

College of Kinesiologists of Ontario Council Meeting Minutes	
Date/Time of Meeting	Tuesday, May 14, 2013, 9.35am
Chair	Conny Glenn (CG)
Timekeeper	Monica McPherson
Notetaker	Monica McPherson
Present	Conny Glenn (CG), Neil McCartney (NM), Robert Ross (RR), Elizabeth Chapman (EC), Tony Bauer (TB), Maureen Ralph (MR), Denise Nadeau (DN), Doug Lafreniere (DL)
Regrets	Michelle Meghie (MM)
Staff in Attendance/ Guests	Staff: Brenda Kritzer (BK), Stamatis Kefalianos (SK), Lara Thacker (LT), Cara Moroney (CM), Magda Reder (MR), Ryan Pestana (RP), Monica McPherson (MMcP) Guests: Stuart Moulton, Ontario Kinesiology Association
Constitution of the Meeting	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.
Conflict of Interest	<p>Facilitator: CG</p> <p>This is the first official meeting as a board of the College of Kinesiologists (post-proclamation). The President thanked Council members and College staff for the work, dedication and commitment for the last four years bringing the College to this important point in the regulation of kinesiology as a profession.</p> <p>For the purpose of the minutes, members were asked to declare any conflicts of interest or factors that could be perceived as such.</p> <p>No member declared a specific conflict of interest. Council members described affiliations or other factors which might be perceived as potential for conflict of interest.</p> <ul style="list-style-type: none"> ▪ Elizabeth Chapman declared that she is a member of the Ontario Kinesiology Association (OKA) and the Canadian Kinesiology Association (CKA). Her life partner is Stuart Moulton, an employee of Fletcher Wright Associates, the management company for the OKA and he holds the position of executive Director for the OKA in addition to his other responsibilities for Fletcher Wright Associates. ▪ Conny Glenn is a member of the OKA. Prior to being appointed to the transitional Council she provided consulting services to professional associations engaged in discussions over the previous year with the transitional Council regarding potential membership of their members in the College. ▪ Neil McCartney is a member of the American College of Sports Medicine (ACSM). He is Dean of the Faculty of Applied Health Sciences at Brock University. ▪ Robert Ross is a member of Canadian Society of Exercise Physiology (CSEP), ACSM, and the American Heart Association; also sits on the advisory boards of four companies concerned with physical health. He is a professor in the

	<p>kinesiology program at Queen’s University.</p> <ul style="list-style-type: none"> ▪ Doug LaFreniere is a member of CSEP. ▪ Rod Hare is a member of OKA, American Kinesiology Association, and previously applied to the Canadian Athletic Therapists Association, and sits on the advisory board for the exercise science and health program at Sheridan College ▪ Tony Bauer did not declare any conflicts ▪ Denise Nadeau is a registered physiotherapist and a member of the College of Physiotherapists of Ontario ▪ Maureen Ralph is a registered nurse and a member of the College of Nurses of Ontario
<p>Approval of Agenda</p>	<p>Facilitator: CG</p> <p>UPON A MOTION duly made by DN, it was resolved that the Agenda be approved. CARRIED.</p>
<p>Approval of Minutes of March 28, 2013</p>	<p>Facilitator: CG</p> <p>UPON A MOTION duly made by RR, it was resolved that the Minutes of March 28, 2013 as circulated, be approved. CARRIED.</p>
	<p style="text-align: center;"><u>Review of Action Items</u></p> <ol style="list-style-type: none"> 1. Proposed amendments to the Use of Title & Designations guidelines, posted on College website Completed 2. Amended Bylaw 16 be circulated to the profession and stakeholders and posted on the College website for 60 days Currently Circulating 3. Elections Bylaw be posted to the College website, with the elections date as July 23, 2013 Completed 4. Registrar to contact other Colleges to ascertain how the Council decision-making process works when less than the requisite number of members are recruited. Completed 5. Registrar to set date for Council teleconference in July to look at financial statements and annual report; date set - July 8, 2013 at 7.00pm 6. Posting of Inactive Certificate of Registration and Reinstatement policy on the College website Completed

President's Report

Facilitator: CG

The President reported that a number of stakeholders have contacted the College about the use of designations and title. A fuller discussion will be had under Item 8 of the Agenda.

