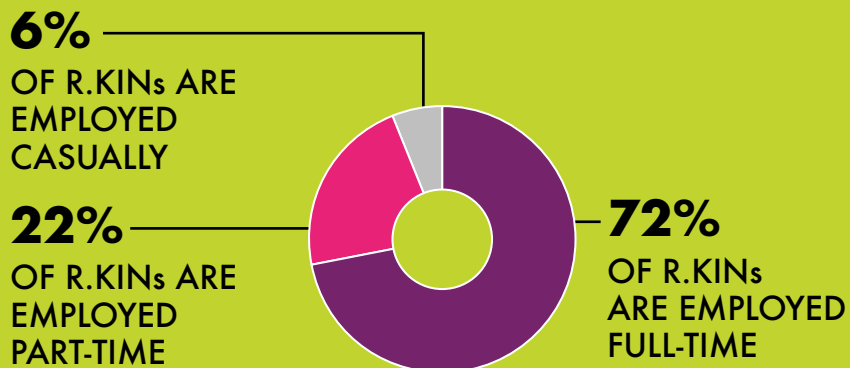
## GENDER:



## AGE RANGE:



## EMPLOYMENT STATUS:



## TOP 5 PRACTICE ROLES:



1. SERVICE PROVIDER
2. OWNER/OPERATOR
3. INSTRUCTOR OR EDUCATOR
4. CONSULTANT
5. MANAGER





**NATURE OF PRACTICE:**



**47%**  
ARE IN CLINICAL PRACTICE



**27%**  
ARE IN NON-CLINICAL PRACTICE



**26%**  
ARE IN MIXED PRACTICE  
(combination of clinical and non-clinical)

**AGE OF CLIENTS:**



**50%** OF R.KINs WORK WITH PEOPLE OF ALL AGES



**42%**  
WORK WITH ADULTS



**6%**  
WORK WITH SENIORS



**2%**  
WORK CHILDREN  
(under 18)

**EDUCATION:**



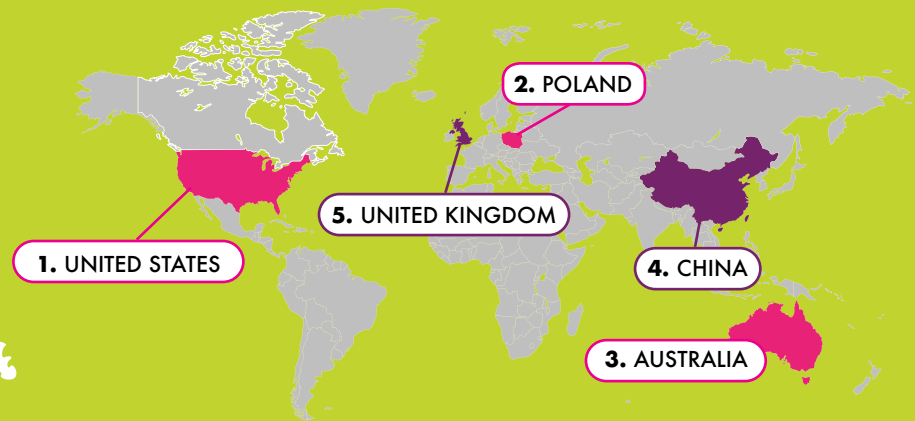
**98%**  
OF R.KINs ARE CANADIAN EDUCATED

**95%**  
ARE ONTARIO EDUCATED

**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:**



# CONTACTING THE COLLEGE

**BETWEEN SEPTEMBER 1, 2019 AND AUGUST 31, 2020, THE COLLEGE RECEIVED**



**63%** OF OUR ENQUIRIES CAME FROM R.KINs



**33%** OF OUR ENQUIRIES CAME FROM APPLICANTS

**WHO CONTACTED US?**

**4%** OTHER ENQUIRIES came from individuals from the public, professional associations, employers, insurance companies, etc.



**89%** OF ENQUIRIES RELATED TO REGISTRATION MATTERS (e.g. how to apply, questions about the exam, etc.)

**WHAT WERE THEY ASKING ABOUT?**

**3%** THE REMAINING ENQUIRIES related to professional conduct, College administration, and other general questions



# REGISTRATION COMMITTEE

The Registration Committee is responsible for developing and implementing transparent, objective, impartial and fair registration practices. The Committee's work protects the public by ensuring that only qualified individuals are registered to practise kinesiology.

From September 1, 2019 to August 31, 2020, the Registration Committee reviewed and decided on the following:

TYPE OF CASE	NUMBER OF CASES	DECISION
Non-exemptible educational requirement	52 (8**)	13 (4**) applications were approved 1 application was refused 38 (4**) decisions were postponed pending further information or additional training prior to approval
Reinstatement to the General Class after two years in the Inactive Class	15 (2**)	14 (2**) reinstatements into the General class were granted 1 decision was postponed pending further information prior to approval
Expiration of one-year period for registration following notification of eligibility	2	2 applications were approved and granted a certificate of registration
Exemption request from re-writing the entry-to-practice exam after resignation and re-registration	5 (2**)	2 (1**) applications were granted an exemption 3 (1**) applications were refused
Proposal for upgrading/remediation	8 (1**)	3 (1**) remediation plans were approved 5 remediation plans were refused
Review decision of the Health Professions Appeal and Review Board (HPARB)	0	

\*\* Case was reviewed in the previous fiscal year and the decision was approved in the current reporting period.

Applicants who are not satisfied with the decision of the Registration Committee may appeal the decision to the [Health Professions Appeal and Review Board](#) (HPARB). One request to review a decision of the Registration Committee was submitted to HPARB between September 1, 2019 and August 31, 2020. However, the request was not submitted during the required timeframe and HPARB did not hear the appeal.

## EXAM

286 applicants wrote the entry-to-practice exam between September 1, 2019 and August 31, 2020. This number is significantly lower than previous years because the April 2020 exam was moved to September 2020 due to the COVID-19 pandemic. As a result, the College only administered one exam.

	REGISTERED	WROTE	PASSED	% PASSING
September 2019	315	286	222	78

## EXAMINATION COMMITTEE

The Examination Committee is comprised of registered kinesiologists and faculty members from kinesiology programs across Ontario. The Committee approves test forms, sets the pass mark for each exam and ensures that the exam reflects the entry-level competencies. The Committee did not meet from September 1, 2019 to August 31, 2020.

## ITEM WRITING COMMITTEE

The Item Writing Committee is comprised of registered kinesiologists and faculty members from kinesiology programs across Ontario. Panels of the Committee develop exam questions that correspond to the Examination Blueprint. The Item Writing Committee did not meet from September 1, 2019 to August 31, 2020.

The College is grateful for the support of those who assisted with the preparation, development and administration of the exam. Their contributions are invaluable.

# QUALITY ASSURANCE COMMITTEE

The Quality Assurance (QA) Committee helps protect the public by administering programs that help kinesiologists keep their knowledge and skills up-to-date. The QA Program includes:

- self-assessment and continuing professional development;
- peer and practice assessments; and
- ways for the College to monitor kinesiologists' participation in and compliance with the Program.

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

From September 1, 2019 to August 31, 2020, the QA Committee:

- implemented a change to the self-assessment process that requires kinesiologists to complete the self-assessment every two years instead of every year and strengthening compliance requirements of all e-learning modules;
- conducted 23 peer and practice assessments during fall 2019 PPA cycle;

- administered the Prevention of Sexual Abuse and the Ethics and Professionalism e-learning modules for newly registered kinesiologists;
- began development of a new continuing professional development initiative – peer circles – for implementation in 2021; and
- reviewed a draft guidance document on re-deployment during health emergencies.

## PEER AND PRACTICE ASSESSMENT

The peer and practice assessment (PPA) program is an individualized educational opportunity designed to assess kinesiologists' knowledge, skill and judgment, and to help them identify areas of strength and opportunities for improvement within their practice.

## PPAs CONDUCTED TO AUGUST 31, 2020 (REPORTED BY CALENDAR YEAR)

TOTAL PPAs CONDUCTED TO DATE (SPRING AND FALL CYCLES)	2015	2016	2017	2018	2019
<b>157</b>	11 PPAs: all random selection	16 PPAs: all random selection	36 PPAs: <ul style="list-style-type: none"> <li>• 2 insufficient currency (&lt;1500 practice hours within last 3 years)</li> <li>• 34 random selection</li> </ul>	55 PPAs: <ul style="list-style-type: none"> <li>• 2 volunteers</li> <li>• 4 non-compliant with other QA program requirements</li> <li>• 4 insufficient currency</li> <li>• 45 random selection</li> </ul>	39 PPAs: <ul style="list-style-type: none"> <li>• 23 random selection</li> <li>• 16 insufficient currency</li> </ul>

## TOP AREAS FOR IMPROVEMENT IDENTIFIED THROUGH THE PPA

Record keeping, communication and consent were identified as the top areas for improvement. These areas of practice continue to be areas that require further support and guidance for kinesiologists, particularly for those working in multi-disciplinary teams where responsibility for clinical files may be diffused. The College will be highlighting these standards and competencies in the self-assessment, facilitating peer circles, and circulating articles and further supports to address these areas of potential risk.

## FINAL PPA DECISIONS BY THE QA COMMITTEE (UP TO AUGUST 31, 2020)

DECISION	2015 PPAs	2016 PPAs	2017 PPAs	2018 PPAs	2019 PPAs
No further action	8	16	34	54	37
Competency enhancement – Demonstrated change report	2	0	2	0	2
Competency enhancement – Mentorship program	1	0	0	1	0
<b>Total (157)</b>	<b>11</b>	<b>16</b>	<b>36</b>	<b>55</b>	<b>39</b>

# COMPLAINTS AND DISCIPLINE

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.

Following its review of a formal complaint or Registrar's report, the ICRC may do any one or more of the following to address concerns:

- refer specified allegations of professional misconduct or incompetence about a kinesiologist to the Discipline Committee for a hearing;
- investigate a kinesiologist's capacity and/or refer the matter to the Fitness to Practise Committee;
- require a kinesiologist to appear before a panel of the ICRC to be cautioned;
- take other appropriate action, which may include:
  - requiring a kinesiologist to complete a continuing education or remediation program;
  - asking the kinesiologist to voluntarily restrict their practice, or to pursue a mentoring or monitoring program; or
  - providing a kinesiologist with advice and/or recommendations;
- take no action, where no concerns have been identified.

If the ICRC is of the opinion that the kinesiologist's conduct is likely to put patients/clients at risk of harm, the ICRC may suspend or impose terms, conditions, or limitations on the kinesiologist's certificate of registration.

## COMMITTEE ACTIVITY

From September 1, 2019 to August 31, 2020, the ICRC met 16 times to review the following:

Registrar's Reports initiated	8
Complaints received	5*

*\*One complaint remains under investigation as of August 31, 2020.*

## 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	2
Continuing education or remediation program	1
Caution in person	1
Referral of specified allegations to the Discipline Committee	5*

*\*Three Registrar's Reports related to one registrant. The three reports resulted in one referral to Discipline.*

### **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.

Two matters were appealed to HPARB from September 1, 2019, to August 31, 2020. HPARB's decisions are pending.

### **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 four times from September 1, 2019, to August 31, 2020. [View the hearing summaries and Committee decisions and reasons.](#)

### **FITNESS TO PRACTISE 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

The Patient Relations Committee oversees the Patient Relations Program, which is designed to enhance professional relations between kinesiologists and patients/clients. The Patient Relations Program must incorporate 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; and
- providing information to the public.

The Patient Relations Committee also oversees the program to provide funding for therapy and counselling for persons alleging sexual abuse by a kinesiologist.

## COMMITTEE ACTIVITY

The Committee met twice from September 1, 2019, to August 31, 2020. At its May 2020 meeting, the Committee considered and recommended to Council changes to its terms of reference that would give the Committee oversight into the College's communication function. Staff felt it was important to better engage Council on communications. This Committee's existing mandate of kinesiologist and public awareness around sexual abuse prevention provided a forum for this. Council approved the changes to the Committee's terms of reference in June 2020. A sub-set of the Committee met in August 2020 to review and approve one application for funding for therapy and counselling.

# COLLEGE COUNCIL AND STAFF

**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.**

## **COUNCIL MEMBERS:**

Jennifer Pereira, R.Kin – College President

Mary Pat Moore – College Vice-President

Ken Alger (until February 2020)

Nelson Amaral (until February 2020)

Teresa Bendo

Leslee Brown

Jennifer Bushell (until February 2020)

Derek DeBono, R.Kin (until August 2020)

Sara Gottlieb

Elwin Lau, R.Kin

Ben Matthie, R.Kin

Chad McCleave

Stefanie Moser, R.Kin

Victoria Nicholson

Graydon Raymer, R.Kin

Katie St. Denis, R.Kin (until June 2020)

Sandra Weeks (until January 2020)

Ryan Wight, R.Kin

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

## **NON-COUNCIL COMMITTEE MEMBERS AS OF AUGUST 31, 2020:**

Denis Beaulac

Jaclyn Benn

Alex Burnaru

Faith Delos-Reyes

Mardy Frazer

Douglas Freer

Danielle Froats

Susan Garfat

Alisha Gleiser

Alyssa King

Francesca McKenzie

Alicia Oliveira

Pamela Paquette

Andrea Scrivener

Leanne Smith

Richard Wotherspoon

Holly Wykes

Shindujan Yogaratnam

Michelle Young

## **COLLEGE STAFF**

Brenda Kritzer, Registrar and CEO

Vivian Fragale, Executive Assistant

Nancy Leris, Director of Operations and Financial Services

Lily Seto, Administrative Assistant

Keisha Simpson, Director, Registration Services

Magda Reder, Registration and Examinations Coordinator

Colleen Foster, Administrative Assistant- Registration

Lara Thacker, Director of Quality Assurance

Ryan Pestana, Communications Manager

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**The College would like to thank staff, Council and committee members, and volunteers for their contributions this past year.**

# INDEPENDENT AUDITORS' REPORT



**Crowe Soberman LLP**  
Member Crowe Global  
2 St. Clair Avenue East, Suite 1100  
Toronto, ON M4T 2T5  
Main 416 964 7633  
Fax 416 964 6454  
[www.crowesoberman.com](http://www.crowesoberman.com)

To the Board of Directors of College of Kinesiologists of Ontario

## **Opinion**

We have audited the financial statements of College of Kinesiologists of Ontario (the Organization), which comprise the statement of financial position as at August 31, 2019, and the statement of operations, statement of changes in net assets and statement of 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 Organization as at August 31, 2019, and its results of 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 *Auditors' Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Organization 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 included in the Annual Report, but does not include the financial statements and our auditors' report thereon.

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 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. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

## **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 Organization's ability 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 Organization or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Organization's financial reporting process.

### **Auditors' 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 auditors' 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 these 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 Organization's internal control.
- 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 Organization's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' 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 auditors' report. However, future events or conditions may cause the Organization 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.

### **Crowe Soberman LLP**

Chartered Professional Accountants  
Licensed Public Accountants  
Toronto, Canada  
March 30, 2020

# COLLEGE OF KINESIOLOGISTS OF ONTARIO

## STATEMENT OF FINANCIAL POSITION

At August 31

	2019	2018
<b>ASSETS</b>		
<b>Current</b>		
Cash - unrestricted	\$ 1,079,520	\$ 2,468,807
Cash - restricted, internally (Note 3)	290,000	260,000
Prepaid expenses and sundry	114,259	101,931
Short-term investments (Note 4)	209,754	-
	<b>1,693,533</b>	2,830,738
<b>Investments (Note 4)</b>	<b>315,378</b>	-
<b>Capital assets (Note 5)</b>	<b>194,038</b>	249,983
	<b>\$ 2,202,949</b>	<b>\$ 3,080,721</b>
<b>LIABILITIES</b>		
<b>Current</b>		
Accounts payable and accrued liabilities	\$ 206,988	\$ 202,053
Deferred revenue	581,351	1,527,150
	<b>788,339</b>	1,729,203
<b>Deferred rent</b>	<b>117,172</b>	133,156
	<b>905,511</b>	1,862,359
<b>Commitment and contingencies (Notes 8 and 9)</b>		
<b>NET ASSETS</b>		
<b>Net assets invested in capital assets</b>	<b>194,038</b>	249,983
<b>Internally restricted net assets (Note 3)</b>	<b>290,000</b>	260,000
<b>Unrestricted net assets</b>	<b>813,400</b>	708,379
	<b>1,297,438</b>	1,218,362
	<b>\$ 2,202,949</b>	<b>\$ 3,080,721</b>

The accompanying notes are an integral part of the financial statements

On behalf of the Board

  
 \_\_\_\_\_  
 Brenda Kritzer, Registrar and CEO

## COLLEGE OF KINESIOLOGISTS OF ONTARIO

### STATEMENT OF CHANGES IN NET ASSETS

Period ended	Net assets invested in capital assets	Internally restricted net assets	Unrestricted net assets	<b>August 31, 2019</b>  <b>(12 months)</b>	August 31, 2018  (5 months)
Net assets, beginning of year	\$ 249,983	\$ 260,000	\$ 708,379	<b>\$ 1,218,362</b>	\$ 1,218,699
Excess (deficiency) of revenue over expenses	(68,963)	-	148,039	<b>79,076</b>	(337)
Interfund transfers (Note 3)	13,018	30,000	(43,018)	-	-
Net assets, end of year	\$ 194,038	\$ 290,000	\$ 813,400	<b>\$ 1,297,438</b>	\$ 1,218,362

*The accompanying notes are an integral part of the financial statements*

# COLLEGE OF KINESIOLOGISTS OF ONTARIO

## STATEMENT OF OPERATIONS

Year ended August 31

	2019 (12 months)	2018 (5 months)
<b>Revenue</b>		
Registration fees	\$ 1,700,950	\$ 711,345
Examination fees	178,550	84,000
Application fees	53,700	26,802
Jurisprudence fees	25,378	13,365
Interest income	36,775	4,595
	<b>1,995,353</b>	840,107
<b>Expenses</b>		
Salaries and benefits	1,007,907	406,149
Rent	217,278	89,922
Registration costs	189,622	102,416
Council and committee costs	90,486	14,647
Professional conduct	74,831	7,267
Professional fees	74,168	19,331
Office and general	65,015	29,280
Communications and media costs	46,145	41,801
Processing fees	42,447	68,235
Quality assurance	39,415	33,571
Amortization of capital assets	68,963	27,825
	<b>1,916,277</b>	840,444
<b>Excess (deficiency) of revenue over expenses</b>	<b>\$ 79,076</b>	<b>\$ (337)</b>

The accompanying notes are an integral part of the financial statements



# COLLEGE OF KINESIOLOGISTS OF ONTARIO

## STATEMENT OF CASH FLOWS

Year ended August 31

	2019 (12 months)	2018 (5 months)
<b>SOURCES (USES) OF CASH</b>		
<b>Operating activities</b>		
Excess (deficiency) of revenue over expenses	\$ 79,076	\$ (337)
<i>Item not involving cash</i>		
Amortization of capital assets	68,963	27,825
Amortization of deferred rent	(15,984)	(8,219)
<b>Changes in non-cash working capital items</b>	<b>132,055</b>	19,269
Prepaid expenses and sundry	(12,328)	6,319
Accounts payable and accrued liabilities	4,935	106,053
Deferred revenue	(945,799)	752,949
<b>Cash provided by (used in) operating activities</b>	<b>(821,137)</b>	884,590
<b>Investing activity</b>		
Purchase of investments	(525,132)	-
Acquisition of capital assets	(13,018)	(8,733)
<b>Cash used in investing activity</b>	<b>(538,150)</b>	(8,733)
<b>Net increase (decrease) in cash</b>	<b>(1,359,287)</b>	875,857
<b>Cash, beginning of period</b>	<b>2,728,807</b>	1,852,950
<b>Cash, end of period</b>	<b>\$ 1,369,520</b>	\$ 2,728,807
<b>Represented by:</b>		
Cash - unrestricted	\$ 1,079,520	\$ 2,468,807
Cash - restricted, internally	290,000	260,000
	<b>\$ 1,369,520</b>	<b>\$ 2,728,807</b>

The accompanying notes are an integral part of the financial statements

# COLLEGE OF KINESIOLOGISTS OF ONTARIO

## NOTES TO FINANCIAL STATEMENTS

August 31, 2019

### 1. PURPOSE OF THE ORGANIZATION AND INCOME TAX STATUS

The College of Kinesiologists of Ontario (“the College”) was created April 1, 2013 pursuant to the proclamation of the Kinesiology Act, 2007. The College is a non-profit organization mandated through legislation and regulations to regulate the profession of kinesiology in Ontario in the interest of the public. The College is committed to ensuring excellent professional practice by registered kinesiologists. Through the establishment of entry-to-practice requirements and through the provision of continuous practice support, the College ensures that registered kinesiologists deliver competent, safe and ethical services.

The College is exempt from income tax under Section 149(1)(1) of the Income Tax Act. Registration remains valid so long as the College continues to fulfill the requirements of the Income Tax Act and regulations in respect of non-profit organizations.

Effective April 1, 2018, the fiscal year end of the College was changed from March 31 to August 31.

### 2. SIGNIFICANT ACCOUNTING POLICIES

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations.

#### Use of estimates

The preparation of financial statements in accordance with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the statement of financial position date and the reported amounts of revenue and

expenses during the reporting period. In particular, significant estimates are contained in the hearing costs for discipline cases (Note 9). Actual results could differ from those estimates.

#### Fund accounting

The net assets invested in capital assets fund reports the assets, liabilities, revenues and expenses related to the College’s capital assets.

The internally restricted net assets fund of the College represents resources internally restricted by the Council for specific use.

The unrestricted fund accounts for current operations as well as the College’s general operations.

#### Revenue recognition

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

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

Examination fees are recorded in the fiscal period to which they relate. Examination fees received in advance are recorded as deferred revenue.

Registration fees are recognized as revenue proportionately over the fiscal period to which they relate. Registration fees received in advance of the membership year to which they relate are recorded as deferred revenue.

## 2. SIGNIFICANT ACCOUNTING POLICIES *(continued)*

### Financial instruments

The College initially measures its financial assets and liabilities at fair value.

The College subsequently measures all of its financial instruments at amortized cost using the straight-line method.

Transaction costs are recognized in the statement of operations in the period incurred.

### Capital assets

Capital assets are recorded at cost less accumulated amortization.

Amortization is provided annually on bases designed to amortize the assets over their estimated useful lives, as follows:

Furniture and fixtures	-	straight line over 5 years
Computer equipment	-	straight-line over 3 years
Computer software	-	straight-line over 3 years
Leasehold improvements	-	straight-line over 10 years

### Deferred rent

Deferred rent includes reduced rent benefits and tenant inducements received in cash.

The College recognizes rental expenses using the straight-line method whereby any contractual rents over the term of a lease are recognized into income evenly over that term. The difference between the rental expense recognized and rental payments made is shown as deferred rent. Lease incentives received in connection with leasehold improvements are amortized to income on a straight-line basis over the terms of the lease.

## 3. INTERFUND TRANSFERS AND INTERNALLY RESTRICTED NET ASSETS

The purpose of the internally restricted net assets fund is to address unplanned expenses, any increases in investigation costs and hearings and provide support to victims of sexual abuse in the future.

During the year, the College's council internally restricted additional resources amounting to \$30,000 for investigations and hearings. Transfer of \$30,000 was made from the unrestricted net assets to the internally restricted net assets. These internally restricted amounts are not available for other purposes without approval of the council. The internally restricted net assets of \$290,000 (2018 - \$260,000) is comprised of the abuse therapy fund of \$30,000 (2018 - \$30,000), investigations and hearings fund of \$170,000 (2018 - \$140,000) and property and technology fund of \$90,000 (2018 - \$90,000).

In addition, \$13,018 (2018 - \$8,733) was transferred from the unrestricted net assets fund to the capital assets fund in order to fund the cash outlays for capital asset acquisitions.

## 4. INVESTMENTS

The College's investments consists of publicly-traded fixed income instruments.

The investments are managed by a third party and subject to an investment policy set by the Finance and Planning Committee which has as its main objective the preservation of capital while earning a reasonable rate of return.

## 5. CAPITAL ASSETS

	Cost	Accumulated Amortization	2019 Net Carrying Amount	2018 Net Carrying Amount
Furniture and fixtures	\$ 131,180	\$ 126,467	\$ 4,713	\$ 30,949
Computer equipment	55,238	37,661	17,577	11,663
Computer software	121,863	118,659	3,204	6,160
Leasehold improvements	326,662	158,118	168,544	201,211
	\$ 634,943	\$ 440,905	\$ 194,038	\$ 249,983

## 6. BANK LOAN

The College's banking facility provides for a maximum operating line of credit of \$125,000. Borrowings under the line of credit bear interest at the prime rate of the College's banker 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, 2019.

## 7. FINANCIAL INSTRUMENTS

The College regularly evaluates and manages the principal risks assumed with its financial instruments. The risks that arise from transacting in financial instruments include liquidity risk, credit risk, market risk, interest rate risk, and foreign currency risk. The following analysis provides a measure of the College's risk exposure and concentrations. There are no significant changes in the risk exposures from the prior period.

### Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with its financial liabilities as they come due. The College is exposed to this risk mainly in respect of its accounts payable and

accrued liabilities. Accounts payable are generally repaid within the credit terms.

The College is not exposed to any significant credit risk, market risk, interest rate risk, and foreign currency risk at the statement of financial position date.

## 8. COMMITMENTS

The College is committed under several contracts which expire between October 2019 and October 2021. The College is also committed under a long-term lease for premises which expires in June 2024. Annual contract and lease payments (exclusive of requirement to pay taxes, insurance and maintenance costs) for the next five years are approximately as follows:

Year ending August 31, 2020	\$ 175,000
2021	164,000
2022	130,000
2023	118,000
2024	98,000
	\$ 685,000

## **9. CONTINGENCIES**

The College is required to investigate and resolve complaints and disciplinary matters brought forward to it. The obligations associated with the resolution of complaints and disciplinary matters are recognized in the year the complaints are received, to the extent that the cost of hearing or resolution can be reasonably estimated. Management estimates that the ultimate liability arising from these matters will be approximately \$47,500. The amount is included in accrued liabilities and professional conduct expenses.

## **10. COMPARATIVE FIGURES**

Certain reclassifications for the period ended August 31, 2018 have been made for the purpose of comparability.

