

Council Meeting Minutes

Date/Time of Meeting:	June 29, 2020 / 10:30am (9:30am In-Camera Session)
Council Present:	Jennifer Pereira, Chair, Teresa Bendo, Sara Gottlieb (in camera only), Stefanie Moser, Elwin Lau, Leslee Brown, Victoria Nicholson, Derek DeBono, Graydon Raymer, Mary Pat Moore, Ryan Wight, Chad McCleave
Staff Present:	Brenda Kritzer, Nancy Leris, Vivian Fragale, Ryan Pestana, Lara Thacker, Keisha Simpson
Guests Present:	Don Gracey, the Ontario Athletic Therapist Association; Kim Stroesser, the Ontario Athletic Therapist Association; Stuart Moulton, Ontario Kinesiology Association, Samia Shaheen, Ministry of Health and Ministry of Long-Term Care; Michael Robinson, Canadian Athletic Therapists Association; Tyler Quennell, the Ontario Athletic Therapist Association

1. Call to Order

Jennifer Pereira, Chair, welcomed Council and called the meeting to order at 10:38am.

Jennifer noted that a resignation had been received from Professional Member, Katie St. Denis. Katie is leaving the practice of kinesiology to pursue a new job opportunity. The College thanks her for her contributions to Council and Committees and wishes her all 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. Conflict of Interest Declarations

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

3. Statement by the President concerning Anti-Racism and Systemic Discrimination

Jennifer took a few minutes to discuss a call to action regarding anti-racism and systemic discrimination, a topic which has been made more urgent by recent events in the United States. She read the following statement:

CKO's statement on systemic racism

The College acknowledges that systemic racism is real and present in our society. For true progress to be made on this issue, its existence must be recognized by organizations like ours with a duty to serve and protect the public interest.

We serve and protect all people who use the services of registered kinesiologists, regardless of their race, ethnic origin and provisions covered under Human Rights legislation. We also acknowledge that more can and should be done to educate and empower our registrants, Council, volunteers, and staff on the issue of systemic racism. That is why the College is committed to the following actions:

- Full review of the Code of Ethics for kinesiologists to strengthen provisions around discrimination.
- Development of learning tools for kinesiologists to help them identify systemic racism and prevent it within the healthcare context.
- Full review of the Code of Conduct for Council, the College's decision-making body, to add provisions that address discrimination.
- Full review of the College's human resources policies and practices to strengthen provisions around discrimination.

Our communities are at a critical turning point in a global fight for justice and equality. We support these efforts and will do our part to advance positive social change.

Council requested that action items be included and that a timeline with proposed completion dates be provided to Council within the next two to three weeks.

4. Approval of Agenda

Jennifer noted that the agenda was very long and proposed that agenda items 11, 16, and 18 which were information items, be postponed. This included the human resources presentation by Natasha Danson, the Communications Strategic Plan, and the presentation on Peer Circles.

*UPON A MOTION duly made by Derek DeBono and seconded by Leslee Brown, it was resolved that the agenda be approved as amended. **Carried.***

5. Approval of Minutes

*UPON A MOTION duly made by Ryan Wight and seconded by Leslee Brown, it was resolved that the March 30, 2020 Minutes be approved as presented. **Carried.***

6. Action Items Arising From Previous Meetings

- December 2, 2019 minutes to include details of the in-camera session. COMPLETED
- Ryan Wight to be noted as a Professional Member on the revised Committee Slate. COMPLETED
- The revised 2020 election schedule to be posted on the website. COMPLETED

7. Committee Reports

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

Teresa Bendo, Patient Relations Committee Chair, presented revised Terms of Reference for the Patient Relations Committee. She put forth a recommendation to expand the mandate of the Patient Relations Committee to include communications which would provide for more Council input to communications and strengthen the focus on patients and the public.

*UPON A MOTION duly made by Teresa Bendo and seconded by Elwin Lau, it was resolved that Council approve the revised Terms of Reference for the Patient Relations Committee. **Carried.***

8. Registrar's Report

Brenda Kritzer provided an update on elections. Marie Cousineau has been proclaimed in District #2 and Lynne Bonsignore has been elected by proclamation in District 4. In District 3 there is a contested election with two candidates. The election will occur during the week of July 7 to 14.

Orientation of new Council members is scheduled for August 19. Orientation will continue once the new Council is assembled with training for all Council members. All current Council members will continue as Council members until the new Council is constituted in September.

College staff continue to work from home, with a few occasionally working from the office. Staff continue to monitor the situation and all staff will be engaged in the development of a return to work plan.

The College provided an online seminar featuring public health experts, providing guidance for health care professionals returning to work. This online workshop was coordinated by Ryan Pestana who worked closely with the Colleges of Massage Therapists, Occupational Therapists and Physiotherapists. The workshop was recorded and is now available for other colleges and individuals to view.