The President and Registrar had recently met with representatives from the Workplace Safety & Insurance Board given that our status has now changed with regulation. We are present from an educational standpoint. Questions were raised about diagnoses; kinesiologists would still need to perform their own battery of tests before they can proceed with diagnoses. Return to work and the area of functional mobilities were also discussed as these are disciplines in which kinesiologists have been working.

The President, Vice-President and Registrar also met with the Assistant Deputy Minister, Ministry of Health and Long Term Care about the recent announcement regarding physiotherapy services and Falls prevention and exercise classes for seniors in which additional visits were announced and changes in funding for physiotherapy.

Representatives from OKA were present at the meeting. A commitment was made by ministry staff to engage kinesiology in the work with other professions to consider the rollout of these programs. The ministry staff also committed to amending some communications and messaging on the Ministry website. The College has been invited to provide input and definitions of what a falls prevention program would look like. A follow-up meeting is planned which will include representation from the Local Health Integration Networks (LHINS); scope of practice will be further discussed.

Members were pleased that the lines of communications with the Ministry and the opportunity for education and increased awareness have been forged.

A question was raised about whether any new money is being invested into the LHINS, so additional hiring could be undertaken. The President explained firstly, that whilst the LHIN manages the funds, they are not involved in the hiring processes - hiring is the responsibility of the Family Health Teams.

In setting up these meetings, the College was complimented by the Premier's office on the fact that we had achieved regulation and done it so well. The President again thanked Council and College staff for their work in achieving proclamation.

Registration Committee Report

Facilitator: RR

The Registration Committee has not met since the last Council meeting. The registration of members continues in earnest; AS of the date of this meeting there are 726 members registered in total with many open files of applications in process.

The examination handbook has been posted on the College website. To date, 104 candidates are registered for the May 25 exam; 34 candidates have already registered for the fall exam on October 19.

RR extended kudos to Director, Registration and staff for the work done. The numbers are promising. RR questioned whether the college is on target to achieving the forecasted registration numbers. In response, the Registrar explained that the College should reach 1000 members by the end of the calendar year.

The President inquired whether any files would be presented to Committee for review. Director, Registration advised that while there have been discussions on particular files and email and telephone communication with some applicants, mainly to seek clarification of various aspects of their submissions, no applications have been identified requiring the decision of the Committee. It was noted, however, that once the exam has been administered and marks released (6 weeks after the exam), the Examination Appeals Committee may receive some cases.

Following a question about timing, the Registrar explained that the Appeals Committee and Registration Committee if required, would meet after the elections but prior to the August 12 term expiration date.

The Item Writing Committee met for four days between May 6 – 9, and is working steadfastly on adding to the item bank. The next series of meetings will take place in early June.

There is a French version of the examination however no candidates for May have requested the French test form. Three candidates have requested testing accommodations. The President thanked RR for the report.

Quality Assurance Committee Report

Facilitator: DL

The contract with the successful proponent selected to develop the online self-assessment tool has been finalized and signed. The College has engaged the services of Claymore Inc. to complete the project. Work has begun and Claymore representatives attended a Requirements Definition meeting at the College office.

Staff are reviewing proposed screenshots of the webpages and responding with edits and comments. Testing will begin at the end of the summer.