**COLLEGE OF  
KINESIOLOGISTS  
OF ONTARIO**



**Resolution: Approval of 2019/2020 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 2019/2020; and

**Whereas** the report as presented fairly represents the College's achievements throughout 2019/2020;

**Resolution**

**Therefore, be it resolved that Council accept and approve the draft annual report for 2019/2020 for submission to the Ministry of Health and posting to the College website.**

Moved by:

Seconded by:

Date: Monday, December 7, 2020

<b>Report type:</b> Registrar's
<b>Prepared for:</b> Council
<b>Date:</b> December 7, 2020

### Staffing updates

Danielle Lawrence, R.Kin joined the College on October 23, 2020 as the Practice Advisor and Policy Lead. In this newly created role, Danielle will answer practice-specific questions and help in the development of guidance for kinesiologists, among other responsibilities. Danielle has over 10 years' clinical experience in the hospital and community setting in the areas of cardiovascular, stroke and spinal cord injury rehabilitation. Her most recent position was working as an R.Kin in the Acquired Brain Injury (ABI) Inpatient Rehab Program with the University Health Network. In this role she conducted individual exercise therapy sessions for patients living with ABI. She also assisted physiotherapists during the assessment and treatment of patients with ABI. Danielle is completing a Masters in Public Health with a focus in family and community medicine.

Abby Fontaine, a fourth-year kinesiology student from Lakehead University, has been with the College since September 1 and her final day with us is December 15. Abby has been providing support to communications and has helped with several research and writing projects. She has also helped staff complete general components of the College Performance Management Framework. We are grateful for her contributions these last four months and wish her well in her next co-op.

### College Performance Management Framework

In September, the Ministry of Health (MOH) unveiled the College Performance Management Framework (CPMF). All colleges were invited to submit feedback on the document from the beginning of September to the end of September.

College staff have reviewed the document and a workplan was developed to ensure the document is completed and submitted to MOH by March 31, 2021. All staff have been assigned sections based on their portfolio.

The Acting Registrar/CEO, Communications Manager and President met with representatives from MOH on October 20 to discuss Domain 3- System Partner of the CPMF. This domain discusses colleges' relationships with external stakeholders and how these relationships advance colleges' mandates. The Ministry wanted to meet with all colleges to discuss their submission. **The College's submission is included in the meeting package for information.**



The CPMF project has led to many opportunities to collaborate with other colleges. Staff attend weekly calls organized by the Health Profession Regulators of Ontario (HPRO) to share information and insight on the CPMF.

The College is also part of a group with nine other colleges finding ways to collaborate on the CPMF. So far the Communications Manager participated in a pilot test of a prototype CPMF tool that will allow colleges in the group to identify opportunities to work together on requirements in the CPMF. All colleges are now completing this tool and a summary report will be collated by the facilitators to inform next steps.

### **Health Profession Regulators of Ontario Anti-BIPOC Racism Working Group**

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 include:

- the group will be building a project charter and framework
- recommendation to add equity, equality and inclusion into the College Performance Management Framework
- consideration of how to add zero tolerance regarding racism (similar to zero tolerance for sexual abuse) into colleges' practice
- discussion/prioritization of college "toolkit" items
- developing communiques

## Terms of Reference- Executive Committee

### 1) Purpose

Drawing from the Procedural Code in the *Regulated Health Professions Act, 1991*, the Executive Committee is established under S.10(a).

Consistent with Section 12 of the *Health Professions Procedural Code* (the Code), the Executive Committee (the Committee) is established to act on behalf of Council when immediate action is required:

#### **Executive Committee's exercise of Council's powers**

**12 (1)** Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.

### 2) Establishment of Committee

The Executive Committee is established as a statutory Committee of Council with a Chair appointed by Council, who is accountable to report on Committee activities to Council, subject to the confidentiality of information provisions in the *Regulated Health Professions Act, 1991*.

### 3) Accountability

Section 12 (2) of the Health Professions Procedural Code describes the accountability of Executive Committee as follows:

#### **Report to Council**

(2) If the Executive Committee exercises a power of the Council under subsection (1), it shall report on its actions to the Council at the Council's next meeting. 1991, c. 18, Sched. 2, s. 12

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

### 4) Scope of Actions

Council has determined that in interpreting and applying S.12 (1) of the Procedural Code, where a decision is to be made:

- Every reasonable effort must be made by the College to schedule a meeting of Council;

- In calling for a meeting of Council, the agenda must be defined and made clear to all Council members.
- All decisions of Executive Committee must be ratified by Council, either by electronic vote, a vote by mail or a vote in person.
- With the exceptions permitted under the Procedural Code, materials related to all items to be considered by Executive Committee are to be published on the College website in advance of the meeting of the Executive.

#### **5) Composition of Committee**

Bylaw 13.01 Executive Committee provides that the Executive Committee shall be composed of the President, the Vice-President and three (3) members of Council. Three (3) members of the Executive Committee must be members and two (2) members of the Executive Committee must be public appointees who are members of Council.

#### **6) Quorum**

The quorum of the Executive Committee is three (3) members, at least one of whom must be a member of the Council who was appointed to Council by the Order-in-Council.

The Chair of the Executive Committee will provide to the Executive Assistant a list of all Council members and guests in attendance at an Executive Committee meeting. Such list will be used to file attendance reports for purposes of verifying travel and per diem costs of Council members and invoices for services by any guests.

#### **7) Rules governing the selection of members, the appointment of the Chair and the functioning of the Executive Committee:**

The approved By-laws governing Council and Committee members and Committees and the Schedules to the By-Laws apply to the members of this Committee and to the procedures of this Committee.

#### **8) Term of Office of Committee Members**

The term of office of an Executive Committee member commences immediately after the appointment and continues for approximately one (1) year. The total number of consecutive years where a Council member may serve on Executive shall not exceed three years.

#### **9) Location and frequency of committee meetings**

Executive Committee meetings, wherever possible, will be held at a place and on a date set in advance and will occur at regular intervals and at such frequency as necessary for the Committee to conduct its business.

The Executive Committee will meet as required to accomplish the mandate of the Committee in a timely and effective manner. All Executive Committee members are required to attend an annual executive orientation session.

Notice of meetings will be given at least fourteen (14) days in advance of the meeting.

#### **10) Manner of Executive Committee meeting**

Any meeting of an Executive Committee may be conducted by means of teleconference or any other means that permits all persons participating in the meeting to communicate with other members simultaneously and instantaneously (including audio or video conferencing). Persons participating in the meeting by such means are deemed to be present at the meeting.

Executive Committee meetings will generally take place during regular business hours. Executive Committee meetings are not open to the public unless determined by the President.

The agenda for each meeting will be developed jointly between the Chair and the Registrar.

### **11) Minutes**

A summary of each meeting will be prepared by the College and circulated to members of the Executive Committee within 30 days of the meeting. The approved Record shall be maintained by the Director of Operations and Financial Services according to the College knowledge management policies.

Minutes of Executive Committee shall be recorded by the Executive Assistant or delegate.

Minutes or a descriptive summary, with exception of in-camera Minutes, shall be provided to the Registrar for inclusion on the agenda of the next meeting of Council.

Approved Minutes are to be posted on the College website with the exception of in-camera Minutes.

### **12) In-camera meetings**

The Chair of Executive Committee shall determine, based on the terms of reference for the Committee and the following exceptions, whether a meeting of Executive Committee is to be held in-camera:

- Where matters involving public security may be disclosed;
- Where personal or other matters related to an individual may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of transparency;
- Where a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced;
- Where personnel matters or property acquisitions will be discussed;
- Where instructions will be given to or opinions received from the solicitors for the College; or

All matters discussed at in-camera sessions shall be disclosed at the next meeting of Council, in an in-camera session as required.

The Chair shall ensure that Minutes are recorded of an in-camera session and that such Minutes are provided in a sealed package to the Director of Operations and Financial Services to be held securely. Such Minute may be reviewed by the Auditor for the College.

**12)** Unless specifically provided for otherwise under the Code or the by-laws, every motion which properly comes before a Committee shall be decided by a simple majority of the votes cast at the meeting by the Committee members present.

### **13) Chair vote**

The President who is a member of Council will serve as the Chair of Executive Committee and may vote.

### **14) Expectations and duties of all Executive Committee members**

As per the College By-laws, every Executive Committee member shall, in the performance of his or her duties:

- familiarize himself or herself with the Act, the RHPA, specific regulations, the By-Laws and any policies of the College;
- familiarize himself or herself with any other records, documents and guidelines that may be necessary for the performance of his or her duties;
- comply with the provisions of the Act, the RHPA, specific regulations, the By-Laws, any policies of the College and rules that are adopted by Council, from time to time;
- regularly attend meetings on time and participate constructively in discussions;
- ensure that confidential matters coming to his or her attention as a member of Council or as a member of a Committee or working group are not disclosed by him or her, except as required for the performance of his or her duties or as permitted by the RHPA;
- conduct himself or herself in an appropriate manner with College staff, other members of Council or members of the Committees, members of the College and members of the public;
- comply with the College's Code of Conduct, which is attached as Schedule 3 to the By-Laws and forms part of the By-Laws;
- avoid, or where that is not possible, declare all conflicts of interest in the manner set out in the By-Law; and
- perform the duties associated with his or her position conscientiously and with due care and diligence in a manner that serves and protects the public interest.

### **15) Duties and responsibilities of the Executive Committee**

The duties and responsibilities of the Executive Committee are described in the Procedural Code under (1) in the RHPA. The Executive Committee has the power to act on behalf of Council when a matter requires immediate action and Council is unable to meet in quorum. Executive Committee is not permitted to make, amend or revoke by-laws or a Regulation.

In addition, Executive Committee may, as directed by Council

- recommend to Council, proposals for changes to applicable statutes, regulations, By-Laws, College policies and standards of practice;

- receive findings and recommendations concerning a member of Council and make recommendations to Council concerning the member of Council.
- at least annually, review compensation for the Registrar; and
- on the advice of the Finance Committee provide broad policy guidance to senior management on matters related to non-salary compensation and benefit programs for College staff.

#### **16) Conflict of interest**

Members of Executive Committee must declare any conflict of interest or perception of bias before deliberating on any matter at a Committee meeting.

Every declaration of a conflict of interest or perception of bias must be recorded in the minutes of the meeting together with a description of the nature of the conflict or perception of bias.

#### **17) Confidentiality**

Members of Executive Committee will have access to highly sensitive and confidential information which they must keep in the strictest confidence. Any breach of confidentiality could result in harm to an individual, risk to the public, serious costs to the College and could jeopardize the integrity of the College and Council.

#### **18) Confidence**

The College is mandated to protect the public and is therefore accountable to ensure that the requirements for fairness, transparency, and the interests of the public are applied to all decisions and recommendations.

Members of Executive Committee are expected to adhere to these principles and to the Code of Conduct approved by Council.

#### **19) Liability/Immunity**

No members of Executive 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 RHPA or a regulation or a By-Law under the Act.

CKO Governance Survey to HPRO

Question	Yes	No	Details
Do you limit the number of years that a Council member may sit on Executive Committee?	Dental technologists Physicians	Pharmacy Opticians Traditional Chinese Medicine (TCM) Massage therapists Midwives Med Labs	<p><b>Dental technologists:</b> 1-year term to a maximum of 9 years which aligns maximum term on Council</p> <p><b>Midwives:</b> Elections are for 1-year terms but no limit on how many times they can run</p> <p><b>Physicians:</b> All committees have a maximum of 9 years</p> <p><b>Med Labs:</b> CMLTO Consolidated Bylaws/Section 29.2: The term of office of a committee member is one year. There is not a limit on the number of years that a Council member may sit on the Executive Committee as long as he/she is appointed to the Committee each year.</p>
Do you limit the number of consecutive terms that a member of Council can be elected or accept appointment or nomination to an executive position such as president/chair, vice-president, chair of a particular committee? If yes, what is the number of terms allowed?	Opticians Dental technologists	Pharmacy TCM Midwives Med Labs	<p><b>Opticians:</b> The Chair may serve a maximum of two consecutive one-year terms</p> <p><b>Dental technologists:</b> 1-year term to a maximum of 9 years which aligns with maximum term on Council</p> <p><b>Massage therapists:</b> There is no limit on consecutive terms for Executive members or President or vice-President. However, CMTO limits the number of terms on other Committee to three years so a Council member can only chair a Committee (other than Executive) for three consecutive years.</p> <p><b>Physicians:</b> Maximum of 9 years in Council (ie 3 terms)</p>
Do you have a cooling off period between when someone has sat on the board of the relevant professional association and when they can run for Council or participate on a Committee as a member-at-large? If yes, what is the period (e.g. 1 year)?	Pharmacy Opticians TCM Massage therapists Midwives Med Labs	Dental technologists Physicians	<p><b>Pharmacy:</b> Yes, we implemented a 3-year cooling off period for prospective Board and Committee members in March 2020.</p> <p><b>Opticians:</b> 3 years</p> <p><b>Dental technologists:</b> The Member has agreed to resign and does, before taking office, any position such as director, owner, board member, officer, or employee that the Member holds with a Professional Association. (Based on discussions held at CNAR)</p> <p><b>TCM:</b> 2 Years. From our section 4.08 of our by-laws: (ix) the Member is not at present nor has been at any time within the last two years, a director, owner, board member, officer, or employee of any Professional Association.</p> <p><b>Massage therapists:</b> 2 years</p> <p><b>Midwives:</b> 1 year</p> <p><b>Physicians:</b> Exploring this as it relates to the CPMF</p> <p><b>Med Labs:</b> CMLTO Consolidated Bylaws/19.6 Eligibility for Election A member is eligible for election to the Council for an electoral district if,</p>

			19.6.1 the member has not been an officer, director or employee of one of the following in the previous twelve (12) months: professional association of medical laboratory technologists, a union representing medical laboratory technologists, or an association that represents employers of medical laboratory technologists, other than an officer or director of a local chapter or unit of the association or union.
Do you have a cooling off period before a member of Council can apply to a position with the College or to the position of Registrar? If yes, what is the period?	Opticians TCM Massage therapists	Pharmacy Dental technologists Midwives Physicians Med Labs	<p><b>Opticians:</b> 3 months</p> <p><b>TCM:</b> 1 Year. From section 10.01 of our by-laws: (xi) A member of Council or its Committees may not hold any other position, contract, or appointment, with the College while serving as a member of Council or its Committees. There is a one -year waiting period before the individual may apply for a staff or consultant position with the College. This includes, but is not limited to positions as peer assessor, investigator, examiner, or staff.</p> <p><b>Massage therapists:</b> 2 years before they can apply for any position with the College.</p> <p><b>Midwives:</b> No cooling off period but one cannot apply if they are a Council member so they would have to resign before applying.</p> <p><b>Physicians:</b> Exploring what a cooling off period may look like for CPSO</p> <p><b>Med Labs:</b> No, but they would have to resign their Council position immediately if they wanted to apply for a staff position.</p>
Do you have a cooling off period before a member of staff can run for Council or apply to be appointed to Council or a Committee? If yes, what is that period?	TCM Massage therapists Med Labs	Pharmacy Opticians Dental technologists Midwives Physicians	<p><b>Opticians:</b> We are currently reviewing this, there is no restriction in place at the moment.</p> <p><b>TCM:</b> 1 Year. From section 4.08 of our by-laws: (xv) the Member has not been a member of the staff of the College at any time within the preceding one year.</p> <p><b>Massage therapists:</b> 2 years before a staff member or a someone contracted with CMTO, e.g. Peer Assessor, can run for election to Council or apply for a non-Council position.</p> <p><b>Midwives:</b> Haven't thought about that. We don't have restrictions but should!</p> <p><b>Physicians:</b> Exploring what a cooling off period may look like for CPSO</p> <p><b>Med Labs:</b> 19.6.9 the member has not been an employee, consultant, or supplier of the College in the previous twelve (12) months.</p>



Issue or Decision Note

<b>Issue or Decision:</b> Amendments to College By-Laws regarding competency-based assessment and education of Council and committee members
<b>Prepared for:</b> Council
<b>Date:</b> December 7, 2020

## Background and Purpose

### Why a competency profile for elected and appointed Council and committee members?

The College of Kinesiologists of Ontario (“the College”) is the regulatory body for the kinesiology profession in Ontario, Canada. The College is committed to promoting excellent professional practice by registered kinesiologists. The College is run by a Council, similar to a board of directors. Council sets the College’s strategic direction. It makes decisions that protect and promote the public interest. Based on Council’s direction, a staff team led by the Registrar and CEO carries out the College’s day-to-day work. Committees support the work of Council. Each Council member also serves on at least two committees. Committees include elected and public members of Council, and kinesiologists who are not on Council.

Council has endorsed the development of a competency-based assessment and education model. On February 22, 2019, the Council held a special meeting to review and discuss the College of Nurses of Ontario (CNO) submission to the Ministry of Health and Long-Term Care regarding Vision 2020 – its vision for modernizing regulatory governance in Ontario. The College’s Council reviewed the CNO’s submission and the Council President sent a letter of support for that submission and most of the recommendations contained therein to the Ministry of Health and Long-Term Care. Since then, College legal counsel has presented on governance reform to Council. Council understands that reform, based on solid evidence, will improve governance by health regulatory colleges, enhance the protection of the public, and inspire greater public trust in the regulation of health professionals.

The College is committed to continuous improvement in governance and accountability. In its 2019-2020 Strategic Plan, one of the strategic priorities is to strengthen the College’s decision-making capacity to improve patient and client safety and reduce the risk of harm to patients and clients. Goals include:

- Developing a profile of qualifications and expertise to use in the selection of Council and committee members that seeks a group of skill sets, and also focuses on equity, diversity and inclusion;
- Developing training mechanisms for Council and committees that focus on the public interest and reducing risk of harm to patients and clients; and

- Increasing openness around processes to select Council and committee members.

A competent Council is essential to carrying out the College's legislated duties. The implementation of clearly defined competencies for Council and committee members is a key component to ensuring effective governance. Research is beginning to connect competencies to both individual and organizational performance and this link is motivating interest in competency-based selection/appointments to Council and committees. Many health regulatory colleges have recently undertaken governance reform aimed at improving Council performance and accountability; the development of competencies for elected and appointed Council and committee members are now being used for their capacity to improve performance.

### **Universal Principles of Good Governance**

Based on resources created by regulators across Canada, the following have been identified as universal principles for good governance, applicable to health regulatory colleges:

#### Structure

Council composition to include a variety of skills, competencies, and practices.

Competency-Based Appointments:

- Applies to both Council and committee members;
- Competencies at the individual and full Council levels<sup>1</sup>; and
- Initial screening for self-selection<sup>2</sup>.

Mandatory training for the following:

- Entry-level;
- Chairs; and
- Adjudicative committees.

#### Tenets

The main principles that underpin good governance include:

- Accountability and transparency;
- Consistency between colleges and at the individual college level (e.g., application of policies<sup>3</sup>); and
- Risk-based regulation.

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<sup>1</sup> Individual competencies must be demonstrated by the Council/Board member; Council/Board level competencies to be fulfilled by at least one member of the Council/Board to make a full complement of those competencies

<sup>2</sup> Assists in educating potential Council/Board members of necessary skillsets and commitments of time and duty to the College

<sup>3</sup> Examples: agreements re. fiduciary duties, common code of behaviour, opportunities for declarations of conflicts of interest at outset of / during meetings

## **Council and Committee Competency Profile**

The *Council and Committee Competency Profile* (“the Competency Profile”) defines the knowledge, skill, judgment, attitude and experience requirements of College Council and committee members. Competencies are overarching standards of behaviour expected of Council and committee members. They provide a structure that helps identify, assess, and develop the behaviours that contribute to/ensure effective governance.

The competencies include a definition and elements of the position considered necessary for effective performance in the position of a Council or committee member. The Competency Profile was adapted from the *Health Profession Regulators of Ontario’s (HPRO) Boards/Councils Competencies and Eligibility/Disqualification Criteria* document. Competencies are listed for both individuals and Councils as a whole, and they include definitions/descriptions of those competencies and indicators for competency measurement. Indications on whether the competency is a “must have” as the person assumes the role or if the competency can be learned in the role are also provided. Note that competencies related to clinical knowledge and experience have not been included in the competencies for individual Council members.

These core competencies also apply to most committees and committee members. There will be additional committee-specific competencies for each committee that may be further developed upon appointment as well as in the role. It is recognized that committee service could assist in training/educating/grooming a person for a future position on the Council.

It is not necessary for Council and committee members to be proficient/expert in all competencies. What is important is that the Council and committees have the collective expertise in the competencies that are necessary to provide oversight and strategic guidance to the College staff.

A list of eligibility and disqualification criteria follows for ease of reference but will ultimately be removed from the Competency Profile as they are reflected in the existing By-Laws and / or proposed By-Law amendments. This criteria was gathered from 14 health regulatory colleges’ current by-laws, processes and/or procedures.

Reference documents are listed at the conclusion of the Competency Profile. This material includes recent reports and promising practices in health profession regulation.

## **Role of Council**

To understand the competencies required of a Council or committee member, it is imperative to understand the role of the Council. In his 2018 Report on the College of Dental Surgeons of British Columbia, Harry Cayton articulated the role of the Board/Council as:

- to ensure the College complies with its mandate and the law;
- to set the strategic direction of the College and monitor the College’s performance against them; and
- to hold the registrar and chief executive to account and monitor their performance against the agreed upon priorities.

This approach to the role of the Council and competency-based Council appointments is consistent with most current literature regarding Boards of Directors and effective governance.

### **Purpose of the Competency Profile**

The College shall use the Competency Profile to:

- Articulate the requirements to be a member of Council or committees;
- Assess candidates who wish to become Council members and determine eligibility for nomination;
- Assess candidates who wish to become committee members and determine eligibility for appointment;
- Assess the overall competence of Council and committees in terms of the mix/composition of members;
- Identify and address competency gaps for individual members and Council/committees overall with training and development; and
- Evaluate individual member and overall Council/committee performance.

## **Analysis of options for competency-based assessment and education**

### **By-Law amendments**

#### **Recommendation:**

By-Laws will be amended to:

- Clarify the role of Council;
- Establish a new Governance Committee; and
- Enhance and clarify eligibility criteria for individuals seeking election to Council/appointment to committee(s) including provisions around competency-based assessment and education.

### **By-Law 9 amendments regarding the role of Council**

#### **Recommendation:**

The role of Council will be clearly defined in the By-Laws and be focused on governance of the organization and strategic directions and priorities.

Council should approve for external consultation the proposed By-Law amendments, which reflect the role of the Council consistent with Harry Cayton's recommendation.

#### **Rationale:**

The role of the Council is not presently defined in the *Regulated Health Professions Act*. Best practices for a Council are to clearly define its role and to identify that role as described by Harry

Cayton and others to avoid confusion regarding responsibilities in the position. Council's primary role should be governance-focused, including establishing policy and setting standards. Its core responsibilities should be to ensure compliance, set strategy/direction, and appoint and hold the Registrar accountable. With a clearly defined role, Council member competencies can also be more clearly defined and the expectations of those who wish to sit on the Council managed. Given the role for the Council as proposed by Harry Cayton, individuals seeking election to Council may need a different set of skills and experiences that make them suited to this position.

While many colleges have advocated for the replacement of elections with competency-based selection/appointments of registrants by the regulator, this transformation would require changes to the *Regulated Health Professions Act*. In the interim, it is recommended that Council amend the College By-Laws to ensure that the role of the Council is adequately and properly set out until such time as legislative changes can be made.

The amendment adds structure and reminds Council of their role. It is helpful to have a provision in the By-laws that Council can be directed to in order to realign discussion and decision making.

## **By-Law 12 amendments establishing new Governance Committee**

### **Recommendation:**

The new competency-based election and appointment process includes both an assessment process and educational process. In order to accommodate this, it is proposed that a new non-statutory Governance Committee be established, which will screen applicants seeking election to Council, and/or appointment to committees, and assess their competence and eligibility to serve. In addition, the Governance Committee will review and update the Competency Profile and competency-based assessment and education processes and tools periodically to ensure that they are current, relevant to the circumstances of the College, and selecting the individuals necessary for effective governance of the College.

The Governance Committee shall be composed of former Council and committee members, and current and/or former regulatory college senior management and/or legal counsel who have a thorough knowledge and understanding of the College's governance transformation agenda and competency-based assessment and education.

The Governance Committee will be established as a non-statutory committee and no current member of Council or committee shall sit as a member of the Governance Committee.

The By-Laws and Governance Committee Terms of Reference stipulate the appointment and composition process and are attached for Council review.

### **Rationale:**

Currently, Council registrants are elected by their peers in accordance with the College By-laws. The College's Executive Committee has performed the function of developing a slate of recommended committee member appointments for Council approval. The elections and appointments are not competency-based.

Many colleges are developing new screening committees or renaming existing committees that form panels to screen applicants seeking to serve on Council and/or committees. There may be an opportunity to partner with other regulatory colleges on the development of a pool of college senior management/legal counsel staff to serve on panels of this committee.

The exclusion of current Council and committee members from serving on the Governance Committee is intended to ensure that decisions regarding eligibility, appointments, revisions to the competency-based assessment and performance evaluation processes are carried out in an objective, impartial and fair manner.

## **By-Law 10, 12 and 13 amendments regarding eligibility to run for election and / or be appointed to committee(s)**

### **Recommendation:**

The proposed By-Law 10, 12 and 13 amendments are intended to strengthen and clarify the qualification and disqualification criteria for registrants seeking election to Council and / or appointment to committee(s). One of the qualifications for any candidate seeking election to Council and/ or appointment to committee(s) is that they registrant “has satisfied the Governance Committee that they have the requisite competencies approved by Council, has met the eligibility requirements and has successfully completed any qualification process established by the Council.” The qualification process is described in greater detail further on in the Issue/Decision Note.

### **Rationale:**

The *Health Professions Procedural Code* allows the Council to make by-laws governing the election of Council members, eligibility criteria, and terms and conditions for disqualifying elected Council members. The proposed amendments reflect changes to eligibility and disqualification criteria in line with the *Health Professions Regulators of Ontario (HPRO) Competency Profile and Eligibility Criteria*, as well as other colleges’ by-law provisions.

The phrasing “qualification process established by the Council” is intended to permit flexibility in the development and implementation of competency-based assessment and education processes, particularly in the first few years, enable a phased approach to implementation, and refine the model over time.

The requirement that the nomination be signed by the candidate and by at least two or three registrants who support the nomination and who are eligible to vote in the electoral district in which the election is to be held was removed. The rationale for this requirement is not clear and exacerbates the notion that registrants are running as candidates in political constituencies. This requirement has been replaced with two reference letters (not necessarily from registered kinesiologists) that will better address the knowledge and skills outlined in the Competency Profile.