Brenda discussed the vacancy in the professional conduct portfolio. She has contracted two individuals who also provide investigation services. They will be providing support to Committees, investigations and policy work on an as-needed basis.

In April, Brenda was invited to present at the virtual AGM of members of the Ontario Athletic Therapist Association.

The Specialties Committee has not been asked to meet during this past quarter. A work-plan is under development for the Committee and meetings will be held over the summer to move forward on the review of the submission from the Ontario Athletic Therapist Association. Letters of support have been received from interested stakeholders and these will be provided to the Committee to consider as part of its review.

In response to updates from the Committee Chair, the Registrar noted that she and Graydon Raymer drafted 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. Graydon clarified that, while he is the member elected for the Education District, his role on Council is similar to every other member's role and not to act as an educational expert to "advise Council".

Brenda made reference to the correspondence that was included in the Council package.

- A letter from the President of the OATA asking that the College consider issuing a professional standard concerning anti-discrimination and racism
- A proposed response to the OATA
- A copy of a letter sent by the Ontario Kinesiology Association to the Minister of Health requesting that the Government "instruct those Regulatory Colleges where a significant proportion of members have been drastically restricted from providing service during the pandemic, to provide relief from College fees during their next annual renewal". This letter was reviewed by the Executive Committee and the Finance and Planning Committee. No comment has been made to the OKA pending further discussion by Council today of recommendations of the Finance and Planning Committee.

Brenda also noted that the College is participating in an initiative with approximately 11 other Colleges, which are small to mid-range in registration numbers. The purpose of the initiative is to investigate and commit to initiatives, which enable colleges to benefit from collaboration and cooperation.

With regard to the letter from the OATA proposing a standard concerning anti-racism, a fulsome discussion ensued.

The Registrar was asked whether the OATA sent similar correspondence to any other health college or association. The OATA confirmed to Brenda Kritzer that they had only sent a letter to the College of Kinesiologists.

Brenda Kritzer noted a number of tasks already being undertaken by College staff in relation to addressing gaps in College by-laws, policies, procedures, and the overall diversity of regulated kinesiologists.

UPON A MOTION duly made by Graydon Raymer and seconded by Stefanie Moser, it was resolved that Council approve the proposed response to the Ontario Athletic Therapist Association in regards to developing a standard addressing discrimination and anti-racism. Carried.

9. President's Report

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

- In spite of the recent pandemic, College operations continue to run as usual and commended staff for their hard work during this time.
- She attended the virtual AGM of members of the Ontario Athletic Therapist Association and noted that it was very productive and educational.
- She assisted with drafting the back-to-work guidelines for Kinesiologists.
- Weekly one-to-one calls with Brenda have been scheduled to keep abreast of College business.

10. Transparency- Executive Committee Minutes and Agenda

Jennifer noted that Council has committed to taking initiatives to improve accountability through reporting on identified performance indicators. One key performance indicator and demonstration of accountability is transparency. A Decision Note was included in the Council package addressing an opportunity to be more consistent in the College's commitment to accountability through transparency. This focuses on establishing transparent decision criteria for calling a meeting of the Executive Committee and ensuring transparency concerning decisions and matters considered.

A fulsome discussion ensued. There was concern that reporting from the Executive Committee to Council was lacking. It was suggested that an attempt be made to constitute Council for urgent matters. If quorum is not possible, urgent matters can then be delegated to the Executive Committee.

Brenda Kritzer will revise the Executive Committee Terms of Reference for Council's review.

11. Establishing criteria and parameters for how we assess scope of practice

Derek DeBono presented to Council on the topic of establishing criteria and parameters for how the College assesses scope of practice. He indicated that he is concerned if kinesiologists who are not

certified present themselves as being competent to provide athletic therapy. He requested that the College develop criteria specifying what credentials a registrant must have in order to practice athletic therapy.

A discussion ensued. It was noted that the practice of athletic therapy lies completely within the scope of practice of kinesiology. It was noted that the Committee on Specialties had requested evidence from the OATA of both regulated and unregulated practitioners causing harm to patients as a result of incompetence in the areas of athletic therapy. The OATA indicated that there is a lack of research in this area. Council members also noted that regulated health care professionals are required to act only within their sphere of competence. The College confirmed that it had received no complaints of kinesiologists being incompetent to provide therapeutic services (athletic therapy) or to use the treatment modalities associated with athletic therapy.

12. Practice Guideline: Working Outside of Scope during Health Emergencies

Lara Thacker, Director, Quality Assurance, presented the Practice Guideline for working outside of scope during health emergencies. The Guideline was reviewed by both the Working Group and the Quality Assurance Committee.

UPON A MOTION duly made by Victoria Nicholson and seconded by Graydon Raymer, it was resolved that Council accept the Practice Guideline: Working Outside of Scope of Practice during Health Emergencies as presented therein. Carried.