	<p>Next steps - The Committee will meet on May 24 to review a business case for the development of Core Competency Performance Indicators and a Peer and Practice Assessment framework. From that, a consultation will develop which will consider aspects such as how many assessments are necessary and how they will be conducted using the tools developed by the consultant and subject matter experts.</p> <p>The launch date for the online component is Dec 1, 2013. Members will have 90 days to complete, recording activities and providing evidence to support Continuing Professional Development activities.</p> <p>Information about the QA program will be posted when the revamped website is launched. Updates will be provided as the steps progress.</p> <p>The President thanked DL for the report.</p>
	<p style="text-align: center;"><u>Use of Titles and Designations</u></p> <p>Facilitator: CG</p> <p>Council carefully reviewed the issue note: Revision of Practice Guideline – Use of Title and Designations. The College has received numerous complaints, comments and arguments from employers, individuals and professional associations, and this may have impacted our registration.</p> <p>There was some concern at the time of posting, that the Guideline was restrictive. BK and CG met with the ergonomists and some extensive issues arose in the discussions. Given the feedback received from stakeholders, College staff revisited other college guidelines and exactly what the College is trying to achieve. It also revisited legal advice. The role of the College is to protect the public and the criteria previously set are to be removed. The floor was opened for discussion.</p> <p>NM supported option 1. RR reaffirmed the position whereby he felt the policy was punitive, but now fully supports it.</p> <p>UPON A MOTION duly made by DL, seconded by EC it was resolved that the Practice Guideline – Use of Title and Designations, be approved and immediately posted on the College’s website. CARRIED.</p>
	<p style="text-align: center;"><u>By-Law Amendment- Conflict of Interest</u></p> <p>Facilitator: BK</p> <p>Conflict of interest is complex and increasingly bringing into question the decision-making of governing bodies, be they public or private. A review of the College bylaws concerning conflict of interest identified that the bylaw was very narrow and focused on pecuniary, and did not provide for sufficient protection from other forms of conflict of interest which could damage the reputation of the College and result in a loss of public trust.</p>

Resolution #1

Therefore,

Be it resolved that the Council of the College of Kinesiologists of Ontario approves amendment to By-Law 16.01 to read as follows:

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 real, potential or perceived personal or financial interest.

Because the circumstances of each case are unique, it is impossible to define in advance all forms of conflict 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) and this impacts the image of the Council or the Committee member and 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 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 a member of the staff of the College who is involved with the matter;
- iii) there is actual, potential or apparent use of College information or the use of the member’s position on Council or Committee for personal gain;
- iv) 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 from exercising fair evaluation of all information and objective judgement and decision-making);
- v) the member’s position (either present or previous) with another organization affects his/her decision-making; or
- vi) the member or Council or Committee is aware that the public would generally perceive there to be a conflict of interest.

	<p>Moved By: NM seconded by RR.</p> <p>Resolution #2 Therefore,</p> <p>Be it resolved that the Council of the College of Kinesiologists of Ontario approve the amended Bylaw #16 be circulated to the profession and stakeholders, and posted on the College website for 60 days to invite input to this bylaw amendment.</p> <p>Moved By: MR seconded by DN. CARRIED</p> <p>Resolution #3 Therefore,</p> <p>Be it resolved that the Council of the College of Kinesiologists of Ontario adopt the amended Bylaw #16 immediately to govern Council and Committee members during the circulation period.</p> <p>Moved By: DL seconded by RH. CARRIED.</p>
	<p style="text-align: center;"><u>Procurement Policy</u></p> <p>Facilitator: BK</p> <p>The proposed amendment is administrative.</p>
	<p style="text-align: center;"><u>Elections Process</u></p> <p>Facilitator: BK</p> <p>Timelines are tight but consistent with College bylaw requirements. Council terms expire August 12 and elections have to be conducted before this date.</p> <p>Outgoing council might present a slate of actions and the new council would decide what to do.</p> <p>The College has placed a contract with a company called Big Pulse, experienced online electioneers. They will manage the whole nomination process as well as the election for the College. The costs for conducting the election is included in the approved budget. Sufficient allowance e was made to conduct the election by post if necessary, however BigPulse will conduct the election electronically as provided for in the bylaws. The process will begin no later than May 23 – 60 days prior to term expiry.</p> <p>Following some discussion, members agreed on an election date of July 23; this will be published as part of the nomination process.</p> <p>RR asked whether the new Council would comprise the same composition as current. The Registrar explained that the College can have up to 18 or 19 members. There are a number of people who have expressed interest. The Ministry of Health will post an ad seeking public appointees. A handover to the new council can still take place at the next scheduled meeting August 8, even if public appointees are not in place.</p> <p>Past council members who are not members of the profession and who are not</p>