References to “the first year of elections following the date of proclamation” under the nominations process were removed as they are no longer relevant.

## Application Process - Eligibility Course and Exam

### Recommendation:

College staff in collaboration with other colleges and relevant partners will develop and implement a mandatory Eligibility Course and Exam as part of the qualification process established in the proposed By-Law amendments. It is a recommended eligibility requirement that all prospective Council and committee members complete mandatory Eligibility Course modules on topics such as:

- governance;
- finance and organizational oversight;
- leadership;
- professionalism;
- communication;
- thought processes;
- diversity and inclusion;
- public sector and health systems; and
- knowledge of the profession.

All prospective Council and committee members must also successfully complete an exam, which may include scenarios or cases followed by questions that will assess applicants' competence for the role(s). It is unlikely that every candidate will have all of the competencies set out in the framework, and the intent is to assess where they may be in terms of their overall competence and whether there is sufficient basic knowledge to allow them to proceed.

It is recommended that the competency-based assessment and training process be implemented universally the first year for all existing Council and committee members, as well as new applicants interested in running for Council. In subsequent years, only new applicants would be required to complete the Eligibility Course and Exam.

Registrants who have completed the Course and Exam would be exempted from completing the requirement again if they are not elected to Council and wish to run for election again, as long as the competencies and educational module have not significantly changed since the applicant completed them.

It is further recommended that the Eligibility Course and Exam also be implemented for public members.

### Rationale:

Currently, Council registrants are elected, as is the case with the other health regulatory colleges. Professional members are appointed to committees as members-at-large by Council based on recommendations by the Executive Committee. There is concern that this model does not result in the necessary knowledge, skills, judgement, and diversity of perspectives and experiences. There is also concern that public members are appointed without sufficient training in health regulation or knowledge of the profession and may defer to professional members.

Mandatory completion of an Eligibility Course and Exam will involve a review of the duties and obligations involved with serving on Council or committees; help reinforce the mandate of the Council and committees, ensure that candidates and public members understand the mandate and their fiduciary duties to the College in advance, and focus their efforts on achieving the requisite entry-level competencies for the role.

Universal implementation in the first year will ensure all candidates and existing Council and committee members have the same baseline competency for their respective roles; help members reflect on their competence, identify opportunities for improvement, and develop a learning plan for the year ahead; and provide opportunities for feedback on the new competency-based model.

Front ending the Eligibility Course and Exam will ensure that the College mandate, expectations regarding the various roles and time commitments are well understood from the outset. Completion of the Course and Exam prior to completing the self-assessment during the nomination process also allows applicants to demonstrate competence in the topics covered in the modules.

## **Nominations**

### **Application and Self-Assessment**

#### **Recommendation:**

After completing the Eligibility Course and Exam, and once the nomination period opens, all registrants interested in running for Council and/or appointment to committee(s) must complete a nomination form and submit:

- a copy of their current resume/CV;
- contact details and confirmation that they wish to apply to become a Council/Committee member;
- confirmation of eligibility by answering questions based on eligibility/disqualification criteria outlined in the College By-Laws;
- candidate statements;
- two reference letters in support of the application which attest to the competencies sought for the Council and/or committee member role; and
- paper-based self-assessment where candidates rate themselves and answer questions to demonstrate the competencies listed in the Competency Profile and /or committee-specific competencies.

It is recommended that the self- assessment process be implemented universally the first year for all new applicants and existing Council and committee members. In subsequent years, only new applicants to Council or committees would be required to complete the process.



**Rationale:**

As mentioned previously, there is concern that the current election and appointment model does not result in the necessary knowledge, skills, diversity of perspectives and experiences among professional and public members.

A self-assessment using the Competency Profile will assist prospective Council and committee members in determining their entry-level competence for specific roles and identifying individual development needs.

Universal implementation in the first year will ensure all candidates and existing Council and committee members have the same baseline competency for their respective roles; help members reflect on their competence, identify opportunities for improvement, and develop learning plans for the year ahead; and provide feedback on the new competency-based model.

**Screening Process****Recommendation:**

College staff will ensure applicants have successfully completed the Eligibility Course and Exam and will screen candidates for eligibility based on the College By-Law requirements.

Panels of the Governance Committee will review applicants' applications and submissions and information gathered in the process to assess applicants' eligibility and competence and to determine eligibility for election to Council and/or appointment to Committees.

Wherever possible, the Governance Committee shall try to provide feedback as to any identified deficiencies.

A panel of the Governance Committee may interview candidates by telephone/virtual meeting to determine whether applicants meet the screening criteria and requisite competencies for Council and/or committees.

The Governance Committee will select the final list of applicants qualified to run for election to Council and/or be appointed onto committees. All applicants will be notified of the outcome of the screening process. The slate of registrant candidates approved by the Governance Committee for nomination for election to Council will be posted on the College website.

The Governance Committee will use the results of the assessment to create a competency matrix unique for the College's current Council and committees and to inform the development of training required to address any gaps by individuals and/or Council/Committees as a whole.

The Governance Committee will recommend a slate of committee appointments to the Council for formal appointment. Recommendations may come forward over a series of meetings of the Council throughout the year rather than all at once.

**Rationale:**

There is concern that the current election/appointment model does not result in the necessary knowledge, skills, diversity of perspectives and experiences among professional and public members on Council and committees.

The new screening process by the Governance Committee will consider the required range of competencies needed for the full Council/committees to govern the organization, and will strive to achieve diversity among candidates to help ensure the full range of desired competencies are met.

A screening process must consider logistical feasibility and maintain a sufficient pool of interested registrants to continuously fill vacant positions on Council and committees.

**Mandatory orientation and training, and committee-specific training****Recommendation:**

Individuals elected to Council and/or appointed to committees will be required to complete additional mandatory orientation and training.

Orientation and training session(s) provided by the College could include the following topics:

- Legislative framework;
- Role of Council, committees, and staff;
- Role of regulator;
- Public interest;
- Fiduciary duties;
- Due diligence;
- Conflict of interest;
- Confidentiality;
- Harassment and violence;
- Health and safety;
- Council and committee procedures and decorum; and
- Per diem and expenses.

Training offered by third parties could include:

- Human rights;
- Diversity, inclusion and unconscious bias decision making;
- Sexual abuse complaints;
- AODA; and
- Cyber training.

A record of completion will be retained by College staff.

In addition to the above noted orientation and training, each of the committees will have a set of committee-specific competencies. Committee members will receive training for their respective role(s) at the first meeting and throughout the year as required.

Additional training and development for advanced competencies will be provided for Council and committees as required throughout the year.

**Rationale:**

Members elected to Council and/or appointed to committee will require additional orientation and training on topics not covered by the Eligibility Course and Exam, and topics that would benefit from a revisit, building on and applying their knowledge and skills.

## **Performance Evaluation Framework**

**Recommendation:**

The Council and committees will undergo an annual evaluation to reflect upon how well they are performing as individual members, and as a Council/committees as a whole. The evaluation process, to be developed and established by the Council will include:

- An overall Council and Committee performance process;
- Self-Evaluation and Individual Learning Plan for each Council and committee member to plan and record training and development;
- An evaluation of Council and committee members by each of their peers on Council/ their committee(s); and
- Feedback to the Governance Committee concerning individual and collective training and development needs to help identify the need for additional resources.

The Governance Committee will consolidate the peer evaluation results and present findings to each Council and committee member individually.

The College will also provide annual opportunities for feedback from Council and committee members through an on-line survey.

The Governance Committee will prepare a summary report of the Council and committee evaluation for Council to be published on the College website.

The Governance Committee uses the findings to refine the Competency Profile, plan learning and development initiatives that enable individual members and the Council and committees collectively to demonstrate the competencies, and to track progress on an aggregate basis.

**Rationale:**

Effective organizations recognize the value of evaluating performance. Evaluations help organizations, Councils and individual Council and committee members identify areas where they might improve to enhance the overall effectiveness of both the governing body and the operations. In a paper, *Does Governance Matter?* presented at the Professional Standards Authority conference, Harry Cayton states:

*“Basing our assessment of governance on the way people think, decide and act, rather than on the structures, and policies and procedures they espouse may be a more reliable way to connect governance with performance. It is not just how decisions are reached but the consequences of those decisions that matters. In my observation, thoughtful, respectful relationships are at the heart of well-performing organisations; respect for each other, respect for staff, respect for external stakeholders, respect for those to whom you are accountable...If we want to understand the link between governance and performance we need to concentrate more on the virtues and behaviour of board members. But it remains my view that governance tells us little about performance. It’s performance that tells us about governance.”* (Harry Cayton, 2019)

**Council and Committee Member Recognition****Recommendation:**

Council and committee members will be listed in the College’s annual report.

The College will celebrate key milestones of participation by its members in the College’s newsletter, website, and annual report.

The College will conduct exit interviews with departing members to understand their reasons for leaving and the degree to which the reasons are due to difficulties in the role, Council/committee, operational processes, or personal reasons unrelated to the College.

The College will also send a letter of thanks to the departing member that recognizes their length of service to the College signed by Council President and Registrar and will be personalized to the degree possible, including recognition of individual roles performed.

**Rationale:**

The success of the College would not be possible without the dedication of professional and public members who help to advance the growth and recognition of kinesiology as a regulated health profession. Recognition is an important element of volunteer retention and Council and committee members should be recognized in a meaningful way for their contributions.

Other colleges have instituted recognition programs. This element would need to be implemented carefully to ensure that there is no apprehension of conflict or mixed messaging that would compromise efforts to strengthen governance and accountability.

## Environmental Scan

### Regulatory Bodies

Other regulatory bodies have undertaken various aspects of governance reform/modernization including:

- Council constitution through a competency-based assessment;
- Change in nomenclature (Member to Registrant, Registrar to CEO, President to Council Chair, Vice President to Council Vice-Chair, establishing Public Representative);
- Setting out the role of the Council;
- Reducing Council size from current compliment as set out in legislation;
- Exploring Council public/professional member parity;
- Modifying the Discipline role of Council;
- Adjusting the number of professional members on Council;
- Amending committee compositions;
- Adopting a performance evaluation framework; and
- And advocating for reform of the *Regulated Health Professions Act* and Health Procedural Code with respect to provisions concerning election to selection/appointment process for professional Council members.

College staff researched governance reform undertaken by other regulatory bodies in order to benefit from the hard work, experience and insights of other health regulatory bodies in Ontario and other jurisdictions. Specifically, the College consulted:

- The College of Naturopaths;
- The Royal College of Dental Surgeons of Ontario;
- The Ontario College of Pharmacists;
- The College of Nurses;
- The College of Midwives;
- The College of Audiologists and Speech Language Pathologists; and
- The College of Occupational Therapists of Ontario.

The College has borrowed many elements from the above noted colleges' competency-based assessment and educational programs and processes to align its efforts with the governance reform undertaken by these organizations.

Common elements among some or all regulatory bodies researched included:

- Instituting a Council competency profile;
- Distinguishing between competencies that members require upon entry to the role verses ones that can be developed further on in the role, as well as the level of proficiency required;

- Development of additional committee-specific competencies;
- By-Law amendments pertaining to election and appointment eligibility criteria including competency-based assessment of Council and committee members;
- Introduction of mandatory eligibility course/boot camps with an assessment component (e.g. multiple-choice exam, videos with Q and A with forced correct system, etc.);
- Establishing a Screening/Governance Committee to screen/select applicants seeking election to Council and/or appointment to committee;
- Development of a more robust and transparent qualification and screening process for candidates;
- Developing more fulsome orientation and training materials for professional and public members;
- Developing a comprehensive evaluation framework for Council and committee member performance.

Colleges are at various stages in the development and implementation of their various governance reform processes.

### **Former Council and Committee Members**

The College consulted former academic Council members and requested feedback on the Competency Profile, and competency-based assessment and education processes.

One registrant commented that the Competency Profile was thorough, and very relevant to the work of Council and committees. They thought the requirements around the basic level of competence outlined in the document were reasonable and supported the items where an advanced level of competence is required.

The registrant recommended that prior to the election (i.e. notice of election) a brief overview of the current Council composition be provided to eligible voters to enable examination of the registrants' backgrounds, and help voters ensure diversity of experience, expertise and perspective in filling vacancies. While there is some merit to alerting voting registrants of the current composition of Council with the intent of maintaining necessary competencies and diversity, depending on how this is rolled out, there could be unintended consequences. People may not vote for candidates as they may determine, after reviewing the make up of the existing Council members, that certain genders, races, abilities, etc. are not "needed." If this practice is adopted, there would need to be careful attention given to what competencies (and other decision-making criteria) are flagged. This practice would likely be implemented in the second year due to resource constraints.

Another registrant pointed to the height of the bar in terms of expectations for competencies and asked whether it may disfavour inexperienced/junior registrants and public members with lower levels of education, which would undermine efforts towards diversity, equity and inclusion.

When looking for diversity, there may be situations when a prospective Council/committee member has not had board experience, but they may bring to the table other knowledge and skills and the perspective of young registrants, which is important. It will be important to provide training to the Governance Committee to consider the requisite competencies of the Council and committees as a

whole and ensure that individuals are not automatically excluded from certain roles when they are deficient in one particular area.

## **Communications and Stakeholder Engagement**

### **Ministry of Health**

The College will advise the Ministry of Health (MOH) of the development and implementation of a competency-based process. In addition, the College will report on improvements to governance, transparency, and accountability in its College Performance Measurement Framework report to the MOH.

Elements of the competency-based appointments process set out above are intended to also apply to public members. Public members are appointed by the Government of Ontario, through the Minister of Health and the Public Appointments Secretariat (PAS). Recruitment of Public Members is typically completed by the PAS, however, the College can support this process by providing information to the PAS regarding its current needs. The College would benefit from a collaborative approach with the PAS that would allow the Governance Committee, on behalf of the Council, an opportunity to assess potential candidates and appoint to suitable committees.

### **Regulatory Colleges**

There are opportunities to partner and collaborate with other regulatory colleges on the development of tools and resources to support competency-based assessment and training:

- Marketing and recruitment of Governance Committee members (pool of senior management level staff and legal counsel able and willing to participate on colleges' Governance Committee panels);
- Eligibility Course and Exam content;
- Application and screening tools;
- Orientation and Training Session material; and
- Evaluation tools.

This project will require a comprehensive marketing and recruitment strategy to ensure there is a sufficient sized pool of volunteers to form panels of the Governance Committee.

### **Marketing and recruitment for Council and committee members**

The College will proactively market and recruit applicants and engage in succession planning.

The marketing and recruitment process must balance methods that are transparent and open, with those that are productive and feasible.

While non-profit organizations often find direct ask by individuals within the organization to be the most effective means of recruiting volunteers, it is less transparent and can lead to the impression

that the organization is a “club,” which This runs counter to the key governance concepts of transparency and openness.

The College has traditionally adopted an annual approach to recruitment of registrants. A preferred approach would involve a continuous marketing and recruitment strategy throughout the year through regular communications channels regarding the need in both general terms and in terms of specific roles.

Committee membership and other volunteer positions will provide an opportunity to identify and groom members for Council positions.

### **Time Commitment and Remuneration**

The College will need to clearly communicate:

- If elected, in addition to serving on Council, registrants will be expected to serve on a statutory committee, and to participate in a certain number of meetings per month.
- The total time commitment (e.g. number of days per month) to prepare for and attend Council and / or committee meetings, depending on the committee. Registrants should be advised to confirm their employer’s support for their participation.
- Registrants will need to be able to review materials in an online portal and to actively participate in virtual meetings in a space that offers privacy and where they will not be interrupted; and
- Registrants will be reimbursed for their time spent on Council/committee-related work, rather than a salary replacement.

### **Key messages:**

- College is looking to strengthen decision-making capacity to improve patient and client safety and reduce the risk of harm to patients and clients.
- Goals include:
  - Developing a profile of qualifications and expertise to use in the selection of Council and committee members that seeks a group of skill sets, and also focusses on equity, diversity and inclusion;
  - Developing training mechanisms for Council and committees that focus on the public interest and reducing risk of harm to patients and clients; and
  - Increasing openness around processes to select Council and committee members.
- A competent Council is essential to carrying out the College’s legislated duties. Clearly defined competencies for Council and committee members is a key component to ensuring effective governance.
- Governance modernization advances the College’s growth in this strategic area/ is integral to advancing our strategic plan.
- Participation in other College work (e.g. peer circle facilitators, working group participants) can be counted as demonstrating competency for running for Council or committees.



## **Rollout**

The College will promote the new competency-based assessment and training processes through social media, e-newsletters, interviews with Council and committee members.

## **Legal Counsel Review**

The College consulted legal counsel regarding the proposed competency-based assessment and education processes and associated by-law amendments to ensure compliance with relevant legislation and cohesion of by-laws.

Legal counsel supported the proposed model and provided guidance and assistance in drafting proposed revisions to the by-laws and carving out a subsection that establishes the new Governance Committee, answering questions regarding composition and authority, and ensuring that the provisions regarding appointments of members to this committee are consistent with the Code.

The College is advised to cite the Competency Profile in briefing notes and policy when it is used to plan learning and development initiatives and to track performance improvement.

College staff inquired as to whether the eligibility criteria should stipulate that registrants seeking election to Council/appointment to committee possess a General Class certificate of registration. Council is advised to focus on the desired outcomes of eligibility requirements, consider the intent of mandating General Class membership, and the fact that Inactive Class registrants possess certain knowledge but for various reasons no longer practice (e.g. maternity leave). Council would need to articulate the rationale for disqualifying a Council/committee member for moving to the Inactive Class. Such a policy could be viewed as discrimination.

## **Finance**

Registrants would not be reimbursed by the College for the time taken to complete the initial Eligibility Course and Exam. By front ending the course and exam, the process may produce a smaller but well qualified and committed group of eligible Council and committee members. Attrition rates would diminish.

Council and committee members will be reimbursed for participating in any orientation and training sessions provided by the College following election/appointment. It is expected that the remuneration of members for attending more frequent and fulsome training sessions will result in increased costs. These costs will come out of the Council and Committee budget line.

Individuals deemed eligible for election/appointment by the Governance Committee would have the requisite competencies, thereby enhancing the performance of Council and mitigating risk and liability.

There may be some costs associated with the development of an Eligibility Course and Exam, particularly if the paper-based exam is converted to an online format. Affordable digital solutions are being explored.

There will be costs incurred with the expansion of the online nomination form by the election vendor, BigPulse.

Engaging the services of an independent third party to conduct the evaluation process would be too costly for the College, so this task will likely be conducted in house.

## Risk Analysis

### Timelines

It is important to proceed with external consultation immediately due to the tight timelines involved in developing and implementing competency-based assessment and educational processes in time for the next Council election, including changes to the nomination process in line with by-law requirements.

Adhering to a strict schedule may result in missed opportunities to partner with other colleges on the development and implementation of certain components of the project, particularly if other colleges are unable to move forward on a comparable schedule. Continued collaboration with other colleges throughout the first year will identify opportunities for improvement and collaboration.

### Registrant Engagement

There will need to be extensive membership communications regarding the new eligibility criteria and election/appointment process to help registrants understand the application and screening processes.

## Implementation Plan/Timeline

Task	Action required	Deadline
Circulate proposed by-law amendments to external stakeholders for consultation.	30-day external consultation: <ul style="list-style-type: none"> <li>• Consultation webinar</li> <li>• Newsletters to stakeholders</li> <li>• E-blasts to registrants</li> <li>• Ministry of Health and PAS</li> <li>• Health Profession Regulators of Ontario</li> <li>• Citizens Advisory Group</li> <li>• Professional associations</li> </ul>	Circulate by December 14, 2020
<b>Start marketing and recruitment for Governance Committee members</b>	Issue call for expressions of interest	December 15, 2021
Consult BigPulse re revisions to online nomination form	Ryan to consult BigPulse about capability to upload requisite application form and supplemental	January 4 - January 30,

	document in January 2021.	2021
Develop Eligibility Course and Exam		January 4, 2021 – March 1, 2021
30-day external consultation period ends		January 14, 2020
Circulate Council meeting materials	Council meeting materials include Consultation Feedback Report re proposed by-law amendments	February 15, 2020
<b>COUNCIL MEETING: Present Consultation Feedback Report to Council on proposed by-law amendments</b>	Present Consultation Feedback Report on proposed by-law amendments to Council for approval  Present slate of Governance Committee members to Council for appointment	<b>March 1, 2021</b>
Publish revised by-laws, Competency Profile and competency-based model.  Notify stakeholders  Issue call for expressions of interest to run for Council and committees	Communications to include:  <ul style="list-style-type: none"> <li>Council and Committee Competency Profile</li> </ul> Overview of new competency-based assessment and education processes  As per By-Law 10.11, no later than 60 days before the date of an election, the Registrar shall notify every member eligible to vote of the date, time and electoral district of the election and of the nomination procedure	March 3, 2021
<b>Launch Eligibility Course and Exam</b>	All current/existing Council and committee members, and prospective Council and committee members (candidates) must successfully complete a mandatory eligibility course and exam prior to submitting an application and supporting documentation and before the nomination deadline. Completion confirmed by staff.	March 3, 2021
<b>Finalize content for online nomination form</b>		April 1, 2021
<b>Online nomination form updated to reflect by-law amendments</b>	Ryan to send online nomination form content changes to BigPulse to implement and test	<b>April 1, 2021</b>
<b>Nominations open</b>	Nomination period opens.	<b>May 3, 2021</b>

	<p>Registrants must submit:</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Resume/CV</li> <li>• Declaration</li> <li>• Confirmation of eligibility (confirmed by staff)</li> <li>• Self-assessment and application form questions</li> <li>• Bio and candidate statement</li> <li>• Two reference letters</li> </ul>	Ideally a month open
Nominations closed deadline	<p><b>Deadline for candidates to submit nomination form, candidate information form, and conflict of interest form.</b></p> <p>As per By-Law 10.12, the nomination of a candidate for election as a member of Council shall be in writing and shall be given to the Registrar at least 45 days before the date of the election (the nomination deadline)</p> <p><b>Nominations need to be received at least 45 days before election (i.e. June 5).</b></p>	June 1, 2020
Governance Committee screens nominees	<p>Governance Committee reviews nominees' applications and submissions and conducts competency assessment to determine eligibility for Council/committees.</p> <p>Governance Committee selects final list of candidates qualified to seek election to Council and/or appointment onto Committees.</p>	June 1 – June 22
Slate of eligible nominees determined by Governance Committee	All candidates notified of outcome of screening process.	June 22, 2021
Notice of election	As per By-Law 10.18, no later than 21 days before the date of an election, the Registrar shall send to every member eligible to vote in an electoral district in which an election is to take place, a list of the candidates, the candidates' biographical information and personal statement and an	June 29, 2021

	explanation of the voting procedure.	
<b>Voting opens</b>	Slate of professional member candidates for election to Council posted on the College website	<b>July 20, 2021</b>
<b>Election day</b>	(Voting open for one week)	<b>July 21 – 28, 2021</b>
<b>College emails elections results to candidates and notifies of option to request a recount</b>	two day after election to give ourselves grace	<b>July 30, 2021</b>
<b>Deadline for candidates to request recount</b>	Current by-law stipulation – 15 days after election (July 27 <sup>th</sup> )	<b>August 13, 2021</b>
<b>Election results posted on website</b>	2-3 weeks after election (contingent on recount; never had a recount)	<b>August 16, 2021</b>
<b>COUNCIL MEETING: officer election and approval of draft committee slate</b>	<p>Council agenda items:</p> <ul style="list-style-type: none"> <li>• Orientation and training</li> <li>• Chair training</li> <li>• Discipline Committee training</li> <li>• Approval of Governance Committee’s draft committee slate</li> </ul>	<b>September 13, 2021</b>
<b>Conduct committee-specific training</b>	<p>Staff facilitate committee-specific training for:</p> <ul style="list-style-type: none"> <li>• Registration</li> <li>• Quality Assurance</li> <li>• Inquiries, Complaints and Reports</li> <li>• Patient Relations</li> <li>• Fitness to Practice</li> <li>• Finance and Planning</li> <li>• Exam Writing</li> <li>• Exam Appeals</li> </ul>	September – December 2021

## Recommendation

That Council:

- Approve the circulation of the draft Council and Committee Competency Profile and proposed amendments to By-Laws 10 and 13 for 30-day external consultation;
- Approve the Governance Committee terms of reference regarding the name and substance of this committee for 30-day external consultation;
- That the Council and Committee Competency Profile presented to Council be approved and adopted in principle, and subsequently revised as necessary by the Governance Committee;
- That competency-based assessment and education (e.g. Eligibility Course and Exam, etc.) be developed and implemented as soon as practicable but not later than necessary for use in the next cycle of Council elections and committee appointments;
- The Council adopts a formal annual evaluation process that includes a Council/committee performance evaluation, an individual self-evaluation for Council and committee members, and an evaluation of each Council and committee member by their peers; and
- That a summary report of the evaluation be released publicly by the College.

## Reference Documents:

- AGRE Committee Eligibility and Competency Framework
- BCCNP Board and Committee Composition Matrices
- CMO Governance Resources
- CNO Governance Resources
- FHRCO Governance WG Competency Comparison
- FHRCO Governance Survey
- Field Law Article – “Professional Regulation: The Political Winds Are Blowing”
- Government of Ontario – Member-Regulatory and Adjudicative Agencies
- NAPRA Board Competencies
- Ontario College of Teachers – Governance Review Report
- PSA Good Practice in Making Council Appointments
- RCDSO Resources

## Acknowledgement

The College would like to extend its sincere gratitude to the College of Naturopaths of Ontario for permission to adapt content from their governance modernization documentation, as well as the Ontario College of Pharmacists for permission to adapt content from their Governance Profile, and the Royal College of Dental Surgeons of Ontario and the College of Nurses of Ontario for their generous guidance and assistance. The College also wishes to thank the College of Midwives and the College of Audiologists and Speech Language Pathologists for their advice and support on this project.

## Roadmap: Competency-Based Assessment and Education for Council Members

### Competency-based assessment

The Council has adopted a competency-based assessment and education process for registrants seeking election to Council. This means that a specific set of competencies and eligibility criteria have been developed for the role performed by registrants who are elected to Council and public members who are appointed to Council. Council members will have demonstrated, through a variety of processes, that they have the necessary competencies to perform their role effectively. The Council and Committee Competency Profile (“Competency Profile”) outlines the competencies necessary for individual Council members, as well as the set of competencies necessary for the Council as a whole to govern effectively.