13. Draft Budget & Performance Plan 2020/21

Nancy Leris, Director, Operations & Financial Services, presented the draft budget and performance plan for 2020/2021. Both were included in the Council package and posted with other Council materials for discussion on the public website.

On May 25th the Planning and Finance Committee reviewed the proposed Budget presented by the College and considered whether provision has been made to meet the requirements of the College to carry out the performance plan during the new fiscal year September 1, 2020 to August 31, 2021.

UPON A MOTION duly made by Chad McCleave and seconded by Teresa Bendo, it was resolved that Council approves the performance plan and budget for the new fiscal year 2020-2021, beginning September 1, 2020. Carried.

14. Recommendation from the Finance and Planning Committee

Chad McCleave, Chair of the Finance and Planning Committee, provided an update on government relief programs. He noted that, because the College has not had a significant loss of revenue during COVID-19, the College does not qualify for most relief programs. He noted the following:

- The College has been receiving the 10% temporary wage subsidy through the payroll service through the reduction of remittance of income tax withheld on employees' remuneration. This is up to \$25,000.
- The College received the employment health tax relief. They have increased the exemption from \$490,000 to \$1 million (relief of up to \$9,945)
- The landlord will not be providing the College with any relief regarding rent since they are not participating in the Canada Emergency Commercial Rent Assistance.
- The College has applied for the Canada Emergency Business Account loan for small businesses. This is an interest free loan of up to \$40,000. Repaying the balance of the loan on or before December 31, 2022 will result in loan forgiveness of 25 percent (up to \$10,000).

A five-year cash flow projection was developed by the College. This was presented to the Finance and Planning Committee. The College is in a stable financial position if business proceeds as per usual in the short to medium term.

Chad put forth a recommendation by the Finance & Planning Committee for renewal in 2020. It was proposed that members renewing between September 1, and September 30 not be charged a late fee. Additionally members suspended on October 1, 2020 for non-renewal who reinstate between October 1 and October 31 will not pay a re-instatement fee or a late fee.

Chad noted that the Finance & Planning Committee acknowledges that some members are experiencing financial hardship due to public health restrictions due to COVID-19. While the fees for renewal are already among the lowest for any health profession regulator of a comparable size, the Committee agreed that some relief is warranted for those members who may be experiencing hardship. There is opportunity to make individual arrangements such as fee payment by installments. There is also opportunity for the College to demonstrate concern for members as they get back to work by allowing members additional time if necessary to pay their renewal fees without penalty.

*UPON A MOTION duly made by Stefanie Moser and seconded by Mary Pat Moore, it was resolved that Council approve that in this year of disruption due to the COVID-19 pandemic, late membership fees be waived up to sixty days and that members who are renewing by September 30 not be charged a late fee. Members who have not renewed by September 30 will be suspended on October 1. Such members, if they re-instate by October 31, will not be charged a late fee or a re-instatement fee. **Carried.***

Elwin Lau abstained from voting.

15. Enterprise Risk Management

Brenda Kritzer presented the Risk Management Plan. She identified risks and proposed mitigation strategies as outlined in the plan.

Brenda highlighted financial risks and indicated that all unbudgeted financial commitments in excess of \$20,000 will require prior review by Finance and Planning Committee and approval by Council. She also indicated the importance of Council ensuring that appointments to the Finance and Planning Committee include individuals with financial expertise.

Brenda proceeded to review areas such as information management, the College's database system, capital equipment, examination security, validity of the exam, human resources, governance and compliance.

She reminded Council that, as part of its oversight role, Council reviews the Risk Management Plan to consider and determine the Risk Tolerance of the College and to be assured that the College has considered possible risks and has in place measures and planned responses to address risk.

UPON A MOTION duly made by Chad McCleave and seconded by Victoria Nicholson, it was resolved that Council accepts the Risk Management Plan for 2020-2021 and approves the risk prioritization as presented therein. Carried.

16. Vacancy- District 1

Communications Manager, Ryan Pestana, presented the Decision Note for the vacancy in District 1. Katie St. Denis' resignation created a long-term vacancy in this District since the seat became vacant more than 12 months before the member's term of office expired. One of the options is to appoint the runner-up from the election in that District. That member has indicated an interest in filling the vacancy on Council.

It was noted that there had been a number of resignations from Council. Ideas were discussed including initiating exit interviews with Council members who resign before the completion of their term. Council requested that the President investigate why Council members resign.

UPON A MOTION duly made by Stefanie Moser and seconded by Mary Pat Moore, it was resolved that Council appoint the runner up in the 2019 election to fill the vacancy in District 1. Carried.

17. Review of Action Items

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

18. Closing Comments/Motion for Adjournment

It was moved by Chad McCleave to adjourn the meeting at 3:40pm.

DRAFT