### Eligibility Course and Exam

#### Applicants Review Information Package

Registrants interested in seeking election to Council are required to review the relevant College By-Laws, Governance Manual, Competency Profile and eligibility criteria required to successfully perform duties of a Council member prior to applying.

#### Eligibility Course and Exam

In accordance with the College By-Laws, it is an eligibility requirement that all prospective Council members complete a mandatory Eligibility Course that:

- involves a review of the duties and obligations involved with serving on Council;
- helps reinforce the mandate of the Council and ensures that individuals understand and are fully informed of the mandate in advance; and
- focuses individuals’ efforts on gaining the competencies required for the role upon election (registrant)/appointment (public member).

All prospective Council registrants must successfully complete the Course and Exam before the nomination deadline.

All prospective Council public members must successfully complete the Course and Exam before being appointed to committee(s).

### Nomination Process

#### Preparing a nomination application for Council election

All applicants must apply and submit the following:

### **Current resume/CV**

Applicants must submit a copy of their current resume/CV in Word or PDF format.

### **Declaration**

Applicants must provide contact details and confirm that they wish to apply to become a Council member.

### **Confirmation of eligibility**

Applicants must confirm eligibility by answering questions based on eligibility/disqualification criteria outlined in the College By-Laws (e.g. be a current member of the College, etc.).

### **Self-assessment**

Applicants must complete a self-assessment based on the Competency Profile and describe how they meet/demonstrate the competencies required to effectively perform the duties of a Council member upon election. This includes referencing relevant experience.

Answers to this section will be used by the Governance Committee to assist in assessing applicants' competence and eligibility to run for election.

### **Candidate statement**

Applicants are required to provide a statement outlining their professional experience and contributions, strengths, achievements, which they believe demonstrate their suitability for the role of Council member. Once the Governance Committee determines an applicant's competence and eligibility to run for Council, the **candidate statement will be distributed to eligible voters.**

Registrant candidate statements must meet the following criteria:

- Include the applicant's reason for wanting to serve;
- Must not promote or advocate for the self-interest of the profession;
- Must be accurate and professional;
- Must not contain any negative statements/criticism about other applicants; and
- Must not make libelous or slanderous comments.
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### **References**

In accordance with the By-Laws, applicants must submit two reference letters with their applications in support of the application.



## **Screening Process**

### **Screening applications**

College staff will ensure applicants have successfully completed the eligibility course and exam.

College staff will screen applicants for eligibility in accordance with the eligibility criteria outlined in the College By-Laws.

The Governance Committee will review applicants' applications, including the self-assessment based on the Competency Profile, and create a list of registrants that meet eligibility for nomination for election to Council.

The results of the assessment will be used to identify further training and development required to address any gaps.

The Governance Committee may interview the applicants by telephone/virtual meeting to determine whether they meet the screening criteria and requisite competencies for Council.

The Governance Committee will select the final list of candidates qualified to seek election to Council.

All applicants will be notified of the outcome of the screening process.

The Governance Committee will consider the required range of competencies needed for the full Council to govern the organization. The Governance Committee will strive to ensure diversity among candidates that qualify to be elected to Council to help ensure the full range of Council competencies desired is met.

### **Voting**

The slate of registrant candidates for election to Council will be posted on the College website. Voting will be conducted electronically via a secured platform.

### **Eligibility to vote**

Every registrant who holds a valid certificate of registration, who practices or resides in Ontario, and who is not in default of payment of the annual renewal fee, is entitled to vote in the Council election. The College will send eligible voters notification on how to access the electronic ballot and cast their vote.

### **Results**

The Registrar will oversee the results of the vote.

Following the close of voting, the results will be tabulated. Ballots will be verified by scrutineers approved by the Registrar. The successful candidate(s) will be the registrants(s) who receive(s) the greatest number of votes in accordance with the schedule outlined as above. In the case of a tie, the

outcome will be determined by lot. All candidates will be informed of the outcome of the election by the Registrar prior to the public announcement.

## **Additional Training and Development**

Staff will develop additional training and development for Council.

Individuals elected to Council will receive additional training for the role prior to / at the first Council meeting and throughout the year as required.

## **Council and Committee Performance Evaluation Framework**

Council members are required to:

- reflect upon their individual development needs and develop individual learning plans to record training and development;
- assess their peers' performance; and
- provide feedback to the Governance Committee concerning their individual and collective training and development needs so that resources and supports can be developed to enable them to demonstrate the competencies individually and collectively as a Council.

### **Self-Evaluation**

Council members will conduct self-evaluations using the Competency Profile to reflect upon their individual development needs and develop Individual Learning and Development Plans to plan and record training and development.

### **Peer Evaluation**

Council members will be required to evaluate all fellow Council members to identify strengths and opportunities for improvement using a secure and confidential electronic feedback mechanism.

The Governance Committee supported by staff will consolidate the peer evaluation feedback and present findings to each Council member individually.

Individuals will use peer evaluation results to recalibrate their Individual Learning Plans and training and development goals and activities.

### **Results Communicated and Published**

The Governance Committee will present a summary report of the Council evaluation to be published on the College website.

The Governance Committee will use the findings to refine the Competency Profile, and revise the competency-based assessment and education processes and tools as necessary to enable individual

Council members and the Council collectively to govern effectively, and track progress on an aggregate basis.

## **Acknowledgement**

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## Roadmap: Competency-Based Assessment and Education for Committee Member Appointments

### Competency-based assessment

The Council has adopted a competency-based assessment and education process for registrants seeking appointment to committees. This means that a specific set of core competencies and eligibility criteria have been developed for the roles performed by professional members and public members who are appointed to committees. Registrants and public members appointed to committees will have demonstrated, through a variety of processes, that they have the necessary competencies to perform their roles effectively. The Council and Committee Profile (“the Competency Profile”) outlines the core competencies necessary for individual committee members, as well as the overall competencies for committees to govern effectively as a whole.

### Eligibility Course and Exam

#### Applicants Review Information Package

Registrants interested in seeking appointment to a committee are required to review the College By-Laws, Governance Manual, competencies, and criteria required to successfully perform duties of a committee member prior to applying.

#### Eligibility Course and Exam

In accordance with the College By-Laws, it is an eligibility requirement that all prospective committee members complete a mandatory Eligibility Course that:

- involves a review of the duties and obligations involved with serving on committees;
- helps reinforce the mandate of the committees and ensures that individuals understand and are fully informed of the mandate in advance; and
- focuses individuals’ efforts on gaining the competencies required for the role upon appointment.

All prospective committee registrants must successfully complete the Course and Exam before the nomination or application deadline.

### Application Process

#### Preparing an application for committee appointment

All applicants must apply and submit the following:

#### Current resume/CV

Applicants must submit a copy of their current resume/CV in Word or PDF format.

### **Declaration**

Applicants must provide contact details and confirm that they wish to apply to become a committee member.

### **Confirmation of eligibility**

Applicants must confirm eligibility by answering questions based on eligibility/disqualification criteria outlined in the College By-Laws (e.g. be a current member of the College, etc.).

### **Self-assessment**

Applicants must complete a self-assessment based on the Competency Profile and describe how they meet/demonstrate the competencies required to effectively perform the duties of a committee member upon appointment. This includes referencing relevant experience.

Answers to this section will be used by the Governance Committee to assist in assessing applicants' competence and eligibility for appointment.

### **Candidate statement**

Applicants are required to provide a statement outlining their professional experience and contributions, strengths, achievements, which they believe demonstrate their suitability for the role of committee member.

Registrant candidate statements must meet the following criteria:

- Include the applicant's reason for wanting to serve;
- Must not promote or advocate for the self-interest of the profession; and
- Must be accurate and professional.
- 

### **References**

In accordance with the By-Laws, applicants must submit two reference letters with their applications in support of the application.

## **Screening Process**

### **Screening applications**

Staff will ensure applicants have successfully completed the eligibility course and exam.

College staff will screen applicants for eligibility based on the College By-Laws.

College staff will submit a report to the Governance Committee that sets out any concerns to help the Governance Committee make a determination.

The Governance Committee will review applicants' applications, including the self-assessment based on the Competency Profile, and create a list of registrants that meet eligibility for appointment to committees. The results of the assessment will be used to identify further training and development required to address any gaps.

The Governance Committee may interview the applicants by telephone/virtual meeting to determine whether they meet the screening criteria and requisite competencies for Council.

The Governance Committee will select the final list of applicants qualified to be appointed to committee.

All applicants will be notified of the outcome of the screening process.

The Governance Committee will consider the required range of competencies needed for the full committees as a whole to govern effectively and will recommend a slate of committee members to Council for appointment. The Governance Committee will strive to ensure diversity among candidates that qualify to be elected to Council to help ensure the full range of Council competencies desired is met.

## **Additional Competencies, Training and Development**

Each of the committees will have a set of additional competencies specific to that committee, and staff will develop additional training and development modules for each respective committee.

Individuals appointed to committees will receive additional training for the roles prior to / at the first committee meeting and throughout the year as required.

## **Council and Committee Performance Evaluation Framework**

Committee members are required to:

- reflect upon their individual development needs and develop individual learning plans to record training and development;
- assess their peers' performance; and
- provide feedback to the Governance Committee concerning their individual and collective training and development needs so that resources and supports can be developed to enable them to demonstrate the competencies individually and collectively as committees.

### **Self-Evaluation**

Committee members will conduct self-evaluations using the Competency Profile to reflect upon their individual development needs and develop Individual Learning and Development Plans to plan and record training and development.

### **Peer Evaluation**

Committee members will be required to evaluate all fellow committee members to identify strengths and opportunities for improvement using a secure and confidential electronic feedback mechanism.

The Governance Committee will consolidate the peer evaluation feedback and present findings to each committee member individually.

Individuals will use peer evaluation results to recalibrate their Individual Learning Plans and training and development goals and activities.

### **Results Communicated and Published**

The Governance Committee will present a summary report of the committee evaluation to be published on the College website.

The Governance Committee uses the findings to refine the Competency Profile, and revise the competency-based assessment and education processes and tools as necessary to enable individual committee members and committees collectively to govern effectively, and track progress on an aggregate basis.

### **Acknowledgement**

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## Council and Committee Competency Profile



### Introduction

#### Why a competency profile for elected and appointed Council and committee members?

The College of Kinesiologists of Ontario (“the College”) is the regulatory body for the kinesiology profession in Ontario, Canada. The College is committed to promoting excellent professional practice by registered kinesiologists. The College is run by a Council, similar to a board of directors. Council sets the College’s strategic direction. It makes decisions that protect and promote the public interest. Based on Council’s direction, a staff team led by the Registrar and CEO carries out the College’s day-to-day work. Committees support the work of Council. Each Council member also serves on at least two committees. Committees include elected and public members of Council, and kinesiologists who are not on Council.

The College is committed to continuous improvement in governance and accountability. A competent Council is essential to carrying out the College’s legislated duties. The implementation of clearly defined competencies for Council and committee members is a key component to ensuring effective governance. Research is beginning to connect competencies to both individual and organizational performance and this link is motivating interest in competency-based selection/appointments to Council and Committees. Many health regulatory colleges have recently undertaken governance reform aimed at improving Council performance and accountability; the development of competencies for elected and appointed Council and committee members are now being used for their capacity to improve performance.

#### Universal Principles of Good Governance

Based on resources created by regulators across Canada, the following have been identified as universal principles for good governance, applicable to health regulatory colleges:

#### Structure

Council composition to include a variety of skills, competencies, and practices.

#### Competency-Based Appointments:

- Applies to both Council and committee members;
- Competencies at the individual and full Council levels<sup>1</sup>; and
- Initial screening for self-selection<sup>2</sup>.

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<sup>1</sup> Individual competencies must be demonstrated by the Council/Board member; Council/Board level competencies to be fulfilled by at least one member of the Council/Board to make a full complement of those competencies

<sup>2</sup> Assists in educating potential Council/Board members of necessary skillsets and commitments of time and duty to the College

There should be mandatory training for the following:

- Entry-level;
- Chairs; and
- Adjudicative Committees.

### Tenets

The main principles that underpin good governance include:

- Accountability/transparency;
- Consistency between Colleges and at the individual College level (e.g., application of policies<sup>3</sup>); and
- Risk-based regulation.

### Council and Committee Competency Profile

The *Council and Committee Competency Profile* defines the knowledge, skill, judgment, attitude and experience requirements of College Council and committee members. Competencies are overarching, standards of behaviour expected of Council and committee members. They provide a structure that helps identify, assess and develop the behaviours that contribute to/ensure effective governance.

Following are the competencies with a definition and elements of the position considered necessary for effective performance in the position of a Council or committee member. This document was adapted from the Health Profession Regulators of Ontario's (HPRO) Boards/Councils Competencies and Eligibility/Disqualification Criteria document. Competencies are listed for both individuals and Councils as a whole, and they include definitions/descriptions of those competencies and indicators for competency measurement. Indications on whether the competency is a "must have" as the person assumes the role or if the competency can be learned are also provided. Note that competencies related to clinical knowledge and experience have not been included in the competencies for individual Council members.

These competencies also apply to committees and committee members. There would be additional competencies for certain committees that could be further developed upon appointment and in the role. It is recognized that committee service could assist in training/educating/grooming a person for a future position on the Council.

A list of eligibility and disqualification criteria follows. This information was gathered from 14 health regulatory colleges' current by-laws, processes and/or procedures.

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<sup>3</sup> Examples: agreements re. fiduciary duties, common code of behaviour, opportunities for declarations of conflicts of interest at outset of during meetings

Reference documents are also listed at the conclusion of this document. This material includes recent reports and promising practices in health profession regulation.

### **Role of Council**

To understand the competencies required of a member of the Council of the College, it is imperative to understand the role of the Council. In his 2018 Report on the College of Dental Surgeons of British Columbia, Harry Cayton articulated the role of the Board/Council as:

- to ensure the College complies with its mandate and the law;
- to set strategy and monitor performance against the strategic direction; and
- to hold the registrar and chief executive to account and monitor their performance against the agreed upon priorities.

This approach to the role of the Council and competency-based Council appointments is consistent with most current literature regarding Boards of Directors and effective governance.

### **Purpose of the Competency Profile**

The College uses the Council and Committee Competency Profile to:

- Articulate the requirements to be a member of Council or committees;
- Assess individuals who wish to become Council members and determine eligibility for nomination;
- Assess individuals who wish to become Committee members and determine eligibility for appointment;
- Assess the overall competence of Council and Committees in terms of the mix/composition of members;
- Identify and address competency gaps for individuals and Council/Committees overall with training and development; and
- Evaluate individual member and overall Council/Committee performance.

Individuals interested in being a member of Council or Committees are required to review the list of competencies and indicate their level of competence in accordance with the competencies, indicators/ descriptions provided. The Governance Committee uses the Competency Profile to screen applications from individuals who are applying for positions on Council and / or Committees.

The results of the assessment will be used to:

- assess whether the applicant has the requisite competencies to qualify for nomination for elections to Council / appointment to a Committee;
- to create a competency matrix unique for the College's current Council and committees; and

## COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA

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- to inform the development of training required to address any gaps.

The Governance Committee reviews the Competency Profile and updates periodically to reflect the requisite oversight responsibilities, and to ensure that it is current and reflects the individual competencies necessary for effective governance of the College and circumstances of the College.

The Council and Committees use a Evaluation Framework to reflect upon how well they are performing as individual members, and as a Council/Committee as a whole. The Evaluation Framework together with the Competency Profile, enables Council and Committee members to:

- reflect upon their individual development needs and develop individual learning plans to record training and development;
- assess their peers' performance; and
- provide feedback to the Governance Committee concerning their individual and collective training and development needs so that resources and supports can be developed to enable them to demonstrate the competencies individually and collectively as a Council.

The College uses the Competency Profile to plan learning and development initiatives and to track progress on an aggregate basis.

It is not necessary for Council members to be proficient/expert in all competencies. What is important is that the Council has the collective expertise in the competencies that are necessary to provide oversight and strategic guidance to the College staff.

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

**1. COMPETENCIES FOR INDIVIDUAL COUNCIL AND COMMITTEE MEMBERS**

Unit	Definition/Description	Competency – Indicator	Must Have Upon Assuming Role	Can Learn	Assessment Method
<b>Understanding Governance Responsibilities and Fiduciary Duties</b>					
	<p>Understands the role, fiduciary duties, effective governance principles, and the stewardship responsibilities of a Board/Council member including:</p> <ul style="list-style-type: none"> <li>• Risk management</li> <li>• Business acumen</li> <li>• Human resources</li> <li>• Financial literacy</li> </ul> <p>Board/Council members have a commitment to the public and their right to safe, ethical care, demonstrated by an understanding and appreciation of, and commitment to, the public protection mandate and the time required to execute the role effectively</p>	<p><b>Understanding of the Roles of the Council and Committees</b> – understands the role of the Council and Committees and the role of individual Council and committee members</p>	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<p><b>Understanding of the Roles of Management</b> – understands the distinction between the role of the Council versus role of management, while being rigorous in asking the Registrar for information to support the Council in carrying out its fiduciary duties</p>	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<p><b>Understanding of the Relationship with the Registrar</b> – understanding responsibilities related to the sole employee</p>	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<p><b>Council Member and committee member independence</b> - understands the importance of independence of directors and committee members in thought and action, impact of group <b>dynamics</b>.</p>	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<p><b>Legal and fiduciary responsibilities</b> - Understands their legal and fiduciary responsibilities including loyalty, good faith, trust, preparedness, participation.</p>	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<p><b>Loyalty</b> – understands and commits to the duty of loyalty to the organization and places this loyalty above all other obligations for self and corporate interests; identifies viable options and puts aside vested interests to make decisions that are most likely to achieve the College’s mandate of public protection; actively avoids conflicts of interest or otherwise declares and manages them</p>	Yes – Adv	Yes – Adv	Eligibility Course and Exam

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

		<b>Accountability</b> – understands the concept of accountability, both individually and organizationally, and is committed to ensuring Board/Council-based accountability; ensures decisions are in the public interest and that appropriate information is available to the public	Yes – Adv	Yes – Adv	Eligibility Course and Exam
		<b>Equality</b> – understands that all Council Members are to be treated equally, including access to information and resources	Yes	Yes	Eligibility Course and Exam
		<b>Financial Literacy</b> – an understanding of finance and generally accepted accounting principles; can read, interpret, and ask questions about financial statements; applies a basic understanding of financial management to ensure the integrity of financial information received by the Council	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Adherence to Confidentiality</b> – understands and adheres to confidentiality obligations	Yes	No	Eligibility Course and Exam
		<b>Preparedness</b> – understands the need to be prepared for Board/Council meetings; commits to reading, understanding and questioning information presented; devotes the required time and energy to the role, determined to achieve best possible outcomes in public protection	Yes – Adv	Yes – Adv	Eligibility Course and Exam
		<b>Conflict of interest</b> - Understands the meaning of conflict of interest and the importance of and process for declaring conflicts in advance and as they arise.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Ethical decision making</b> - Understands the importance of ethics in decision-making, contemplating ethical components of decisions, including fairness, objectivity, impartiality and openness.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Unconscious bias and discrimination</b> - Understands how unconscious bias can negatively impact decision-making and has the ability to identify potential unconscious bias and discrimination and bring these issues into the open.	Yes – Basic	Yes – Adv	Eligibility Course and Exam

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

		<b>Reputation management</b> - Understands how effective and ethical governance, bias, conflict of interest can negatively impact the reputation of the organization and understands the importance of managing the organizations reputation.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Crisis identification and management</b> - Understands the means to identify potential and emerging crises and the process for managing crisis.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Efficient and effective Council and Committees</b> - Understands what makes a Council/committee effective and efficient and the importance of these to the operations of the Council/Committee.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Council, Committee, and organizational sustainability</b> - Understands the concepts of sustainability of both the organization (financial, operational, leadership) and the board (continuity, leadership).	Yes – Basic	Yes – Adv	Eligibility Course and Exam
<b>Financial and Organizational Oversight</b>					
		<b>Risk management/identification and mitigation</b> - Understands the concept of risk management and commits to identification and mitigation of organizational risk. Has understanding of risk-based regulation. Ability to think critically to ensure the effective management of potential risks and uncertainties	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Monitoring staff performance</b> - Has an understanding of the processes for managing people, including key concepts in recruiting and retaining personnel	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Financial literacy / Assessing financial information</b> - Has an understanding of finance and accounting, basic accounting terminology, and generally accepted accounting principles. Can read, interpret, and question financial statements. Has ability to understand conceptually the financial position of the College as presented in its financial statement, how to read and	Yes – Basic	Yes – Adv	Eligibility Course and Exam

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

		interpret financial statements to make informed decisions			
		<b>Financial management</b> - Understanding of the financial planning process and short- and long-term financing. Familiarity with budget development process, how to review and analyze a budget and forecasting policy. Understands adequate financial controls.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
<b>Leadership</b>					
Demonstrates skills and ability to lead others to solve problems, adapt and manage change, innovate and achieve results	<b>Vision</b> – understands the importance of an organizational vision and the methods/processes for developing a collective vision. Ability to inspire, motivate and offer direction to others.	Yes – Basic	No	Eligibility Course and Exam	
	<b>Team-Building</b> – Has knowledge and understanding of team building techniques and dynamics. Ability to create strong morale and spirit in team. Demonstrates a positive attitude, energy, resilience, stamina and the courage to take risks. Ability to recognize and value the contributions of Council members, staff, and stakeholders.	Yes – Basic	Yes – Adv	Eligibility Course and Exam,	
	<b>Facilitation</b> – Has knowledge and understanding of consensus building and use of effective facilitations techniques. Facilitates open dialogue such that underlying issues and interests are revealed.	No	Yes – Basic	Eligibility Course and Exam	
	<b>Continuous learning</b> - Has knowledge and understanding of self-assessment, monitoring, and learning plan development methods	Yes – Basic	Yes – Adv	Eligibility Course and Exam	
	<b>Change Management</b> – knowledge of change management techniques for both projects/plans the College generally	Yes – Basic	Yes – Adv	Eligibility Course and Exam	
	<b>Flexibility</b> – knowledge of the importance of flexibility to the negotiation and decision-making processes	Yes – Basic	Yes – Adv	Eligibility Course and Exam	
	<b>Effective dialogue</b> - Understands the importance of dialogue within, and outside of, the group, and	Yes – Basic	Yes – Adv	Eligibility Course and Exam	



**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

		demonstrates the ability to interact with individuals to draw out thought and information.			
		<b>Collaboration with management</b> - Understands that the Council and its Committees are one side of the organization and demonstrates the ability to work collaboratively with management to attain corporate strategies.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Council and committee evaluation</b> - Understands the importance of Council and committee evaluation processes to improving effectiveness, evaluating individual Council/committee members and has the willingness to act on what is learned from the evaluation process.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Council and Committee selection</b> - Understands the importance of competency-based selection processes and supports a rigorous selection process.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Succession planning</b> - Understands the importance of planning for the succession of the leadership of the organization in the Board, Committee and Management streams.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Compensation</b> - Understands the importance of compensation for directors/committee members and management as a part of good retention practices.	No	Yes – Basic	Eligibility Course and Exam
<b>Professionalism/ Good Character</b>					
	Acts transparently with integrity, discretion, and humility to consider a range of perspectives and diverse ways of thinking to challenge the status quo, reject assumptions, and take nothing for granted	<b>Diplomacy</b> – is diplomatic in interactions with others	Yes	Yes	Eligibility Course and Exam
		<b>Judgement</b> – demonstrates good judgement in decisions and actions	Yes	No	Eligibility Course and Exam,
		<b>Ethical</b> – Has knowledge and understanding of ethical responsibilities and dilemmas and demonstrating ethical behaviour at all times. Takes action based on values	Yes	No	Eligibility Course and Exam

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

	Attributes of integrity, accountability, and openness support Council members in exercising proper authority and good judgment in dealing with all stakeholders in a responsible, respectful, and professional manner	even when individual cost or risk is at stake (e.g. conflict).			
		<b>Respectful</b> – ability to respect others regardless of their background, culture, or divergent opinions; able to effectively locate/center issues considering the individuals and/or concerns involved; able to weigh/discuss competing considerations in a manner that is appropriate and respectful. Welcomes diversity of thought.	Yes	Yes	Eligibility Course and Exam,
		<b>Honesty &amp; Integrity</b> – Acts with honesty and integrity at all times. Stands by and accounts for competency-based or evidence-informed decisions and actions even if they are unpopular or controversial. Conducts affairs with professional integrity such that rules of engagement are known and the agency’s competencies and expected standards of interaction are clear.	Yes	No	Eligibility Course and Exam,
		<b>Transparency</b> – emanates openness; adheres to established rules on transparency	Yes	Yes	Eligibility Course and Exam
		<b>Credibility</b> – perceived trustworthiness; delivers on commitments to others to build credibility	Yes	No	Eligibility Course and Exam
		<b>Compliancy</b> – adheres to the code of conduct and acts in a way that exemplifies and reinforces culture and values	Yes	Yes	Eligibility Course and Exam
<b>Emotional Intelligence</b>					
	The capacity to be aware of, control, and express emotions, and to handle interpersonal relationships judiciously and empathetically	<b>Collaboration</b> – inclusive and unifying; consensus-building; seeks stakeholder/partnerships as appropriate	Yes	Yes	Eligibility Course and Exam
		<b>Self-Awareness/Recognition of Limits</b> – understanding personal strengths, areas of development and potential biases and remaining open to self-reflection, feedback, continuous growth and improvement; open about mistakes and knows when to ask for help; recognizing	Yes	Yes	Eligibility Course and Exam

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

		how individual strengths can be leveraged to improve the performance of the Council/Committee.			
		<b>Relationship-Building</b> – able to relate to others congenially and connect with others to support teamwork and cooperation; seeks appropriate relationships to further the work of the College	Yes	Yes	Eligibility Course and Exam, Application
		<b>Tenacity</b> – demonstrates perseverance; works effectively under pressure, not giving up in spite of difficulties	Yes	Yes	Eligibility Course and Exam
		<b>Resiliency</b> – coping in spite of setbacks, barriers, or obstacles and demonstrates perseverance in the face of challenges and strong personalities	Yes	Yes	Eligibility Course and Exam, Application
		<b>Motivation</b> – recognizes and celebrates success to reward and motivate others	Yes	Yes	Eligibility Course and Exam
		<b>Tactful</b> – understands the need to be tactful in individual and group discussions, recognizes that individuals have various skills and attributes that add value.	Yes	Yes	Eligibility Course and Exam,
<b>Communicator/Communication skills</b>					
	Able to communicate clearly, concisely, and accurately, orally and in writing	<b>Articulate</b> – has the ability to describe thinking to others in a manner that is clear and concise, in particular in a group setting that is open to the public	Yes	Yes	Eligibility Course and Exam
		<b>Participatory</b> – actively interacting and continuing to participate when difficulties arise	Yes	Yes	Eligibility Course and Exam
		<b>Active Listening</b> – has the ability to listen to others and articulate the views of others and appreciate diverse perspectives. Has ability to encourage others to elaborate on matters and interests. Employs effective questioning to elicit further information or gain greater understanding or clarity.	Yes	Yes	Eligibility Course and Exam
<b>Thinks Broadly/ Thought Processes</b>					

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

Listening to others' views and considering them; being openminded to information presented	<b>Analytical/Critical Thinking/Objectivity</b> – ability to understand and interpret information from different sources and system knowledge, process the information, connect ideas and concepts, and draw logical connections and conclusions. Ability to discern and propose responses or approaches to issues that are different from those already identified. Willingness to challenge the status quo and to persist in requiring answers to their questions.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
	<b>Independence</b> – free expression without considering personal interests or interests outside the College's interests	Yes	No	Eligibility Course and Exam
	<b>Strategic Thinking</b> – ability to recognize the issues facing the organization; ability to apply broad knowledge and experience to discussions and decisions. can think long term, set long term goals and identify a path to achieving long term objectives; ensures risks are assessed and monitored; ability to engage in short, medium and long-range planning to provide high-level guidance and direction for the College.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
	<b>Innovative</b> – ability to step outside of perceived limitations, consider new ideas, willing to experiment with new approaches to solutions	No	Yes – Adv	
	<b>Proactive</b> – has the ability and willingness to discuss and debate matters before they become organizational issues or crises; thinks ahead and beyond current day issues	Yes – Basic	Yes	
	<b>Commitment to Continuous Learning</b> – determining mechanisms for enhancing knowledge and understanding and developing and monitoring learning plans to support personal improvement arising from self-awareness; setting goals and working on initiatives that improve Board/Council performance	Yes – Basic	Yes – Adv	Eligibility Course and Exam

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

		<b>Unbiased Attitudes and Behaviour</b> – recognizes personal biases and situations of power imbalance and adopts strategies to address them.	Yes – Basic	Yes – Adv	Eligibility Course and Exam
<b>Inclusiveness/ Respectful of Diversity</b>					
	Understanding and valuing differences in the values and norms of others and having the ability to apply this knowledge of the experience of diversity to deliberations and decision-making	<b>Appreciation of Different Perspectives</b> – shifting personal cultural perspectives and incorporating varying perspectives into decision-making related to attributes such as differences in gender, ethnicity, religion, sexual orientation, disability, and socio-economic class, or profession-specific diversities such as region of practice, practice setting and context, specialization or modality; responding to inappropriate and non-inclusive behaviour to re-direct and build awareness	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Adaptability</b> – adapting behavior to work effectively with others who have attributes different than their own and conducting self-assessments to understand how personal attitudes and values might create bias; adjusting and adapting communication behavior to reduce the impact of bias and to be effective across diverse contexts (e.g., not using ethnophaulic or outdated terms; using preferred terms)	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<b>Openness</b> – contributes to an environment and culture that welcomes diverse perspectives, new partners, and ideas	Yes – Basic	Yes – Adv	Eligibility Course and Exam
<b>Understanding of Public Sector and Health Systems</b>					
	Awareness of the complex system in which the College works, including the stakeholders in the system, and the impact that the College’s decisions have on the public	<b>Commitment to Public Service</b> – committed to serve the public and the people of the Province of Ontario	Yes	No	Eligibility Course and Exam
		<b>Commitment to Serving in the Public Interest</b> – has knowledge of the concept of public interest and the ability to place the interests of the broad public ahead of the interests of individuals and organizations and to communicate this to others	Yes – Basic	Yes – Adv	Eligibility Course and Exam

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

		<p><b>Understanding of Health Systems</b> – has knowledge of the health care system in Ontario and Canada, the roles played by different levels of government and institutions and the political, economic and social context within which health systems operate; understands how these systems intersect and impact the public. Familiar with recent reforms and specific strategies to improve health services delivery, access to care and health outcomes. Understanding of trends, challenges, opportunities, and unique dynamics within health sector that are relevant to the College.</p>	Yes – Basic	Yes – Adv	Eligibility Course and Exam
		<p><b>Understanding of Health Regulation</b> – has knowledge of the health regulatory system, its purpose and how it functions; has knowledge of the relevant law, legal framework and procedures relevant to the health regulatory processes; understands the accountability relationship of the College to the government through the Ministry of Health; analyzes the potential impact of decisions on the public; able to think strategically about systemic issues and the role of the organization in the broader regulatory and profession-specific sectors.</p>	Yes – Basic	Yes – Adv	Eligibility Course and Exam

**2. ADDITIONAL COMPETENCIES FOR THE COUNCIL AND COMMITTEES AS A WHOLE/OVERALL**

While individual Council and / or committee members will have the competencies, to varying degrees as set out above, overall, is important that the Council and committees themselves have a set of competencies, through one or more Council or committee members, that enable them to govern the organization.

Competency	Definition/Description	Indicator	Board as a Whole	One or more individuals	Assessment Method
Diversity on Council/Committee					

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

Competency	Definition/Description	Indicator	Board as a Whole	One or more individuals	Assessment Method
	Deliberations are informed and decisions include and respect diverse perspectives, biases are identified and questioned, and the College’s collective work of public protection supports positive systemic change in these and other areas: <ul style="list-style-type: none"> <li>• <b>Cultural</b> – representation from various cultures, including indigenous cultures, will expand perspectives and understanding</li> <li>• <b>Gender</b> – representation from individuals with differing gender identities will expand the understanding of the impact of regulation on diverse groups</li> <li>• <b>Educational</b> – diversity of educational training, including individuals with and without post-secondary education and training</li> <li>• <b>Regional</b> – regional diversity including rural and urban as well as</li> </ul>	<b>Recruitment Strategies</b> – adoption of recruitment strategy to ensure representation of a variety of cultural and historical perspectives, region of practice, practice setting and context, specialization or modality		Yes	
		<b>Performance Evaluation</b> – evaluating Board/Council performance using measures that assess inclusivity		Yes	
		<b>Risk Mitigation</b> – recognition of organizational risks that lack of diversity can present and identification of ways to mitigate risk		Yes	
		<b>Correction</b> – formalized processes to respond to inappropriate and non-inclusive behavior		Yes	

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

Competency	Definition/Description	Indicator	Board as a Whole	One or more individuals	Assessment Method
	northern communities will enhance understanding and decision-making • <b>Physical abilities and attributes</b> – representation from individuals with various physical abilities, attributes and challenges will bring new perspectives and experiences to the Council/Committees • <b>Background/Experience</b> – diverse set of background including work experience will increase the diversity of perspective brought to the discussion.				
<b>Experience</b>					
	Previous experience in governance work, either at a Board, committee or community level	<b>Spectrum of Experience</b> – identification of the various aspects of experience needed	Yes		
	Leadership experience	Has experience as part of a leadership team of an organization and has been in a leadership position for an organization or a board.			
<b>Knowledge</b>					
	Clinical Knowledge	Knowledge of the legislation and regulations governing the profession and an in-depth knowledge of the written		Yes	



**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

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Competency	Definition/Description	Indicator	Board as a Whole	One or more individuals	Assessment Method
		and unwritten standards of practise of the profession. Has knowledge of the regulated health profession being governed.			
	Organizational justice	Has an understanding of organizational justice and understands the importance of workplace behaviour, including treatment of staff, pay, access to training, and equality in the workplace and at the board room table.		Yes	
	Strategic planning	Has an understanding of the importance of and the process for strategic planning, the setting of long terms strategic goals for an organization.	Yes		

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

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**ELIGIBILITY/DISQUALIFICATION CRITERIA**

In order to qualify for a position on the Council/Board or a Committee, a person must meet the following criteria.

<b>Eligibility Criteria</b>	<b>Note</b>
Current member	Holds certificate of registration
No default in anything owing to the College	Including fees, forms, or requested information, e.g., quality assurance program requirements
No proceedings/findings	Inside or outside of Ontario, including terms/conditions/limitations, professional misconduct, incompetence, discipline, incapacity, revocation or suspension, fitness to practice, informal disposition or resolution, or Registrar’s investigation, SCERP
No finding of guilt of criminal offence	In any jurisdiction, at the discretion of the Governance Committee
No offence relevant to the registrant’s ability to practice the profession	
No conflict of interest	
Not College employee/staff member	Of this College or any other
Not director, officer, or staff member of a professional advocacy organization	That relates to kinesiology in any way
Not holding a responsible position with any organization/group whose mandate or interests conflict with the College	
Not a member of the Board/Council of any other <i>RHPA</i> College	
Has not initiated, joined, continued, or materially contributed to a legal proceeding against the College, its Committee, or its representative	

**COUNCIL AND COMMITTEE MEMBER COMPETENCY PROFILE AND ELIGIBILITY/DISQUALIFICATION CRITERIA**

Not a consultant to third party provider	
No bankruptcy or subject of a consumer proposal	Within the last seven years
Not found to be mentally incompetent	
Computer literate	Able to send/receive emails, work with Microsoft Office and Adobe, and actively participate in virtual meetings.
Available	Time to meet the needs of their roles at the College

<b>Disqualification Criteria</b>	<b>Note</b>
Fails to uphold any eligibility criteria	See list above
Misses no more than two meetings	Consecutive, without reason
Fails to attend hearing or proceeding of a panel	Whether Chair or member
Fails to be in the class/specialty/faculty represented on the Board	
Breaches conflict of interest	
Breaches confidentiality	S36 of the <i>RHPA</i>
Misuse of social media	Any posting that would harm the reputation of the College
Fails to comply with Code of Conduct	
Resigns from Council	
Advocates or makes a public statement (other than at a Council meeting when an issue is up for debate) against a position taken by Council or the College	

**REFERENCE DOCUMENTS:**

- AGRE Committee Eligibility and Competency Framework
- BCCNP Board and Committee Composition Matrices
- CMO Governance Resources
- CNO Governance Resources
- FHRCO Governance WG Competency Comparison
- FHRCO Governance Survey
- Field Law Article – “Professional Regulation: The Political Winds Are Blowing”
- Government of Ontario – Member-Regulatory and Adjudicative Agencies
- NAPRA Board Competencies
- Ontario College of Teachers – Governance Review Report
- PSA Good Practice in Making Council Appointments
- RCDSO Resources

# By-Laws of the College of Kinesiologists of Ontario

Updated September 2018

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## 1. INTERPRETATION

### 1.01 – Definitions

In these by-laws, unless otherwise defined or required by the context,

**“Act”** means the *Kinesiology Act, 2007* and includes the regulations made under it;

**“Code”** means the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*;

**“College”** means the College of Kinesiologists of Ontario;

**“Committee”** means a committee of the College and includes statutory, standing and ad hoc committees and any committee established by Council under these by-laws and any panel or sub-committee of a committee;

**“Council”** means the Council established under subsection 5(1) of the *Kinesiology Act, 2007* unless that Council is not yet in place, in which case, it means the transitional Council appointed by the Lieutenant-Governor-in-Council under subsection 11(1) of the Act;

**“Member”** means a person registered with the College unless the College has not yet registered people, in which case, that term means a person who practises kinesiology and who is not yet registered;

**“Non-statutory committee”** means any committee of the College that is not a statutory committee;

**“Professional association”** means an organized group of members that promotes and advocates for the interests of the profession but does not include a school whose sole purpose is to educate;

**“Public member”** means a person described in clause 5(1) (b) of the Act and, for the Council, means the members of the Council who are not members of the College;

**“Registrar”** means the person appointed by Council as Registrar for the College; and

**“RHPA”** means the *Regulated Health Professions Act, 1991* and includes the regulations made under it.

### 1.02 Singular and Plural / Masculine and Feminine

In these and all by-laws of the College, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine and the feminine shall include the masculine.



### **1.03 Legislative References**

Any reference in these and all by-laws of the College to a statute, a regulation or a section of a statute or regulation shall be deemed to apply to any re-enactment or amendment of that statute, regulation or section, as the case may be.

### **1.04 Consistency with RHPA and Act**

All provisions of these and all by-laws of the College shall be interpreted in a manner consistent with the RHPA and the Act and where any inconsistency is found to exist, the inconsistent provision shall, where practical, be severed from the by-law.

### **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.

## 2. GENERAL

### 2.01 Preamble

The College is the governing body of kinesiologists in Ontario. The College receives its regulatory authority from *the Regulated Health Professions Act, 1991* (RHPA) and the *Kinesiology Act, 2007*. Under that authority, the College develops regulations and by-laws that serve as rules governing the College and all Members.

### 2.02 Seal of the College

The College will, by resolution of the Council, adopt a seal.



### **3. EXECUTION OF CONTRACTS AND OTHER DOCUMENTS**

#### **3.01 General Signing Authority**

Documents requiring execution by the College, such as a contract, may be signed by the Registrar together with one of the President, Vice-President or other such person as Council may designate, and all documents so signed are binding upon the College without further authorization or formality.

#### **3.02 Other Signing Authority**

Instead of, or in addition to, the persons specified in article 3.01, Council may appoint from time to time, any one or more officers or other persons to sign contracts, documents and instruments in writing on behalf of the College, whether generally or in relation to specific contracts, documents or instruments.

## **4. BANKING AND FINANCE**

### **4.01 Budget**

The financial year of the College will be the fiscal year which ends September 30.

- i. Council shall approve annually, in accordance with the College's financial policy on budget development, an operating expense and revenue budget for the College for each fiscal year; and
- ii. a capital budget for the College for each fiscal year.

During the period in which the College receives a transfer payment from the Ministry of Health and Long-Term Care, the financial year shall be April 1 to March 31.

### **4.01(1) Financial Statements**

The financial statement shall be audited by a recognized licensed public accountant appointed by Council.

### **4.02 Remuneration of Council Members/Expenses/Signing Authority**

#### **4.02(1) Council Member Remuneration and Reimbursement**

Council members will be remunerated and receive reimbursement for expenses according to the College's financial policies.

#### **4.02(2) Expenditure Approval**

The President, Vice-President and the Registrar may approve purchases or leasing of goods and acquisition of services in accordance with the College's financial policy on procurement.

#### **4.02(3) Cheque Signing Authority**

- i. All cheques under \$5000 to be signed by one of the signing authorities;
- ii. All cheques with a value of \$5001 and more must be signed by two signing authorities;
- iii. Cheques issued to the Registrar are to be signed by two signing authorities who are not the Registrar; and
- iv. Cheques for reimbursement of the Registrar's expenses shall be signed by the President and Vice-President or other such person as Council may designate.

### **4.03 Grants**

The Executive Committee may negotiate the obtaining of a grant on behalf of the College but such agreements shall be approved by Council before they are finalized.

### **4.04 Banking, Investing and Borrowing**

#### **4.04(1) Choice of Banking and Deposits**

- i. The College shall do its banking at a bank chartered under the Bank Act (Canada) and listed in Schedules 1 and 2 of that Act;
- ii. The Registrar shall ensure that all money received belonging to the College is deposited in the name of the College with the bank; and

- iii. The Registrar may endorse any negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank and the College's stamp may be used for such endorsement.

#### **4.04(2) Investment Philosophy**

Funds of the College, not immediately required, may be invested in instruments that do not present undue risk to principal. All investments of the College shall reasonably ensure preservation of capital.

#### **4.04(3) Reserve funds**

From time to time, the Council may establish reserve funds as required.

- i. At the end of each fiscal year from any excess of revenue over expenses shall be used to maintain the reserve funds as established by the Council;
- ii. The reserve funds may be invested in short-term or long-term instruments, with terms of up to 10 years as appropriate to the need for liquidity of the specific funds. The primary objectives of such investments shall be, in order of importance, preservation of capital and yield;
- iii. Surplus funds, not needed to meet the College's operating expenses during the immediate 12-month period, may be invested in short-term or long-term instruments with terms of up to 10 years. The primary objectives of such investments shall be, in order of importance, preservation of capital and yield. No part of the income of the College, whether current or accumulated, can be payable to, or otherwise made available for the benefit of any member of the College or its Council; and
- iv. All other funds may be invested only in short-term instruments with a term of 0 days to 365 days, or in a pool of such investments. The primary objectives of such investments, in order of importance, shall be preservation of capital, maintenance of liquidity and yield.

#### **4.04(4) Responsibility and Authority to Invest**

The Registrar is responsible to administer the College's investments in accordance with this by-law.

- i. A transaction, involving transfer of any of the College's funds to a new financial institution, must be approved by the Registrar together with one of the President or Vice-President. The transaction may be executed by the Registrar upon approval by the President or Vice-President;
- ii. A transaction, involving transfer of the College's reserve funds and funds not required in the immediate 12-month period for the operating expenses of the College, within the same financial institution and including transfers of funds between different subsidiaries or business units of the same financial institution, must be consistent with this by-law. This includes the buying and selling of various investment instruments as allowed by this by-law. Such a transaction may be approved and executed by the Registrar;
- iii. A transaction involving transfer of funds from the College's operating account (and hence, involving the College's operating revenue for the current fiscal year) into investment instruments as described in section 4.04(3) (iii) may be made by the Registrar. This provision applies to the transfer of funds within the same financial institution, including between different subsidiaries or business units of the financial institution;

- iv. A transaction involving transfer of funds from investments as described in article 4.04(3) (iii) into the College's operating account, may be approved and executed by the Registrar. This provision applies to the transfer of funds within the same financial institution, including between different subsidiaries or business units of the financial institution; and
- v. The Registrar shall report the status of investments to the Council and the Executive Committee on a quarterly basis.

#### **4.04(5) Acceptable Investments**

The following are acceptable investments for the College:

- i. Debt obligations issued or guaranteed by the Government of Canada or its agencies or Crown Corporations or managed pools of such instruments: The College may invest in individual instruments or a managed portfolio of Government of Canada guaranteed securities;
- ii. Debt obligations issued or guaranteed by the Government of Canada, any provincial or territorial government, or by any bank chartered in Canada under Schedules 1 and 2 of the *Bank Act (Canada)*, or managed pools of such instruments: The College may invest in high quality debt obligations issued or guaranteed by the Government of Canada, any provincial or territorial government, and any Canadian chartered bank under Schedules 1 and 2 of the *Bank Act (Canada)* or in a managed fund of such securities. All investments will be with issuers who have a credit rating of R-1 Mid (Dominion Bond Rating Service) or its equivalent;
- iii. The College may invest in individual instruments or in a managed fund that includes high quality short-term corporate paper and fully collateralized loans on call. All investments in the fund will be with issuers who have a credit rating of R-1 (Dominion Bond Rating Service) or its equivalent. Each investment in the fund will have a maximum term to maturity of one year. The average term of the entire fund will generally range from seven days to 90 days. All securities will be marketable. A maximum of 10% of the investments will be securities from any one issuer, other than government issuers;
- iv. Any security in which the College invests or recorded evidence of a security or investment transaction shall be placed promptly after receipt by the College in the College's safety deposit box at the bank appointed under article 4.04(1)i;
- v. Article iv does not apply to securities in pooled funds of the types described in Articles i, ii and iii or to securities held by the bank on behalf of the College;
- vi. Securities and other records shall be placed in or removed from the College's safety deposit box by the Registrar. A log shall be kept of the items placed in or removed from the safety deposit box and a report made to the Executive Committee, at its regular meeting, of any activity that has occurred since the previous meeting; and
- vii. Upon reasonable notice, the President of the College may review the contents of the College's safety deposit box in the company of the Vice-President of the College.

#### **4.04(6) Borrowing**

- i. The Council may from time to time by resolution:
  - a. borrow money on the credit of the College;
  - b. limit or increase the amount or amounts to be borrowed; and

- c. secure any present or future borrowing, or any debt obligation or liability of the College, by charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the College, whether present or future; and
- ii. Notwithstanding section 12 of the Code, the Executive Committee shall not exercise the powers or duties of the Council under article 4.04(6) (Borrowing) of this by-law or take any similar action.

## **5. OFFICERS – GENERAL**

### **5.01 Officers of the College**

The officers of the College shall be the President, Vice-President and such other officers as Council may determine from time-to-time.

### **5.02 Term of Office**

The term of office for each officer of the College shall commence immediately following their election as an officer and shall continue until the next election for officers, approximately one year later. However, when the transitional Council is in existence, the term of office is indefinite, permitting increased continuity of service during the transition period.

### **5.03 Maximum Term**

Except for the transitional Council the maximum term in one office is three (3) consecutive, full-year terms.



## **6. ELECTION OF OFFICERS**

### **6.01 Eligibility for Nomination**

Only a member of Council is eligible for nomination or election as an officer of the College.

### **6.02 Election Procedure**

At the first regular Council meeting after the elections for Council members, Council shall elect by secret ballot from among those members of Council eligible for election, the President, Vice-President and any other officer positions, in accordance with this by-law and the "Process for Election of Officers" set out in Schedule 1.

### **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.

### **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 remainder of the term.

### **6.05 Removal of an Officer**

The President or the Vice-President may be removed from office by a vote of at least two-thirds of the Councillors present and voting at a special meeting called for that purpose, whereupon the Council shall elect a new President or a new Vice-President from among the Councillors to hold office for the remainder of the term. Should only the President be removed, the Vice-President shall act as President until the election of a President takes place.

## **7. DUTIES OF OFFICERS**

### **7.01 Duties of the President**

The President shall:

- i. if present, preside as Chair at all meetings of the Council unless the President designates an alternate Chair, including persons not on Council who would act as a non-voting Chair, for all or any portion of the meeting;
- ii. serve as Chair of the Executive Committee;
- iii. perform those duties assigned to the President in the by-laws; and
- iv. perform all duties and responsibilities pertaining to his or her office and such other duties and responsibilities as may be decided by Council.

### **7.02 Duties of the Vice-President**

The Vice-President shall:

- i. perform the duties of the President in the event that the President is unable to perform those duties;
- ii. perform those duties assigned to the Vice-President in the by-laws;
- iii. serve on the Executive Committee; and
- iv. perform all duties and responsibilities pertaining to his or her office and such other duties and responsibilities as may be decided by Council.

### **7.03 Duties of Other Officers**

Any other officer of the College shall:

- i. serve on the Executive Committee; and
- ii. perform all duties and responsibilities, both as may be decided by Council.

## **8. THE REGISTRAR**

### **8.01 Appointment of Registrar**

The Registrar shall be appointed by Council and, despite subsection 12(1) of the Code, the Executive Committee shall not exercise the authority of Council under this article.

### **8.02 Duties of the Registrar**

The Registrar shall be the Chief Executive Officer of the College and shall have such duties and responsibilities as are conferred by the Act, the RHPA, the by-laws and the policies of the College as well as such duties and responsibilities assigned to the position by Council.

### **8.03 Acting Registrar**

If a vacancy occurs in Registrar's position, the Executive Committee or Council shall appoint an Acting Registrar until a Registrar is appointed, and during extended absences, the Registrar may appoint, in writing, a senior staff member to serve as the Acting Registrar during the Registrar's absence.

## **9. COUNCIL – GENERAL**

### **9.01 Authority of Council**

Council shall perform the functions assigned to it under the Act and the Code.

#### **9.01.1 Role of Council**

Without limiting the authority set out in the Code, the role of the Council shall be to:

- i. Ensure the College complies with its mandate set out in the RHPA, the Code, the Act and the regulation made under them;
- ii. set strategic directions of the College and monitor the College's performance against them; and
- iii. hold the registrar and chief executive to account and monitor their performance against the agreed upon priorities.

### **9.02 Composition of Council**

Council shall be composed of ten (10) elected members, one of which will be an academic representative who is a member of a faculty or department of Kinesiology of a university in Ontario in accordance with subsection 5(1) of the Act; and at least six (6) and no more than eight (8) public members appointed by the Lieutenant-Governor-in-Council.

### **9.03 Term of Office**

The term of office of an elected or selected member is three (3) years, commencing with the first regular meeting of Council immediately following the election or selection. The member shall continue to serve in office until the member's successor takes office in accordance with this by-law.

## 10. ELECTION OF COUNCIL MEMBERS

An election by electoral districts will take place to elect Council members described in Article 9.02. Members of the College will vote on-line through the College's website in accordance with these by-laws.

### 10.01 Electoral Districts

The following are the Electoral Districts for all Council member elections:

- i. **Electoral District 1:** Northern comprised of the districts of Kenora, Rainy River, Thunder Bay, Algoma, Cochrane, Manitoulin, Parry Sound, Nipissing, Timiskaming; the district municipality of Muskoka; and the city of Greater Sudbury;
- ii. **Electoral District 2:** Eastern comprised of the counties of Frontenac, Hastings, Lanark, Prince Edward, Renfrew, Lennox and Addington; the united counties of Leeds and Grenville, Prescott and Russell, Stormont, Dundas, Glengarry; and the city of Ottawa;
- iii. **Electoral District 3:** Central East comprised of the counties of Haliburton, Northumberland, Peterborough, and Simcoe, the city of Kawartha Lakes, the regional municipality of Durham and the township of Scugog;
- iv. **Electoral District 4:** Central comprised of the city of Toronto and the regional municipality of York;
- v. **Electoral District 5:** Central West comprised of the counties of Brant, Dufferin, Wellington, Haldimand and Norfolk, the regional municipalities of Halton, Niagara, Peel, Waterloo, and the cities of Hamilton and Brantford;
- vi. **Electoral District 6:** Western comprised of the counties of Essex, Bruce, Grey, Lambton, Elgin, Middlesex, Huron, Perth, Oxford, and the municipality of Chatham-Kent and the city of London; and
- vii. **Electoral District 7:** Comprised of the entire province. The purpose of Electoral District 7 is to fill the seat on Council designated under Section 5 (1) (c) of the Kinesiology Act 2007 as follows:

One person selected, in accordance with a by-law made under section 10, from among members who are members of a faculty or department of kinesiology of a university in Ontario. 2007, c. 10, Sched. O, s. 5 (1).

### 10.02 Eligibility to Vote in an Electoral District

A member is eligible to vote in the electoral district in which the member, as of January 1st of the election year, primarily practises, or if the member is not engaged in the practise of Kinesiology, in which the member has primary residence.

A member, who is eligible in Electoral District 7 to run for election, is eligible to vote in Electoral District 7.

### 10.03 Number of Members per Electoral District

For each electoral district referred to in column 1 of the following table, there shall be elected to Council the number of members set out opposite in column 2.

Column 1	Column 2
Electoral District	Number of Members
1	1
2	1
3	1
4	3
5	2
6	1
7	1

#### **10.04 Term of Office**

The term of office of a member elected to Council is approximately three (3) years, commencing with the first regular meeting of Council immediately following the election. The member shall continue to serve in office until the member's successor takes office in accordance with this by-law.

#### **10.05 Maximum Term**

A member who has served on Council for nine consecutive years is ineligible for election to Council until a full three year-term has passed since that member last served on Council. The first nine year-period does not commence until after the first election in each electoral district.

#### **10.06 Staggered Terms**

An election of members to Council shall be held:

- i. in 2014, and in every third year after that for members from Electoral Districts 2 and 3 and for one member from Electoral District 4;
- ii. in 2015, and in every third year after that for one member from Electoral District 4, one member from Electoral District 5 and members from Electoral District 6; and
- iii. in 2016, and in every third year after that for members from Electoral District 1 and for one member from Electoral District 4 and one member from Electoral District 5.

#### **10.07 Election Date**

The Registrar, as directed by Council, shall set the date for each election of members to Council.

#### **10.08 Eligibility to Vote**

A member is ineligible to vote in a council election if the member is in default of payment of any fees prescribed by by-law or any fine or order for costs to the College imposed by the College or court of law or is in default in providing any information required by the College.

A member is eligible to vote in only one electoral district even if that member is a member of Electoral District 7 and also practises the profession of Kinesiology as a non-faculty member.

### 10.09 Eligibility for Election

A member is eligible for election to Council in Electoral Districts 1 through 6, if on the closing date of nominations and anytime up to and including the date of the election:

- i. the member is eligible to vote in the electoral district in which the member is nominated;
- ii. ~~the member is not in default in owing anything of~~ the member is not in default in owing anything of payment of any fees, fines, costs, or other amounts owed to the College;
- ~~iii.~~ the member is not in default of completing and submitting any required form or information to the College; ~~returning any required form or information to the College;~~
- ~~ii.~~ iv. the member is not the subject of any disciplinary or incapacity proceedings of the College or any other regulatory body;
- ~~iii.~~ v. ~~the member has not been the subject of a finding of no findings of~~ professional misconduct, incompetence or incapacity ~~has been made against the member~~ in the preceding three years at the College or any other regulatory body;
- ~~iv.~~ vi. the member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practise Committee or the Quality Assurance Committee;
- vii. ~~the member does not have a~~ has had no criminal finding of guilt of criminal offense;
- viii. ~~the member does not and has not been the subject of a charge that~~ has not had an offense is relevant to the registrant's ability to practise the profession;
- ~~v.~~ ix. the member has not been an employee, officer or director of any professional association or certifying body in the health care and health related fields for ~~one~~ three years prior to the date of nomination for the Council of the College of Kinesiologists of Ontario, such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association. ~~In the first year of elections following the date of proclamation, the time lapse required before accepting nomination shall be six months prior to the closing date of nominations;~~
- x. ~~the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College;~~
- xi. ~~the member is not a consultant to third party provider engaged by the College;~~
- xii. ~~the member does not have a conflict of interest to serve as a member of Council or has agreed to remove the conflict before taking office;~~
- xiii. ~~the member has not been bankrupt or the subject of a consumer proposal within the last seven years;~~
- xiv. the member has not been disqualified from the Council or a committee of the ~~Council~~ College in the previous three (3) years;
- ~~vi.~~ xv. ~~the member has not resigned from Council previously;~~
- ~~vii.~~ xvi. the member is not a member of the Council or of a committee of the College of any other health profession; ~~and~~
- xvii. the member has not been a member of the staff of the College at any time within the preceding three (3) years; and

~~viii-xviii.~~ before submitting the nomination deadline form, the member meets has satisfied that the Governance Committee that they have the requisite competencies approved by Council, has met the eligibility requirements and has successfully completed any qualification process established by the Council.

A member is eligible for election to Council in Electoral District 7 if on the closing date of nominations the member has not accepted nomination in any other electoral district and anytime up to and including the date of the election:

- i. the member is a full-time member of faculty or department in an Ontario university degree program in Kinesiology;
- ii. the member is eligible to vote in the electoral district in which the member is nominated;
- ~~iii.~~ the member is not in default of payment of any fees, fines, costs, or other amounts owed to the College;
- ~~iv.~~ the member is not in default of completing and submitting any required form or information to the College;
- ~~iii-v.~~ the member is not the subject of any disciplinary or incapacity proceedings of the College or any other regulatory body;
- ~~iv-vi.~~ the member has not been the subject of a finding of professional misconduct, incompetence or incapacity in the preceding three years at the College or any other regulatory body; no findings of professional misconduct, incompetence or incapacity has been made against the member in the preceding three years;
- ~~v-vii.~~ the member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practise Committee or the Quality Assurance Committee;
- ~~viii.~~ the member does not have a criminal finding of guilt;
- ~~ix.~~ the member does not and has not been the subject of a charge that is relevant to the registrant's ability to practise the profession;
- ~~vi-x.~~ the member has not been an employee, officer or director of any professional association or certifying body in the health care and health related fields for three years prior to the date of nomination for the Council of the College of Kinesiologists of Ontario, such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association; the member is not an employee, officer or director of any professional kinesiology association, or any association where the majority number of members provide kinesiology services, such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association;
- ~~xi.~~ the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College;
- ~~xii.~~ the member is not a consultant to third party provider engaged by the College;
- ~~xiii.~~ the member does not have a conflict of interest to serve as a member of Council or has agreed to remove the conflict before taking office;
- ~~xiv.~~ the member has not been bankrupt or the subject of a consumer proposal within the last seven years;
- ~~vii-xv.~~ the member has not been disqualified from the Council or a committee of the Council College in the previous three (3) years;
- ~~xvi.~~ the member has not resigned from Council previously;



- ~~viii.~~xvii. the member is not a member of the Council or of a committee of the College of any other health profession; and
- xviii. the member has not been a member of the staff of the College at any time within the preceding three (3) years; and
- ~~ix.~~xix. before the nomination deadline, the member has satisfied the Governance Committee that they have the requisite competencies approved by Council, has met the eligibility requirements and has successfully completed any qualification process established by the Council.

#### 10.10 Supervision of Nominations

The Registrar shall supervise the nomination of candidates.

#### 10.11 Notice of Nominations

No later than 60 days before the date of an election, the Registrar shall notify every member eligible to vote of the date, time and electoral district of the election and of the nomination procedure.

#### 10.12 Timing of Nomination

The nomination of a candidate for election as a member of Council shall be in writing and shall be given to the Registrar at least 45 days before the date of the election (the nomination deadline).

#### 10.13 Nominations

The nomination shall be signed by the ~~candidate~~applicant ~~and by at least two (2) members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.~~

Electronic signatures will be permissible through the online voting process.

A nomination for election from Electoral District 7 shall be signed by the ~~candidate~~applicant ~~and by at least three (3) members who support the nomination and who are eligible to vote in Electoral District 7.~~

At the close of the nomination period, if no candidates eligible to be nominated in an electoral district have been nominated, the Registrar shall establish a new election schedule, including, where necessary, a new date for the election. The timeframes outlined in By-laws 10.11 and 10.12 do not apply where the Registrar is acting under this By-law.

The nominations for that election shall be re-opened for a minimum of fifteen days or such greater number of days as determined by the Registrar.

The new election schedule may permit two additional calls for nomination prior to the seat of the member on Council being declared vacant.

The Registrar shall notify in writing each member in the electoral district in which there is an election, of the date of the election and the deadline for returning nominations.

#### Confirmation of Eligibility

The Registrar shall request every mMember who is being nominated to confirm their eligibility for election to Council the form approved by the Registrar and any mMember who fails to provide such confirmation in the manner and by the deadline set by the Registrar shall be deemed to be not nominated for election.

The Registrar shall request every mMember who is being nominated to complete and submit the following:

- i. a copy of their current resume/CV;
- ii. confirmation of eligibility based on eligibility/disqualification criteria outlined in the College By-Laws;
- iii. a self-assessment based on the Competency Profile approved by Council.

Any mMember who fails to complete and submit the above noted documentation in the form and by the deadline set by the Registrar shall be deemed to be not nominated for election.

The Governance Committee will review applicants' applications and submissions relating to the qualifications process, including but not limited to the self-assessment, and determine eligibility for election to Council.

#### **10.14 Candidate's Applicant's Biography and Personal Statement**

The ~~candidate applicant~~ shall provide to the Registrar by the nomination deadline ~~or such later date as the Registrar permits~~, biographical information and a personal statement in a manner acceptable to the Registrar for the purpose of distribution to eligible members in accordance with the by-laws.

The biography and personal statement shall be in a form and be of content that aligns with the College's public interest mandate. The Governance Committee has the sole discretion to exclude or modify a biography and personal statement as it deems necessary. Any biography and personal statement, or portions thereof, that are not acceptable to the Governance Committee in that they do not align with the College's public protection mandate, or are critical of another candidate, or that are not received by the deadline set by the Registrar, shall not be included with the materials sent to members under article 10.18.

#### **10.15 Withdrawal of Nomination**

Except in the case of extenuating circumstances, a candidate cannot withdraw his or her nomination 30 days before the date of the election.

#### **10.16 Acclamation**

If the number of candidates nominated for an electoral district is less than or equal to the number of members to be elected in that electoral district, the Registrar shall declare those candidates to be elected by acclamation.

#### **10.17 Administering Elections**

The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty, the Registrar may, subject to the by-laws:

- i. appoint returning officers and scrutineers;
- ii. establish a deadline for the receiving of votes;
- iii. provide for the notification of all candidates and members of the results of the election;
- iv. if there has been a non-compliance with a nomination or election requirement, in consultation with the Governance Committee, determine whether the non-compliance should be waived in circumstances where the fairness of the election will not be affected; and
- v. provide for the destruction of ballots following an election.

#### **10.18 Notice of Election**

No later than 21 days before the date of an election, the Registrar shall send to every member eligible to vote in an electoral district in which an election is to take place, a list of the candidates, the candidates' biographical information and personal statement if provided and an explanation of the voting procedure.

#### **10.19 Electronic Voting**

Voting for elections of members to Council shall be by electronic ballot through the College's website.

#### **10.20 Voting Procedures**

The Registrar shall ensure that the electronic voting system used:

- i. rejects all but one of the ballots of a voter who submits or permits the submission of more than one ballot;
- ii. prevents someone who is not the member voting on the member's behalf, and
- iii. prevents the identification of voters.

#### **10.21 Number of Votes**

A member may cast as many votes on a ballot in an election of members to the Council as there are members to be elected to Council from the electoral district in which the member is eligible to vote. A member shall not cast more than one vote for any one candidate.

#### **10.22 Tallying Ballots**

On the date of the election, the Registrar shall certify the final vote count if he or she is satisfied that the election system accurately counted the votes submitted in accordance with the by-laws.

#### **10.23 Presence of Candidates**

Candidates or their representatives may be present when the Registrar reviews and certifies the final vote count.

#### **10.24 Tied Vote**

If there is a tie in an election of members to the Council, the Registrar shall break the tie by lot.

### 10.25 Request for a Recount

A candidate may require a recount by making a written request and depositing the sum of \$150 with the Registrar no more than 15 days after the date of an election.

### 10.26 Recount

The Registrar shall hold a recount no more than 10 days after receiving the request by reviewing the safeguards of the website voting system.

### 10.27 Results of Recount

If the recount changes the election result, the full amount of the deposit shall be refunded to the candidate. If the recount does not change the election result, the College will keep the deposit to partially offset recount costs, including staff time.

### 10.28 Postal Disruption

If a material component of the election employs the use of Canada's postal system and if there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of nominations and election for such minimum period of time as the Registrar considers necessary to compensate for the interruption.

### 10.29 Grounds for Disqualification

The Council shall disqualify an elected or selected member from sitting on Council if the elected or selected member:

- i. is subject of any disciplinary or incapacity proceeding;
- ii. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
- iii. is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
- ~~iv.~~ iv. [resigns from Council;](#)
- ~~iv-v.~~ v. fails to attend two consecutive meetings of the Council or of a committee in which he or she is a member, without reasonable cause in the opinion of Council;
- ~~v-vi.~~ vi. fails to attend a hearing or review of a panel for which the member has been selected, without reasonable cause in the opinion of Council;
- ~~vi-vii.~~ vii. ceases to either have a primary practice of Kinesiology or primary residence in the electoral district in which the member was elected;
- ~~vii-viii.~~ viii. becomes an employee, officer or director of any professional kinesiology association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association;
- ~~viii-ix.~~ ix. becomes a member of the Council of or a committee of the College of any other health profession;
- ~~ix-x.~~ x. breaches the conflict of interest provision(s) for members of Council and committees, in the opinion of the Council, after being given notice of the concern and an opportunity to respond to the concern;
- ~~x-xi.~~ xi. fails to discharge properly or honestly any office to which the member has been elected or selected, in the opinion of the Council, after being given notice of the concern and an opportunity to respond;
- xii. [defaults the payment of any fees, fines, costs, or other amounts owed to the College;](#)

- ~~xi. defaults in completing and submitting any required form or information to the College; becomes in default of payment of any fees prescribed by by law or any fine or order for costs imposed by the College or court of law;~~
- ~~xii. becomes in default of providing any information required by the College;~~
- xiii. ceases to hold a certificate of registration; or
- ~~xiv. is found guilty of a criminal or other offense that is considered relevant to the member's ability to practise the profession;~~
- ~~xv. is charged with a criminal or other offense that is considered relevant to the member's ability to practise the profession;~~
  - ~~— is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification;~~
- ~~xvi. fails to participate in requisite Council and/or Committee training, development, and evaluation without reasonable cause in the opinion of Council; or~~
- ~~xiv-xvii. fails to uphold any eligibility criteria.~~

### 10.30 Applying for a Staff Position

A Council member shall resign from Council prior to applying for any College staff position.

### 10.31 Vacancies

In this section, elected members include any Council members appointed under By-laws 10.32(ii), 10.32(iii), 10.33(i), or 10.33(ii)

The President shall declare the office of the member on the Council to be vacant if:

- i. an elected member of the Council dies, resigns or is disqualified from sitting on the Council; or
- ii. during an election for Council, no candidates eligible for nomination in an electoral district have been nominated after two additional calls for nominations.

Any members appointed or elected to the Council to fill a vacancy will be deemed to serve the balance of the former elected member's term.

### 10.32 Short Term Vacancy

If the seat of an elected Council member becomes vacant in an electoral district no more than 12 months before the expiry of the member's term of office, the Council shall:

- i. leave a seat vacant; or
- ii. appoint as an elected member the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Council members 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
- iii. if there are no candidates pursuant to 10.32(ii), appoint a successor from among the members of the College who would be eligible for election if an election were held.

### 10.33 Long Term Vacancy

If the seat of an elected Council member becomes vacant in an electoral district more than 12 months before the expiry of the member's term of office, the Council shall:

- i. 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
- ii. 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
  - iii. 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.

**10.34 Elections to fill Vacancy**

Where an election is required under By-law 10.13 or 10.33 (iii) (because there is no eligible candidate who could be appointed pursuant to 10.33(i)), the Council shall be deemed to have directed the holding of a by-election thereby allowing the Registrar to set a date for the by-election without a resolution of the Council.

**10.35 Remainder of Term**

The term of a member appointed under By-law 10.32(b) or elected in an election under article 10.32(c) shall continue until the time the former council member's term would have expired.

**10.36 Inquiry into Disputed Election**

If, within 90 days from the date of the election, the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election of any member of Council, the Council shall hold an inquiry and decide whether the election of the member is valid and, if an election is found to be invalid, the Council shall direct another election to be held.

## **11. COUNCIL MEETINGS**

### **11.01 Location and Frequency of Meetings**

A Council meeting shall, wherever possible, be held at a place and on a date set in advance and shall occur at regular intervals and at such frequency as necessary for Council to conduct its business but shall, in any event, occur at least three (3) times per year.

### **11.02 Notice of Meetings**

The Registrar shall notify Council members of the meeting, setting out the date, time and place of the meeting and the general nature of the business to be transacted at least ten (10) days before the date of the meeting.

### **11.03 Waiver of Notice**

A Council member may, at any time, waive the requirement for notice of a meeting.

### **11.04 Business at Meetings**

Council may only consider or transact at a regular meeting:

- i. matters on the agenda;
- ii. matters brought by the Executive Committee or the Registrar;
- iii. recommendations and reports by Committees;
- iv. matters for which notice was given by a member of Council at the preceding meeting or where written notice has been given at least 30 (thirty) days in advance of the meeting; and
- v. such other matters, not included on the agenda, as the majority of members in attendance determine to be of an urgent nature.

### **11.05 Secretary**

The Registrar shall serve as Secretary of Council.

### **11.06 Chair**

The President acts as Chair of Council unless the President has designated an alternate Chair, including a person not on Council who would act as a non-voting Chair, for all or any portion of the meeting. In the event that the President is absent and has not designated an alternate Chair, the Vice-President may serve as Chair. Otherwise Council shall elect another person to serve as Chair at that meeting.

### **11.07 Manner of Meeting**

- (a) Any meeting of Council, other than a hearing that must be held in person, may be conducted by means of teleconference or any other means that permits all persons participating in the meeting to communicate with each other simultaneously and instantaneously (including audio or video conferencing) and persons participating in the meeting by such means are deemed to be present at the meeting.
- (b) A meeting of Council shall be held in the manner described in (a) only with the approval of the President or the Chair of Council.

### **11.08 Quorum**

Unless specifically provided for otherwise under the Act, the RHPA or the by-laws, a simple majority of Council members shall constitute a quorum for the purpose of a meeting.

**11.09 Simple Majority**

Unless specifically provided for otherwise under the Act, the RHPA, or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

**11.10 Chair Vote**

If the Chair is a member of Council, he or she may vote.

**11.11 Tie Votes**

In the event of a tie vote, the motion is defeated.

**11.12 Resolution**

A resolution signed by all members of Council, including a resolution where all or some of the members of Council have signed by facsimile or email, is valid and effective as if passed at a meeting of Council held for the purpose.

**11.13 Rules**

Except where inconsistent with the RHPA, the Act, or the by-laws, the rules of order for meetings of Council are set out in Schedule 2.

**11.14 Minutes**

The Registrar shall ensure that accurate and approved minutes of all Council meetings are recorded and maintained at the College office.

**11.15 Adjournments**

Whether or not a quorum is present, the presiding Chair may, from time to time, with the consent of the Council members present, adjourn any properly called meeting to a fixed time and place, and any matter brought before the original meeting may be considered and transacted at a reconvened meeting provided that a quorum is present.

**11.16 Calling Special Meetings**

The President may call and convene a special meeting of Council:

- i. at his or her discretion; or
- ii. upon receipt of the written request of any six (6) members of Council.

**11.17 Notice of Special Meetings**

Subject to article 11.18, the Registrar shall notify Council members of the special meeting, setting out the date, time and place of the meeting and the general nature of the business to be transacted, at least five (5) days prior to the date of the meeting. Council may only consider or transact at a special meeting those items of business contained in the notice.

**11.18 Special Meetings without Notice**

A special meeting may also be held without notice at any date, time and place provided that all members of Council are present in person or in a manner that allows them to participate in discussion simultaneously and instantaneously (including audio or video conferencing) or if all the absent Council members have consented, in writing or electronically, to the holding of such a special meeting.



## 12. COMMITTEES – GENERAL

### 12.01 Duties and Responsibilities

The duties and responsibilities of each committee shall be those set out in the RHPA, the Act, the by-laws and/or the terms of reference for that committee, as approved by Council, where applicable.

### 12.02 Non-Statutory Committees

In addition to the statutory committees required by the Code, Council may establish and maintain any additional committees deemed necessary for the efficient function of the College.

### 12.03 Appointment of Member of Non-Statutory Committees

- i. Where non-statutory committees are created, Council shall appoint the members of each Committee in accordance with the selection process for statutory committees under By-law 13.10:

~~ii. Unless the by law provides otherwise, or Council has delegated its decision making authority, Council may make a different decision from the decision a non-statutory committee made;~~

~~iii.~~ii. In appointing persons to a non-statutory committee, the Council may appoint persons who are neither Council members nor members, unless the Act or the by-laws of the College provide otherwise;

~~iv.~~iii. In the event of a vacancy on any non-statutory committee, the provisions relating to filling a vacancy on a statutory committee shall apply, with such variations as are necessary or desirable to reflect the circumstances; and

The terms of reference for non-statutory committees are attached to the by-laws as Schedule 4 that forms part of the by-laws.

#### 12.03.01 Appointment of Member to the Governance Committee

- i. The Governance Committee shall be composed of former Council and committee members, and current and/or former regulatory college senior management and/or legal counsel
- ii. College staff shall recommend the appointment of Governance Committee members to Council for appointment;
- iii. In appointing persons to the Governance Committee, the Council will appoint persons who are not current Council members in accordance with the terms of reference for the Governance Committee.

The terms of reference for the Governance Committee are attached to the by-laws under Schedule 4 that forms part of the by-laws.

### 12.04 Composition of Committees

Unless stated otherwise in the Code, ~~or the~~ by-laws or terms of reference, every committee of the College shall be composed of at least three (3) persons and shall include at least one (1) member of Council who is also a member and at least one (1) public member.

The Examination Committee and the Item Writing Committee are established as non-statutory committees of Council and no member of Council shall sit as a member of either committee.

The Governance Committee is established as a non-statutory committee of Council and no member of Council shall sit as a member of this committee.

#### **12.05 Ratios**

~~The number of committee members who are also members shall, wherever possible, exceed the number of committee members appointed by the Lieutenant Governor in Council.~~

#### **12.06 Vacancies**

Despite anything in these by-laws, a committee is properly constituted despite any vacancy so long as there are sufficient members to form a quorum of the committee or a panel of the committee.

#### **12.07 Quorum**

With the exception of the Examinations Committee and the Item Writing Committee, the quorum of any committee is three (3) members unless otherwise provided in the Code, ~~or~~ the by-laws or the terms of reference, or unless the committee is composed of only three (3) members, in which case, the quorum for such a committee shall be two (2) members.

#### **12.08 Panels**

A committee may meet in panels selected by the chair of the committee.

### **13. SPECIFIC COMPOSITION AND SELECTION OF COMMITTEES**

#### **13.01 Executive Committee**

The Executive Committee shall be composed of the President, the Vice-President and three (3) members of Council. Three (3) members of the Executive Committee shall be members and two (2) members of the Executive Committee shall be public members.

#### **13.02 Registration Committee**

The Registration Committee shall be composed of:

- i. at least two (2) members of Council who are members of the College;
- ii. at least one (1) member of Council appointed to the Council by the Lieutenant-Governor-in-Council; and
- iii. one or more members of the College who are not members of Council, if Council so wishes.

#### **13.03 Inquiries, Complaints and Reports Committee**

The Inquiries, Complaints and Reports Committee shall be composed of:

- i. at least two (2) members of Council who are members of the College;
- ii. at least one (1) member of Council appointed to Council by the Lieutenant Governor in Council; and
- iii. at least one (1) member of the College who is not a member of Council.

#### **13.04 Discipline Committee**

The Discipline Committee shall be composed of:

- i. every member of Council;
- ii. at least two (2) members of the College who are not members of Council; and
- iii. one or more members of the College who are not members of Council, if Council so wishes.

#### **13.05 Fitness to Practise Committee**

The Fitness to Practise Committee shall be composed of every member of Council and one or more members of the College who are not members of Council, if Council so wishes.

#### **13.06 Quality Assurance Committee**

The Quality Assurance Committee shall be composed of:

- i. at least two (2) members of Council who are members of the College;
- ii. at least two (2) members of Council appointed to Council by the Lieutenant-Governor-in-Council; and
- iii. at least one (1) member of the College who is not a member of Council.

#### **13.07 Patient Relations Committee**

The Patient Relations Committee shall be composed of:

- i. at least one (1) member of Council who is a member of the College;
- ii. at least two (2) members of Council appointed to Council by the Lieutenant-Governor-in-Council; and

- iii. at least two (2) members of the College who are not members of Council.

### **13.08 Term of Office of Committee Members**

The term of office of a committee member shall commence immediately after the appointment and shall continue for approximately one (1) year, unless otherwise stated in these by-laws or committee terms of reference. The chair of every statutory and non-statutory committee shall be eligible for appointment for a maximum of two (2) consecutive one (1) year terms.

### **13.09 Chairs**

Unless stated otherwise in these by-laws or the committee terms of reference, the chair or chairs of each committee shall be appointed by Council. The chair of any statutory committee must be a member of Council.

### **13.10 Decisions Regarding Appointments**

As soon as possible after the annual election of the President, the Vice-President and the Executive Committee, the ~~Executive Governance~~ Committee shall present a slate of recommended chairs and members of each committee to the Council for approval, based on the College's governance policies as approved by Council. The Council shall appoint the chair and members of each committee, unless otherwise stated in these by-laws or the committee terms of reference.

Where, for any reason, the Council fails to appoint a new committee at the time provided for in this by-law, the existing members of the committee shall continue to serve as the committee provided that a quorum exists.

If any vacancies occur in the chair or membership of any committee, the ~~Executive Committee Governance Committee~~ shall recommend the appointment of a member or chair to serve as a replacement. The Council shall appoint a replacement chair or member.

Where the chair of a committee is unable to act for a matter or for a period of time, he/she shall appoint from the committee a person to act on his/her own behalf, failing which the President shall appoint an acting chair from the committee.

Despite the above, in circumstances of urgency, the ~~Executive Governance~~ Committee can act to immediately fill a vacancy.

### **13.11 Eligibility for Appointment to a Committee**

A member shall be eligible for appointment to a committee of the College as a non-Council member if, on the date of appointment:

- i. The member has filed a completed application in the form approved by the Registrar;
- ii. The member has submitted two reference letters in the format approved by the Registrar;
- iii. The member has confirmed eligibility in the form approved by the Registrar;
- iv. The member has completed a self-assessment based on the competencies approved by Council in the form approved by the Registrar;

- v. The member completed a candidate statement in the form approved by the Registrar;
- ~~ii-~~vi. the member practises kinesiology in Ontario, or if the member does not practise Kinesiology, the member resides in Ontario;
- vii. the member is not in default of payment of any fees, fines, costs, or other amounts owed to the College;
- viii. the member is not in default of completing and submitting any required form or information to the College;
- ~~iii-~~ix. the member is not the subject of any disciplinary or incapacity proceedings of the College or any other regulatory body;
- ~~iv-~~x. the member has not been the subject of a finding of professional misconduct, incompetence or incapacity in the preceding three years at the College or any other regulatory body~~no finding of professional misconduct, incompetence or incapacity has been made against the member in the preceding three (3) years;~~
- ~~v-~~xi. the member is not subject to any order, direction, or term, condition or limitation of the Discipline Committee, the Fitness to Practise Committee or the Quality Assurance Committee;
- xii. the member does not have a criminal finding of guilt;
- xiii. the member does not and has not been the subject of a charge that is relevant to the registrant's ability to practise the profession;
- ~~vi-~~xiv. the member has not been an employee, officer or director of any professional association or certifying body in the health care and health related fields for three years prior to the date of application such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of an association or certifying body~~the member is not an employee, officer or director of any professional kinesiology association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association;~~
- xv. the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College;
- xvi. the member is not a consultant to third party provider engaged by the College;
- xvii. the member does not have a conflict of interest to serve as a member of Council or has agreed to remove the conflict before taking office;
- xviii. the member has not been bankrupt or the subject of a consumer proposal within the last seven years;
- xix. the member has not been disqualified from the Council or a committee of the Council in the previous three (3) years;
- ~~vii-~~xx. the member has not resigned from Council previously;
- ~~viii-~~xxi. the member is not a member of the Council or of a committee of the college of any other health profession;
- ~~ix-~~xxii. the member has not been a member of the staff of the College at any time within the preceding three (3) years; ~~and~~
- xxiii. the member has not been appointed to a committee of the College as a non-Council member in each of the three (3) consecutive prior terms; and
- ~~x-~~xxiv. the member has satisfied the Governance Committee that they have the requisite competencies approved by Council, met the eligibility requirements and has successfully completed any qualification process established by the Council.

The Governance Committee will review applicants' applications and submissions relating to the qualifications process, including but not limited to the self-assessment, and determine eligibility for appointment to committee.

### 13.12 Removal of Committee Members

The Council shall disqualify a person appointed to a Committee from sitting on that Committee if the person:

- i. is subject of any disciplinary or incapacity proceeding;
- ii. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
- iii. is found to be incapacitated by a panel of the Fitness to Practise Committee;
- iv. resigns from Council;
- ~~iv-v.~~ fails to attend two consecutive meetings of the Committee in which he or she is a member, without reasonable cause in the opinion of Council;
- ~~v-vi.~~ fails to attend a hearing or review of a panel for which the person has been selected, without reasonable cause in the opinion of Council;
- ~~vi-vii.~~ ceases to either have a primary practice of kinesiology or primary residence in Ontario;
- ~~vii-viii.~~ becomes an employee, officer or director of any professional kinesiology association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association;
- ~~viii-ix.~~ becomes a member of the Council or a committee of the college of any other health profession;
- ~~ix-x.~~ breaches the conflict of interest provision(s) for members of Council and committees, in the opinion of the Council, after being given notice of the concern and an opportunity to respond to the concern;
- ~~x-xi.~~ fails to discharge properly or honestly any office to which the person has been appointed, in the opinion of the Council, after being given notice of the concern and an opportunity to respond;
- ~~xi-xii.~~ defaults the payment of any fees, fines, costs, or other amounts owed to the College becomes in default of payment of any fees prescribed by by-law or any fine or order for costs imposed by the College or court of law;
- ~~xii-xiii.~~ defaults in completing and submitting any required form or information to the College becomes in default of completing and returning any information required by the College;
- ~~xiii-xiv.~~ ceases to hold a certificate of registration; ~~or~~
  - xv. is found guilty of a criminal or other offense that is considered relevant to the member's ability to practise the profession is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification;
  - xvi. is charged with a criminal or other offense that is considered relevant to the member's ability to practise the profession
  - xvii. fails to participate in requisite committee training, development, and evaluation without reasonable cause in the opinion of Council, the Registrar or Governance Committee; or
- ~~xiv-xviii.~~ fails to uphold any eligibility criteria.

A person who is disqualified from sitting on a committee shall cease to be a member of that committee.

## **14. COMMITTEE MEETINGS**

### **14.01 Location and Frequency of Meetings**

Committee meetings shall, wherever possible, be held at a place and on a date set in advance and shall occur at regular intervals and at such frequency as necessary for the committee to conduct its business.

### **14.02 Manner of Meeting**

- (a) Any meeting of a Committee, other than a hearing that must be held in person, may be conducted by means of teleconference or any other means that permits all persons participating in the meeting to communicate with each other simultaneously and instantaneously (including audio or video conferencing) and persons participating in the meeting by such means are deemed to be present at the meeting.
- (b) A meeting of a Committee shall be held in the manner described in (a) only with the approval of the Chair of the Committee.

### **14.03 Chair**

In the event that the chair of the committee is unable or unwilling to preside at the meeting, the committee members shall select, from amongst their number, a committee member to serve as chair for the purposes of that meeting.

### **14.04 Minutes**

The chair of each committee shall ensure that accurate and approved minutes of all committee meetings and proceedings are recorded and maintained at the College office.

### **14.05 Simple Majority**

Unless specifically provided for otherwise under the Code or the by-laws, every motion which properly comes before a committee shall be decided by a simple majority of the votes cast at the meeting by the committee members present.

### **14.06 Chair Vote**

If the chair is a member of the committee, he or she may vote.

### **14.07 Tie Votes**

In the event of a tie vote, the motion is defeated.

## 15. DUTIES OF COUNCIL AND COMMITTEE MEMBERS

### 15.01 Expectations and Duties

Every member of Council and every Committee member shall, in the performance of his or her duties:

- i. familiarize himself or herself with the Act, the RHPA, the by-laws and any policies of the College;
- ii. familiarize himself or herself with any other records, documents and guidelines that may be necessary for the performance of his or her duties;
- iii. comply with the provisions of the Act, the RHPA, the by-laws, any policies of the College and rules that are adopted by Council, from time to time;
- iv. make reasonable efforts to attend all meetings of Council and Committees of which he or she is a member, and to do so in person, save in exceptional circumstances with the approval of the Chair of Council or the Committee;
- v. attend meetings on time and participate constructively in discussions;
- vi. ensure that confidential matters coming to his or her attention as a member of Council or as a member of a committee or working group are not disclosed by him or her, except as required for the performance of his or her duties or as permitted by the RHPA;
- vii. conduct himself or herself in an appropriate manner with College staff, other members of Council or members of the committees, members and members of the public;
- viii. comply with the College's Code of Conduct, which is attached as Schedule 3 to the by-laws and forms part of these by-laws;
- ix. avoid, or where that is not possible, declare all conflicts of interest in the manner set out in the by-law; and
- x. perform the duties associated with his or her position conscientiously and with due care and diligence in a manner that serves and protects the public interest.

### 15.02 Removal of Council or Committee Member

The following procedure shall be followed in the event that a Council or committee member is alleged to have contravened the duties of a Council or committee member or meets the criteria for disqualification set out in articles 10.29 and 13.12.

- i. A written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Council or committee member or the Registrar. If a member of Council or a committee receives such a complaint, he or she shall immediately file it with the Registrar.
- ii. The Registrar shall forthwith report the complaint to the President or the Vice-President, or both, who shall bring the complaint to the Executive Committee.
- iii. If the Executive Committee, after any investigation it deems appropriate, believes that the complaint warrants formal action, it shall call a meeting of the Council. Council shall determine whether there has been a breach of duties or whether the criteria for disqualification have been met and, if so, impose the appropriate sanction. The appropriate sanction can include one or more of the following:
  - a) censure of the member verbally or in writing;
  - b) removal of the member from any Committee on which he or she serves;
 and



- c) disqualification of an elected member of Council from the Council, or a report requesting removal of the member concerned from the Council to the Public Appointments Secretariat.
- iv. A decision finding that there has been a breach of duties, or that a Council or committee member meets the criteria for disqualification set out in articles 10.29 and 13.12, and a decision to impose a particular sanction must be approved by a majority vote of the Council members present and voting.
- v. The Council or committee member whose conduct is the subject of concern shall not take part in the deliberation or vote, however, he or she will be given a reasonable opportunity to respond to the allegation.

## 16. CONFLICTS OF INTEREST

### 16.01 Duty to Avoid Conflicts of Interest

All Council and committee members have a duty to carry out their responsibilities in a manner that serves and protects the interest of the public. As such, they must not engage in any activities or in decision-making concerning any matters where they have a direct or indirect personal or financial interest.

Because the circumstances of each case are unique, it is impossible to define in advance all forms of conflicts of interest. A “real” conflict of interest exists when a reasonable person, knowing all of the circumstances, would believe that the individual’s judgment would be influenced by the competing consideration. A potential conflict of interest is where a conflict of interest is not real at the time of the decision, but given the right set of circumstances, could manifest in the future. An apparent conflict of interest is where real conflict of interest is suspected, even though it does not exist. This impacts the image of the Council or the committee member, and undermines the confidence of the public in the decision, and even more so, the confidence of the public in the College’s ability to act in the public interest.

In the specific examples discussed below, Council will exercise appropriate discretion to ensure that all circumstances that would meet these tests of conflict of interest are addressed appropriately.

An individual has a conflict of interest where:

- i. a reasonable person could conclude that the personal and/or financial interests of the individual or a related person could influence the individual’s judgment in performing his/her duties;
- ii. the individual is not directly involved with the matter and attempts to influence another individual or College staff who are involved with the matter;
- iii. there is an actual, potential or perceived use of College information for personal gain;
- iv. there is an actual, potential or perceived use of the member’s position on Council for personal gain, such as employment, appointment or money;
- v. there is an appearance of bias (an appearance of bias being any personal interest or view that could be reasonably seen as precluding a Council member of exercising fair evaluation of all information and objective judgement and decision making); or
- vi. the member’s position (either present or previous) with another organization affects his/her decision-making abilities;

### 16.02 Recognition of Conflict

Council and Committee members recognize that a conflict of interest or an appearance of a conflict of interest by a member of Council or its Committees:

- i. could bring discredit to the College;
- ii. could amount to a breach of the fiduciary obligation of the person to the College; and
- iii. could create liability for either the College and /or the person involved.

### 16.03 Conflicts Relating to Involvement with a Professional Association

A member of Council or a committee member shall be perceived to have conflict of interest in a matter and should not serve on Council or its committees at all if he or she holds a responsible position, such as director, owner, board member, officer in or is an employee of any professional association relating to Kinesiology.

#### **16.04 Conflicts Relating to Position in Other Organizations**

A member of Council or a committee member would be perceived to have conflict of interest in a matter and should refrain from participating in any discussion or voting if he or she holds a responsible position such as director, owner, board member, officer in or is an employee of another organization where his or her duties may be seen by a reasonable person as influencing his or her judgment in the matter under consideration by the Council or its committees. For example, an educator should not participate in any decisions relating to the status of the school where he/she teaches, its program(s) or the acceptability for registration of graduates from that school.

#### **16.05 Declaration Forms**

Upon appointment or election, and annually thereafter if requested, every Council and Committee member and every member of a working group shall fully complete and deliver to the Registrar a form, available from the Registrar, declaring his or her current and recent affiliations with professional associations and other organizations to facilitate compliance with the above provisions.

#### **16.06 Interests of Related Persons**

For the purposes of this by-law, the direct or indirect personal or financial interests of a parent, spouse, child or sibling of a Council or committee member are interpreted to be the interests of the Council or committee member. Here, the term "spouse" includes a common-law spouse and a same-sex partner of the person.

#### **16.07 Where a Conflict May Exist**

Where a Council or committee member believes that he or she may have a conflict of interest in any matter which is the subject of deliberation or action by the Council or its committees, he or she shall:

- i. consult, as needed, with the President, the Registrar and legal counsel and, if there is any doubt about whether he or she may have or be perceived to have a conflict prior to any consideration of the matter, declare the potential conflict to the Council or the committee and accept Council's or committee's direction as to whether there is an appearance of a conflict;
- ii. where there appears to be a conflict of interest, not take part in the discussion of, or vote on, any question in respect of the matter;
- iii. where there appears to be a conflict of interest, absent himself or herself from the portion of any meeting relating to the matter; and
- iv. where there appears to be a conflict of interest, not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of other members on the matter.

#### **16.08 Conflicts Recorded in Minutes**

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.

**16.09 Use of College Information or Property**

A member of Council or a committee member shall not use College property or information of any kind to advance his or her own interests, direct or indirect.

**16.10 Staff Positions**

A member of Council or a committee member may not hold any other position, contract or appointment with the College while serving as a member of Council or its committees. There is a one-year waiting period before the individual may apply for a staff or consultant position with the College. This includes, but is not limited to, positions as peer assessor, investigator, inspector, examiner or staff.

## **17. CONFIDENTIALITY**

### **17.01 Duty of Confidentiality**

Members of the Council and committees, staff and persons retained or appointed by the College are required to maintain confidentiality of information that comes before them in the course of discharging their duties unless disclosure is authorized by the Council or is otherwise permitted under section 36(1) of the RHPA.

### **17.02 Subsection 36(1) of the RHPA**

Subsection 36 (1) of the RHPA states, in part, as follows:

*36. (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the Drug and Pharmacies Regulation Act and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person ....*

### **17.03 Disclosure under the RHPA**

Subsection 36(1) of the RHPA permits disclosure in a number of specific circumstances. Members of the Council and committees, staff and persons retained or appointed by the College are expected to understand when those exceptions apply and seek advice if they are in doubt.

### **17.04 Confidentiality Agreement**

Council and Committee members, staff and persons retained or appointed by the College are required to sign, annually, the confidentiality or fiduciary agreement approved by Council.

## **18. COMMUNICATIONS**

### **18.01 Media Contacts**

All media contact shall be channelled and coordinated through the Registrar's office. Any Council or committee member or any member of a working group being asked by media representatives to provide interviews, respond to inquiries or to comment on issues concerning the regulation of the profession or the operation of the College shall not provide any such communication and shall instead refer them to the Registrar's office.

### **18.02 College Communications**

The Registrar, the President or, in the absence of the President, the Vice-President:

- i. are the authorized spokespersons of the College, but either of them may request a member of Council or staff to perform this function, as appropriate, under the circumstances; and
- ii. may communicate with the media to provide interviews, respond to inquiries or comment on issues concerning the regulation of profession or the operation of the College. A member of Council or a committee member shall not perform such communications unless authorized by the Registrar, the President or, in the absence of the President, the Vice-President.

### **18.03 Consistent Messaging**

All messages to the media and to the public must be consistent with the approved policies and positions of the College. Any member of Council or a committee member shall resign all positions with the Council and its committees prior to expressing public disagreement with a decision, policy or position of the College or its committees and even then, shall only do so in a manner consistent with his or her ongoing fiduciary duties towards the College.

### **18.04 Invitations for Speaking Engagements**

All requests inviting the President, the Registrar and/or members of Council or committees to speak in his or her capacity as a representative of the College must be submitted, in writing, to the Registrar's office with details of the date, time and place of the speaking engagement, as well as the topic and anticipated length of the presentation.

### **18.05 Acceptance of Invitations for Speaking Engagements**

The Registrar, in consultation with the President, where possible, will review all requests inviting members of Council or committee members to speak and shall determine whether to accept the invitation and the appropriate representative to address the topic. Other than as described above, no member of Council or of a committee shall accept any request to make representations or speak on behalf of the College in his or her capacity as a representative of the College.

### **18.06 Presentation Content**

The content of every presentation must be consistent with the approved policies and positions of the College and shall be submitted at least five (5) days before the date of the presentation to the Registrar or a person designated by the Registrar for approval.

### **18.07 No Compensation**

No person speaking in his or her capacity as a representative of the College shall receive any payment or benefit related to the presentation or, if the payment or gift cannot in the circumstances be gracefully declined, it shall immediately be turned over to the Registrar. However, mementoes of nominal value (\$50.00 or less) may be accepted and retained.

## **19. FEES**

### **19.01 Application Fee**

There shall be a non-refundable application fee of \$100. No further application fee will be required if the applicant reapplies to the College or pursues further evaluation from the College within one year of payment of the application fee in question.

### **19.02 Jurisprudence Fee**

An applicant who applies to attempt the College's jurisprudence course shall pay a fee of \$50.

### **19.03 Examination Fee**

An applicant who applies to attempt an examination that is a requirement for a certificate of registration in the General Class shall pay a fee of \$400.

An applicant who applies to have the results of an examination re-scored shall pay a fee of \$50. The fee will be reimbursed in case of a change in score.

### **19.04 Registration Fee**

The registration fee is an amount equal to the annual fee. The College registration year runs from September 1 to August 31. For applicants who have never been registered with the College, the initial registration fee, pro-rated on a quarterly basis, is as follows:

- i. September 1 to November 30, \$650;
- ii. December 1 to February 28, \$487.50;
- iii. March 1 to May 31, \$325;
- iv. June 1 to August 31, \$162.50.

### **19.05 Annual Fee**

A registration year begins on September 1 in one year and ends August 31 in the following year. Every member shall pay an annual fee of \$650. The annual fee must be paid on or before September 1 in the registration year.

A member shall not pay an annual fee for the registration year in which the member is issued a certificate of registration and has paid the registration fee.

No later than 60 days before the annual fee is due, the Registrar shall notify the member of the amount of the fee and the day on which the fee is due. The obligation to pay the annual fee continues even if the Registrar fails to issue a notice or the member fails to receive such notice.

If a person is first issued a certificate of registration between July 1 and September 1 of any registration year, the Registrar shall make reasonable efforts to notify the member as soon as possible of the amount of his/her annual fee and of the fact that it is due on September 1.



**19.06 Late Fee**

If a member who fails to pay the annual fee on or before the date on which it is due, shall pay a penalty of \$100, in addition to the annual fee.

**19.07 Inactive Fee**

There shall be a non-refundable application fee of \$50 for any member who chooses to move their certificate of registration to Inactive.

The fee for the issuance of Inactive certificate of registration is \$200. If an Inactive member fails to pay the annual fee on or before the day on which the fee is due, the member shall pay a penalty of \$50.

Where a member in the Inactive Class is reissued his or her general certificate of registration in accordance with the Registration Regulation and the by-laws, the annual fee, prorated on a quarterly basis, is as follows:

- i. September 1 to November 30, \$650;
- ii. December 1 to February 28, \$487.50;
- iii. March 1 to May 31, \$325;
- iv. June 1 to August 31, \$162.50.

**19.08 Reinstatement Fees**

If the Registrar suspends a member's certificate of registration for failure to pay a required fee, the Registrar may lift the suspension upon payment of a reinstatement fee calculated by adding:

- i. the fee(s) which the member failed to pay and which gave rise to the suspension; and
- ii. any late payment fee or late filing fee which became owing to the College after the member's suspension and before the lifting of that suspension.

A person who applies for reinstatement of a certificate of registration shall pay, at the time the person makes such application, a non-refundable fee of \$300.

**19.09 Declined Credit Card and Returned Cheques**

A fee of \$40 shall be payable by a member where the member purports to make payment by VISA, MasterCard or other credit card accepted by the College and payment is refused by the credit card provider on first submission by the College.

A fee of \$40 shall be payable by a member where payment is made by cheque and the cheque is not honoured on first presentation to the financial institution of the payer.

**19.10 Fees for Replaced Documents**

- i. The fee for replacement tax receipt is \$10.
- ii. The fee for a letter of standing with the College is \$10.
- iii. The fee for a replacement certificate of registration is \$50.

**19.11 Power to Waive a Fee**

The Registrar may waive or reduce the application fee associated with a particular application where the Registrar is satisfied in their sole and absolute discretion that such waiver or reduction is appropriate having regard for the actual costs incurred by the College in processing that application.

## **20. PROFESSIONAL LIABILITY INSURANCE**

### **20.01 Amount of Liability Insurance**

The professional liability insurance referred to in the Registration Regulation must have the following characteristics:

- i. a minimum amount of \$1,000,000 per occurrence;
- ii. a minimum aggregate amount of \$3,000,000 per year;
- iii. a deductible of no more than \$1,000 per occurrence;
- iv. where the insurance is of the claims-made type, the member shall have enduring (tail) insurance to provide coverage for at least five years after the termination of the insurance; and
- v. the provider must either be licensed as an insurer with the Financial Services Commission or Ontario or must be in the form of membership in a protective association acceptable to the Registrar that provides equivalent protection.

### **20.02 Indirect Coverage**

The insurance may be held indirectly (e.g., through an employer) so long as the member is able to obtain proof that the coverage meets the requirements of article 20.01 (e.g., the member is an added insured under the employer's policy).

## **21. THE REGISTER**

### **21.01 Name in Register**

Subject to article 21.02, a member's name in the register shall be the full name indicated on the document used to support the member's initial registration with the College.

### **21.02 Change of Name**

The Registrar may enter a name other than the name referred to in article 21.01 in the register if the Registrar:

- i. has received a written request from the member;
- ii. is satisfied that the member has legally changed his or her name; and
- iii. is satisfied that the name change is not for any improper purpose.

### **21.03 Business Address**

A member's business address in the register shall be the address of the location in Ontario where the member is employed or self-employed as a kinesiologist. In the event that the member is employed or self-employed as a kinesiologist in more than one location in Ontario, the member's business address shall be the member's primary practice. In the event that the member is not employed or self-employed in Ontario as a kinesiologist, the Registrar shall enter as the member's business address the location designated by the member.

### **21.04 Business Telephone Number**

A member's business telephone number shall be the telephone number of the location in Ontario where the member is employed or self-employed as a kinesiologist. In the event that the member is employed or self-employed as a kinesiologist in more than one location in Ontario, the member's business telephone number shall be the telephone number of the member's primary practice. In the event that the member is not employed or self-employed in Ontario as a kinesiologist, the register shall not contain a business telephone number for the member.

### **21.05 Duty on Registrar**

The Registrar shall maintain a register in accordance with section 23 of the *Code*.

### **21.06 (1) Information on the Public Register**

The Register shall contain the information required by s. 23 (2) of the *Code*.

For ease of reference only, the information required by s. 23 (2) of the *Code* is as follows:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.
3. The name, business address and business telephone number of every health profession corporation.

4. The names of the shareholders of each health profession corporation who are members of the College.
5. Each member's class of registration and specialist status.
6. The terms, conditions and limitations that are in effect on each certificate of registration.
7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1) of the Code, and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1) of the Code.
8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and that has not been finally resolved.
10. Every result of a disciplinary or incapacity proceeding.
11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.
12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
13. A notation of every revocation or suspension of a certificate of registration.
14. A notation of every revocation or suspension of a certificate of authorization.
15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
17. Where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1) of the Code, the outcomes of inspections conducted by the college.

19 (1). If there has been a finding of guilt against a member under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and if none of the conditions in subsection (2) have been satisfied,

- i. a brief summary of the finding,
- ii. a brief summary of the sentence, and
- iii. if the finding is under appeal, a notation that it is under appeal until the appeal is finally disposed of.

(2) The conditions referred to in subsection (1) are the following:

1. The Parole Board of Canada has ordered a record suspension in respect of the conviction.
2. A pardon in respect of the conviction has been obtained.
3. The conviction has been overturned on appeal.

20. With respect to a member, any currently existing conditions of release following a charge for an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) or subsequent to a finding of guilt and pending appeal or any variations to those conditions.

21. If a member has been charged with an offence under the *Criminal Code* (Canada) or the *Controlled-Drugs and Substances Act* (Canada) and the charge is outstanding,

- i. the fact and content of the charge, and
- ii. the date and place of the charge.

22. If a member has been the subject of a disciplinary finding or a finding of professional misconduct or incompetence by another regulatory or licensing authority in any jurisdiction,

- i the fact of the finding,
- ii. the date of the finding,
- iii. the jurisdiction in which the finding was made, and
- iv. the existence and status of any appeal.

23. If a member is currently licenced or registered to practice another profession in Ontario or a profession in another jurisdiction, the fact of that licensure or registration.

#### **21.06 (2) Additional Information**

Pursuant to s.23 (1) 20 of the Code, the Register shall also contain the following information, which is designated as public information, with respect to each member:

- i. The initial date of registration;
- ii. The dates upon which any change in class of registration or resignation was effected;
- iii. The names other than the proper legal name of the member including any nicknames or abbreviations that the member uses in any place of practice;

- iv. If there have been any changes to the member's name since the date of the member's initial application for registration, the former names of the member;
- v. The member's gender (if identified);
- vi. The name of the member's primary place of practice and every other current place of practice;
- vii. The address and telephone number of the member's primary place of practice and every other current place of practice unless the information would disclose the home address of the member and/or patients/clients. In the case of remote practice, the member's business website address.
- viii. The languages in which the member provides and/or delivers kinesiology services
- ix. If the member ceased to be a member, the date and reasons for the cessation;
- x. Where the College is aware that a finding of incapacity or a similar finding has been made against the member by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal:
  - a) a notation of the finding;
  - b) the name of the governing body that made the finding;
  - c) the date the finding was made;
  - d) a summary of any order made and information regarding any appeals of the finding.
- xi. Where the College is aware that there is an ongoing regulatory proceeding against the member for professional misconduct or incompetence that is considered relevant to the suitability to practise kinesiology:
  - a) a notation of the fact;
  - b) the name of the governing body that is conducting the proceeding;
  - c) a summary of any interim orders and/or restrictions on the member's license with the relevant profession as a result of the proceeding.
- xii. A notation, including the date of the referral, for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Fitness to Practise Committee under section 61 of the Code and has not been finally resolved, until the matter has been resolved;
- xiii. Where a decision of the Discipline Committee has been published by the College with the member's name or former name included:

- a) a notation of that fact; and
  - b) identification of the specific publication of the College which contains the information;
- xiv. For every application to the Discipline Committee for reinstatement that has not been finally resolved, until that matter has been resolved,
- a) a notation of that fact, including the date of the application;
  - b) the anticipated date of the hearing, if the hearing date has been set or the next scheduled date for the continuation of the hearing if the hearing has commenced;
  - c) if the hearing has been adjourned and no future date has been set, the fact of that adjournment; and
  - d) if the decision is under reserve, that fact.
- xv. If an application to the Discipline Committee for reinstatement has been decided, the decision of the Discipline Committee.
- xvi. Where, for a pending complaint or other type of investigation, the Registrar confirms that the College is investigating a member because there is a compelling public interest in disclosing this information pursuant to section 36(1)(g) of the RHPA, the fact that the member is under investigation;
- xvii. Where the member's certificate of registration is subject to an interim order imposed by the Inquiries, Complaints and Reports Committee:
- a) a notation of that fact;
  - b) the nature of the order;
  - c) the date that the order took effect.
- xviii. Where the member's certificate of registration is subject to an administrative suspension, the reason for the suspension and the date of the suspension;
- xix. Any information jointly agreed to be placed on the Register by the College and the member;
- xx. Any of the information that was on the Register before the membership terminated will be posted for a period of at *least six years* after the termination of membership, except for any information related to discipline proceedings in Ontario, which will be posted on the Register for a period of fifty years after the termination of membership.

#### **21.07 Information requests from College**



If requested, a member shall immediately provide the College with the following information, in the form requested by the College:

- i. information required to be maintained in the Register in accordance with subsection 23 (2) of the *Code* and article 21.06 of these by-laws;
- ii. information for the purpose of compiling statistical data;
- iii. The languages in which the member provides and/or delivers kinesiology services
- iv. the member's previous employers and previous practice locations;
- v. Information required to verify the member's compliance with their mandatory reporting obligations.

**21.08 Automatic Notification of the College**

The member shall notify the College, in writing, of any changes to the following information within 30 days of the effective date of the change:

- i. the member's name;
- ii. any nicknames or abbreviations that the member uses in any place of practice;
- iii. the address and telephone number of the member's primary residence in Ontario and, if the member does not reside in Ontario, the address and telephone number of the member's primary residence;
- iv. the member's email addresses which the College uses to contact the member;
- v. information regarding the member's employment, including the name of the business, address and telephone number and/or website;
- vi. the name of every health professional corporation of which the member is a shareholder, the business address, business telephone number, business e-mail address, if there is one, and any operating names of the health professional corporation;
- vii. all information that members are required to report pursuant to section 4 of the General Regulation made under the Act and paragraphs 6.1 to 6.4 of section 85 of the *Code*.

## **22. PROFESSIONAL CORPORATIONS**

### **22.01 Application Fee**

The fee for the application for a certificate of authorization, including for any reinstatement of a certificate of authorization, for a professional corporation is \$200.

### **22.02 Registration Fee**

The registration fee is an amount equal to the annual fee. The College registration year runs from September 1 to August 31. The fee for the annual renewal of a certificate of authorization is \$400. For corporations who have never been registered with the College, the initial registration fee, pro-rated on a quarterly basis, is as follows:

- i. September 1 to November 30, \$400;
- ii. December 1 to February 28, \$300;
- iii. March 1 to May 31, \$200;
- iv. June 1 to August 31, \$100.

### **22.03 Annual Fee**

The registration year begins on September 1 and ends August 31 in the following year. Each corporation shall pay a renewal fee for a certificate of authorization of \$400.

### **22.04 Late Fee**

A professional corporation or a member listed in the College's records as a shareholder of a professional corporation shall pay a late fee of \$200, in addition to the renewal fee for each notice sent by the Registrar to the corporation or member for failure of the corporation to renew its certificate of authorization on time.

### **22.05 Reinstatement Fee**

A professional corporation or a member listed in the College's records as a shareholder of a professional corporation who applies for reinstatement shall pay, at the time of application, a non-refundable fee of \$300.

If the Registrar suspends a professional corporation for failure to pay a required fee, the Registrar may lift the suspension upon payment of a reinstatement fee calculated by adding:

- i. the fee(s) which the professional corporation or a member listed failed to pay and which gave rise to the suspension; and
- ii. any late payment fee or filing fee which became owing to the College after the member's suspension and before the lifting of that suspension.

### **22.06 Miscellaneous Fee**

The fee for the issuing a revised certificate of authorization is \$50.

### **22.07 Duty to Provide Information**

Every member of the College shall, for every professional corporation of which the member is a shareholder, provide in writing the following information on the application and annual renewal forms for a certificate of authorization, or upon the written request of the Registrar within 30 days and upon any change in the information within 30 days of the change:

- i. the name of the professional corporation as registered with the Ministry of Government Services;
- ii. any business names used by the professional corporation;
- iii. the name, as set out in the register, and registration number of each shareholder of the professional corporation;
- iv. the name, as set out in the register, of each officer and director of the professional corporation, and the title or office held by each officer and director;
- v. the principal practice address, telephone number, facsimile number and email address of the professional corporation;
- vi. the address and telephone number of all other locations, other than residences of clients, at which the professional services offered by the professional corporation are provided; and
- vii. a brief description of the professional activities carried out by the professional corporation.

**23. FUNDING FOR THERAPY AND COUNSELLING FOR SEXUAL ABUSE**

The Patient Relations Committee may require therapists and counselors who are providing therapy or counselling funded through the program and persons who are receiving such therapy or counselling to provide a written statement, signed in each case by the therapist or counsellor and by the person, which shall contain:

- i. details of the therapist or counsellor's training and experience;
- ii. confirmation that the therapy or counselling is being provided to the client; and
- iii. confirmation that the funds received will be devoted only to therapy or counselling that is related in whole or in part to the sexual abuse by the member.

## **24. BY-LAWS AND AMENDMENTS**

### **24.01 Effective Date**

These by-laws shall become effective as soon as they have been approved by the Council.

### **24.02 Amendments**

The by-laws of the College or any section thereof may be enacted, amended, or revoked by a simple majority of the Council members present and voting at a meeting of Council called for that purpose.

**25. MEMBERSHIP IN OTHER ORGANIZATIONS**

The College shall become members of the following organizations and shall assume the payment of their annual assessments. The Council shall determine who will represent the Council at their meetings:

**Federation of Health Regulatory Colleges of Ontario (FHRCO)**

**Council on Licensure, Enforcement and Regulation (CLEAR)**

## **SCHEDULE 1 TO THE BY-LAWS**

### **Process for Election of Officers**

The elections will be supervised by the Registrar. The Registrar may be assisted by scrutineers.

Before the first regular meeting of the newly elected Council each year or at any other Council meeting designated for the purpose by Council resolution, the Registrar shall send an invitation to all Council members requesting any person wishing to stand for election to the offices of the President, Vice-President and Executive Committee member to indicate so, in writing, to the Registrar.

A member's written intent must be supported by the signatures of two other members.

Nominations are to be returned to the Registrar no later than 5:00 p.m. on the day before the meeting of Council when the election of officers shall take place.

At the meeting of Council when the election of officers shall take place, the Registrar shall present the names of eligible candidates who have indicated their interest for the position of President.

Where there is only one nominee for a position, that person shall be elected by acclamation. In the event that there is more than one candidate for the office, the voting will be conducted by ballot, with the result being tabulated and then recorded and reported by the Registrar. Before the vote, candidates shall be given the opportunity to speak briefly (order to be determined by lot). The election of a candidate shall be confirmed by a majority vote of those present and voting. Where no candidate receives a majority vote, the candidate receiving the fewest votes shall be disqualified and the Council shall, by ballot, vote on the remaining candidates until one candidate receives a majority vote.

In the event of a tie, a second ballot will take place. Candidates will have an opportunity to speak briefly before the vote. If the second ballot also results in a tie, the winning candidate will be determined by lot.

The results of each election will be tabulated and reported by the Registrar, with the number of votes accorded to each candidate to remain confidential.

Once the President is elected, the Vice-President shall be nominated and elected in a similar manner. Once the Vice-President has been elected, the remaining Executive Committee positions shall be filled, in a similar manner ensuring that there are an appropriate number of members and public members.

Once the election is completed, the Registrar shall call for a motion to destroy the ballots.

The elected members of the Executive Committee may then speak briefly.

The above process shall be followed for every election of officers, with the exception of the first election of officers, which may deviate from the above process to the extent deemed necessary by the Registrar.



**SCHEDULE 2 TO THE BY-LAWS**  
**Rules of Order of the Council**

1. In this Schedule, "member" means a member of the Council.
2. Each agenda topic will be introduced briefly by the person or committee representative raising it. Members may ask questions of clarification, then the person introducing the matter shall make a motion and another member must second the motion before it can be debated.
3. When any member wishes to speak, he or she shall so indicate by raising his or her hand and shall address the presiding officer and confine his or herself to the matter under discussion.
4. Staff persons and consultants with expertise in a matter may be permitted by the presiding officer to answer specific questions about the matter.
5. Observers at a Council meeting are not allowed to speak to a matter that is under debate.
6. A member may not speak again on the debate of a matter until every other member who wishes to speak to it has been given an opportunity to do so. The only exception is that the person introducing the matter or a staff person may answer questions about the matter. Members will not speak to a matter more than twice without the permission of the presiding officer.
7. No member may speak longer than five (5) minutes on any motion except with the permission of Council.
8. When a motion is under debate, no other motion can be made except to amend it, to postpone it, to put the motion to a vote, to adjourn the debate or the Council meeting or to refer the motion to a committee.
9. A motion to amend the motion then under debate shall be disposed of first. Only one motion to amend the motion under debate can be made at a time.
10. When it appears to the presiding officer that the debate on a matter has concluded, or when Council has passed a motion to vote on the motion or when the time allocated to the debate on the matter has concluded, the presiding officer shall put the motion to a vote.
11. When a matter is being voted on, no member shall enter or leave the Council room, and no further debate is permitted.
12. No member is entitled to vote upon any motion in which he or she has a conflict of interest, and the vote of any member so interested will be disallowed.

13. Any motion decided by the Council shall not be re-introduced during the same meeting except by a two-thirds vote of the members then present.
14. Whenever the presiding officer is of the opinion that a motion offered to the Council is contrary to these rules or the by-laws, he or she shall rule the motion out of order and give his or her reasons for doing so.
15. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.
16. The above rules may be relaxed by the presiding officer if it appears that greater informality is beneficial in the particular circumstances, unless the Council requires strict adherence.
17. Members are not permitted to discuss a matter with observers while it is being debated.
18. Members shall turn off cell phones during Council meetings and, except during a break in the meeting, shall not use a cell phone, Blackberry or other electronic device. Laptops shall only be used during Council meetings to review materials related to the matter under debate (e.g., electronic copies of background documents) and to make personal notes of the debate.
19. Members are to be silent while others are speaking.
20. In all cases not provided for in these rules or by other rules of Council, the current edition of "Robert's Rules of Order" shall be followed so far as they may be applicable.
21. These Rules shall apply, with necessary modifications, to meetings conducted by teleconference or any other electronic means permitted by the by-laws, including audio or video conferencing.

### SCHEDULE 3 TO THE BY-LAWS Code of Conduct

1. This Schedule applies to members of Council and members of all committees of the College.
2. Council and committee members must, at all times, maintain high standards of integrity, honesty and loyalty when discharging their College duties. They must act in the best interest of the College. They shall:
  - i. be familiar and comply with the provisions of the *Regulated Health Professions Act, 1991* and its regulations, the Health Professions Procedural Code , the *Kinesiology Act, 2007* and its regulations, and the by-laws and policies of the College;
  - ii. Be prepared to participate in Council meetings and committee work, including reading background materials and briefing documents;
  - iii. Diligently take part in committee work and actively serve on committees as appointed by the Council;
  - iv. Regularly attend meetings on time (including not missing two (2) or more consecutive meetings without reasonable cause) and participate constructively in discussions;
  - v. Offer opinions and express views on matters before the College, Council and committee, when appropriate;
  - vi. Participate in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council and committee members;
  - vii. uphold the decisions made by a majority of Council and committees, regardless of prior individual disagreement;
  - viii. place the interests of the College, Council and committee above all other interests;
  - ix. avoid and, where that is not possible, declare any appearance of or actual conflicts of interest;
  - x. refrain from including or referencing Council or committee titles or positions held at the College in any personal or business promotional materials, advertisements and business cards (although referencing one's titles or positions held at the College in one's curriculum vitae is acceptable so long as the curriculum vitae is not overtly used in a promotional manner);
  - xi. preserve confidentiality of all information before Council or committee unless disclosure has been authorized by Council or is otherwise exempted under s. 36(1) of the RHPA;

- xii. refrain from attempting to influence a statutory decision unless one is a member of the panel or, where there is no panel, of the committee dealing with the matter;
- xiii. respect the boundaries of staff whose role is not to report to or work for individual Council or committee members including not contacting staff members directly, except on matters where the staff member has been assigned to provide administrative support to that committee or the Council or where otherwise appropriate; and
- xiv. be respectful of others and not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment.

**SCHEDULE 4 TO THE BY-LAWS****Terms of Reference for Non-Statutory or Ad Hoc Committees**

1. Pursuant to article 12, the Council may, from time to time, create non-statutory committees. These committees are created for a specific purpose and may be created or disbanded by motion of Council.
2. With the exception of the Examination Committee ~~and the~~ Item Writing Committee, and Governance Committee, and unless otherwise stated in the Terms of Reference, non-statutory committees are composed of a minimum of three (3) members, with a cross-section of professional, public and academic members of Council, with at least one (1) member being a Council member appointed by the Lieutenant Governor's Order-in-Council.
3. When required, non-statutory committees may be supported by legal and technical consultants and other resource persons as required.
4. Non-statutory committees shall provide:
  - i. a written agenda to the Registrar;
  - ii. written minutes of all meetings to the Registrar;
  - iii. all correspondence through the office of the Registrar; and
  - iv. reports to Council for each Council meeting.

## **Attachment 1 to Schedule 4**

### **Terms of Reference for the Entry-to-Practice Examination Committee**

#### **1. Purpose**

The Examination Committee, under the direction of the Council of the College of Kinesiologists of Ontario, is responsible for the management of the entry-to-practice examinations which are requirements of registration for all applicants to the College who do not meet the grandparenting provisions.

#### **2. Accountability**

The Examination Committee is a standing committee of Council and is accountable directly to Council. Each member of the Examination Committee must sign a binding Confidentiality Agreement.

Council will ensure that members of the Examination Committee receive training in their role and in carrying out their responsibilities on the Committee. In addition, Council will ensure that members receive such legislated training and other training as deemed necessary by Council for the effective discharge of their responsibilities.

#### **3. Membership**

Majority of members of the Examination Committee will be recruited and appointed from among the membership of the College and appointed for a term of two or four years, determined on a scheduled basis to ensure continuity and retention of expertise and knowledge on the Committee.

The Examination Committee shall be comprised of no fewer than ten (10) members and no more than fifteen (15) members. All members are appointed by Council.

The total period which an appointee may serve on the Examination Committee shall not exceed six consecutive years. An appointment may be renewed by Council.

At least one member of the Examination Committee shall be appointed from among those directly involved in teaching required courses in kinesiology degree programs in Ontario. This appointment shall be for a period of two years.

At least one member of the Committee must have in-depth knowledge of the regulatory environment and the self-governance requirements among the health professions in Ontario.

At least two members of the Examination Committee must be proficient in French.

#### **4. Selection of Examination Committee members**

The Registrar will issue an invitation to College members to volunteer to serve on the Examination Committee.

In reviewing volunteers from among the membership, the Executive Committee will review all candidates' credentials and recommend to Council proposed members of the Examination Committee. Consideration will be given to the following:

- Geographic representation;
- Focus of practice;
- Years of experience;
- Gender;
- Language (French or English);
- Currency of practice;
- Current make-up of the Committee;
- Other relevant experience; and
- Academic diversity.

To invite volunteers from among academic programs whose graduates may apply to the College, the Registrar will write to the dean, chair or program director of each Ontario university and college providing a degree program in kinesiology or equivalent (potentially), asking for nominations from among their faculty of one or more persons. The Executive Committee will review all nominations and select one or more candidates to recommend to Council for appointment.

#### **5. Structure of the Examination Committee**

The Committee will elect from among its members a chair and a vice-chair. The first elected chair will serve for two years.

#### **6. Expenses and remuneration of members**

Members will be paid a per diem which is an honorarium for meeting time. Rates are described in the Financial By-laws of the College.

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

#### **7. Expected time commitment**

The Committee will meet once per year for three days to review and approve new examination test forms. One or more teleconference meetings will also be scheduled to review examination results.

Additional meetings may be required should Council, on the advice of the Examination Committee, feel that a complete refresh of the Core Competency Profile, Examination Blueprint or the entry-to-practice examination is required prior to the five-year mark currently planned.

All meetings of the Examination Committee will be scheduled with sensitivity to the work schedules of members.

## **8. Responsibilities**

Working under the direction of the Council and in collaboration with the company selected by Council to administer the examination on its behalf, the Examination Committee shall be responsible for the following:

- Maintaining the Examination Blueprint;
- Setting the examination test forms;
- Selecting validators to ensure that the items meet psychometric principles of fairness, technical validity, appropriate to entry level and reliability;
- Determining the cut-score or passing score;
- Maintaining the Examination Guide to be used by candidates approved to take the examination(s).
- Ongoing review of administrator's reports;
- Setting examination dates; and
- Periodic consideration of the Core Competency Profile and recommending to Council whether updates are required.

## **9. Confidentiality and risk management**

Appointees to the Examination Committee will have access to highly sensitive and confidential information. Any breach of confidentiality will result in serious costs to the College and could result in delays for individuals wishing to register with the College as members. The College requires each appointee to sign and strictly adhere to a Confidentiality Agreement.

## **10. Confidence**

The College is statutorily mandated to protect the public and is therefore accountable for having defensible examinations that are valid, reliable and fair.

Members of all committees of Council are expected to adhere to the Code of Conduct approved by Council. While not all members of the Examination Committee will necessarily be members of the College, in accepting appointment to the Committee, they will be held to the Code of Conduct.

## **11. Insurance and Liability**

The Council has contracted with an insurer for:

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



## Attachment 2 to Schedule 4 Terms of Reference for the Item Writing Committee

### Definitions

**“Examination Committee”** means a standing committee of Council appointed to direct the development and management of the entry-to-practice examination which is required of applicants for registration.

**“The exam provider”** means a company hired by the College of Kinesiologists of Ontario to develop and administer the entry-to-practice, competency-based examination to qualified applicants to the College.

### 1. Purpose

The Item Writing Committee (IWC), acting under direction of the Examination Committee and the exam provider, is responsible for the development of test items which correspond to the approved Examination Blueprint and for reviewing items for accuracy, appropriate level of difficulty and currency with practice.

### 2. Accountability

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

Council will ensure that members of the Item Writing Committee receive training in their role and in carrying out their responsibilities on the Committee. In addition, Council will ensure that members receive such legislated training and other training as deemed necessary by Council for the effective discharge of their responsibilities.

### 3. Membership

The majority of members of the Item Writing Committee will be recruited and appointed from among the membership of the College and from among volunteers who have a thorough knowledge and understanding of kinesiology practice in Ontario.

The Item Writing Committee shall be comprised of up to thirty-six (36) persons appointed by Council. This initial Committee will create and maintain a robust item bank from which the entry-to-practice examination test forms will be constructed according to the approved Examination Blueprint.

Each year, panels of the Item Writing Committee will meet to develop additional items for the item bank and will replace poorly performing items identified by the exam provider and the Examination Committee.

The total period which an appointee may serve on the Item Writing Committee shall not exceed six consecutive years. An appointment may be renewed by Council.

At least two members of the Item Writing Committee must be proficient in French.

#### **4. Selection of Item Writing Committee members**

Each year the Registrar will issue an invitation to College members to volunteer to serve on various committees including the IWC. The Registrar will contact university and college kinesiology degree-granting programs to invite volunteers from among faculty members to participate as item writers.

In reviewing applications, the Examination Committee will consider the current composition of the IWC and the needs of the IWC for particular areas of knowledge and experience to ensure broad representation from all areas of practice in kinesiology and will propose to Council the addition of new item writers as necessary. Consideration will be given to the following:

- Geographic representation;
- Area of practice, expertise and knowledge;
- Years of experience;
- Gender;
- Language (French or English);
- Currency of practice;
- Other relevant experience; and
- Academic diversity.

#### **5. Structure of the Item Writing Committee**

Panels of the Item Writing Committee will be called by the College to participate in structured workshops generally facilitated by the exam provider. No meeting of the full Committee will occur.

The item bank must be continuously updated to ensure that recent developments in kinesiology are reflected in the items and to mitigate against security breaches by ensuring that multiple examination forms can be developed at short notice.

#### **6. Expenses and remuneration of members**

Remuneration of members of standing committees will be in accordance with the approved By-laws of the College of Kinesiologists of Ontario.

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

#### **7. Expected time commitment**

The item writing and review process has been designed to be flexible, cost effective and includes a mix of on-site and off-site item-writing. Training and guidance are provided by the exam provider along with editing and psychometric review.

As required, specific panels may be called to augment the number of items relating to a specific area of practice or to complete special tasks relating to the preparation guide or to the item bank. Panels of item writers will be called together each year to develop items, to review items and to review and validate translation of items. Not all members may be requested to participate in a panel in any given year. Total time commitment will vary depending upon the development of items prior to workshops. Any panel meeting is likely to be 2-4 days.

## **8. Responsibilities**

Working under the direction of the exam provider and the Examination Committee, the IWC will be responsible for the following:

- Development of test items which correspond to the Examination Blueprint; and
- Reviewing items for accuracy, appropriate level of difficulty and currency with practice.

## **9. Confidentiality and risk management**

Appointees to the IWC will have access to highly sensitive and confidential information. Any breach of confidentiality will result in serious costs to the College and could result in delays for individuals wishing to register with the College as members. The College requires each appointee to sign and adhere to a binding Confidentiality Agreement.

## **10. Confidence**

The College is statutorily mandated to protect the public and is therefore accountable for having defensible examinations that are valid, reliable and fair.

Members of all committees of Council are expected to adhere to the Code of Conduct approved by Council. While not all members of the Examination Committee will necessarily be members of the College, in accepting appointment to the Committee, they will be held to the Code of Conduct.

## **11. Insurance and Liability**

The College has contracted with an insurer for:

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

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

## Attachment 3 to Schedule 4 Terms of Reference for the Governance Committee

### Definitions

**“Governance Committee”** means a standing committee of Council appointed by Council to screen and assess the competency and eligibility of individuals seeking election to Council and / or appointment to committees.

#### 1. Purpose

The Governance Committee, supported by College staff, is responsible for screening applicants seeking election to Council, and/or appointment to committees, and assessing their competence and eligibility to be elected to serve on Council and/or appointed to committees. The Governance Committee also serves to periodically review and update the Council and Committee Competency Profile and competency-based assessment and education processes and tools.

#### 2. Accountability

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

Council will ensure that members of the Governance Committee receive training in their role by College staff for the effective discharge of their responsibilities on the Committee.

#### 3. Membership / Committee Composition

The Governance Committee shall be composed of former Council and committee members, and current and/or former regulatory college senior management and/or legal counsel who have a thorough knowledge and understanding of the College’s governance transformation agenda and competency-based assessment and education.

The term of office of a Governance Committee member shall commence immediately after the appointment and shall continue for approximately two (2) years. The total period which an appointee may serve on the Governance Committee shall not exceed 5 consecutive years. An appointment may be renewed by the Council each year after the first two years. The Governance

Committee shall elect a chair from among themselves at the first meeting for a maximum of two (2) consecutive one (1) year terms.

The Governance Committee is established as a non-statutory committee and no current member of Council or committee shall sit as a member of the Governance Committee.

#### **4. Selection of Governance Committee members**

Each year College staff will issue an invitation to College former Council and committee members and regulatory college senior management and/or legal counsel to volunteer to serve on the Governance Committee.

In reviewing applications, College staff will consider the current composition of the Governance Committee and the needs of the Governance Committee for areas of knowledge and experience and to ensure diversity of representation and will recommend the appointment of new members as necessary. Consideration will be given to the following:

- Knowledge, expertise and experience with governance transformation, competency-based assessment and education;
- Years of experience;
- Gender;
- Language (French or English);
- Geographic representation; and
- Other relevant experience.

Each year, College staff will recommend a slate of Governance Committee members to Council for formal appointment.

#### **5. Quorum and minimum composition**

The quorum of the Committee is three (3) members.

#### **6. Panels**

The Committee may meet in panels of three selected by the Chair of the Committee.

#### **7. Structure of the Governance Committee**

The full Governance Committee will review and update the Council and Committee Competency Profile periodically to ensure that it is current, relevant to the circumstances of the College, and reflects the individual and collective competencies necessary for effective governance of the College.

The Committee will meet periodically to review and update the competency-based assessment and education processes and tools.

College staff will call panels of the Governance Committee to participate in meetings generally facilitated by College staff for the purposes of screening applicants to assess competence and eligibility, determine eligibility to run for election to Council and/or be appointed to committee(s), and making recommendations regarding appointments to committees.

#### **8. 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.

## **9. Expected time commitment**

The competency-based assessment and education processes will be designed and implemented to be flexible, cost effective and support virtual meetings of the Governance Committee. College staff will provide Governance Committee orientation, training and support.

During the nomination process, panels of the Governance Committee will convene for half-day meetings to review and screen applicants' submissions and determine eligibility to run for election to Council. The number of meetings will depend on the volume of applicants seeking election to Council.

Following the election and throughout the year as necessary, panels of the Governance Committee will convene for half-day meetings to review and screen applicants' submissions and determine eligibility for appointment to committee(s). The number of meetings will depend on the volume of applicants seeking appointment to committee(s).

Following the election, panels of the Governance Committee will convene for half-day meetings to recommend a slate of committee appointments to Council.

As required, specific panels of the Governance Committee may convene to complete special tasks relating to the review and update of the Competency Profile and competency-based assessment and education processes and tools.

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

Panel meetings are likely to be a half day in length.

## **10. Responsibilities**

Working in consultation with College staff, the Governance Committee will be responsible for the following:

- Assessment of applicants' competence and eligibility to run for election and/or appointment to committee(s) in accordance with the By-Laws;
- Using the applicants' assessment results to identify further training and development required by individuals and/or Council/committees as a whole;
- Recommending a slate of committee appointments to Council;
- Periodic review and update of Council and Committee Competency Profile;
- Periodic review of competency-based assessment and education processes and tools, including Eligibility Course and Exam content, and additional Council and committee training modules;

- Periodic review and revision of Council and committee evaluation processes and tools;
- Preparation of report to Council on members' evaluation results.

### **11. Confidentiality and risk management**

Appointees to the Governance 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 Agreement.

### **12. Confidence**

The College is standing mandated to protect the public.

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

### **13. Insurance and Liability**

The College has contracted with an insurer for:

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