	<p>members of another profession under the RHPA may submit their names for the public appointment.</p>
	<p style="text-align: center;"><u>Wind-Up and Hand-over</u></p> <p>Facilitator: CG/BK</p> <p>There are a few tasks that Council will have to approve before term expiry. The College has an approved budget; however, Council will need to approve the audited Financial statements. The audit is scheduled to take place in mid-June; the annual report is due for submission to the Ministry by July 31.</p> <p>The Registrar agreed to seek legal counsel in the event that insufficient members or appointees are in place to determine exactly what decision-making process can occur. BK will also contact other colleges who do not have fully constituted councils for advice about how they function.</p> <p>The handover Council meeting will be take place on August 8.</p> <hr/> <p style="text-align: center;"><u>Inactive Status and Reinstatement Policy</u></p> <p>Facilitator: BK</p> <p>The Registrar explained that there was not a policy in place to cover how members move from active to inactive status, or vice versa. It is heavily mandated by the Act, which contains some specific guidance as to what members must do. CM reviewed key elements of the policy document.</p> <p>Resolution #1 Therefore, Be it resolved that the Council of the College of Kinesiologists of Ontario approves the Inactive Certificate of Registration and Reinstatement Policy and that it be posted immediately on the College website.</p> <p>Moved by DN, seconded by NM. CARRIED.</p>
	<p style="text-align: center;"><u>Approval of Professional Corporations Fees By-law</u></p> <p>Facilitator: BK</p> <p>This issue was brought before the transitional Council in June 2012, when members considered Bylaw #22 - the bylaw pertaining to the fees associated with professional corporations. While a decision was expected on whether the bylaw should be approved, Council members wished to have a better understanding of the role of the College in registering professional corporations. Further information was provided on the definition of a professional corporation, the advantages and disadvantages to incorporation, and the reasons why members who choose to incorporate as a professional corporation must register their business with a regulatory College.</p> <p>Council reviewed the bylaw and supporting information note. With a clear definition of professional corporations and the process to incorporate and register</p>

	<p>a professional corporation with the College now clearly defined, Council reconsidered fees pertaining to Professional Corporations Bylaw to determine if the fee schedule is appropriate.</p> <p>Therefore, Be it resolved that the Professional Corporations Bylaw #22 be approved and posted on the website.</p> <p>Moved by NM, seconded by DL. CARRIED.</p>
	<p style="text-align: center;"><u>Registrar's Report</u></p> <p>Facilitator: BK</p> <p><u>Financial Report</u></p> <p>Quarterly financial report was reviewed. Council had previously approved a number of changes and a request for changes was submitted to the Ministry and approval received earlier this year.</p> <p>Primary areas where the College saved money: Educational equivalency project</p> <p>Registration development and administration</p> <p>Reserve funds required for operations and as legislated for funding for victims of sexual abuse fund. If there are no complaints that sum is carried over to the next year.</p> <p>Discipline- costs will be dependent on number of witnesses involved and other factors, e.g. Uncontested \$20,000, Contested ~\$30,000+</p> <p><u>Human Resources</u></p> <p>Ryan Pestana has worked part-time as a Research Assistant on a number of College projects for the past year. With the departure of Sheryl Hobbs-Canning, Director, Communications on April 1, Ryan was appointed to the position of Communications and Policy Analyst as a fulltime employee. He will also be supporting the Director, Quality Assurance and the Registrar, along with various communications activities. He will be the webmaster responsible for updates and it is anticipated that the revamped site will be ready to launch in the next month.</p> <p>Council members extended their congratulations to Ryan on his appointment.</p> <p><u>D&O Insurance</u></p> <p>The College is required to have liability insurance which covers Directors and Officers, members of Council and volunteers. The coverage previously purchased by the College expired on April 1. A request had been made to a broker for the College to seek a minimum of three bids. Health Insurance Reciprocal Canada (HIROC), a company used by many regulatory bodies and associations, were also contacted directly. The College did not receive the bids from broker before April 1, despite numerous attempts.</p>

	<p>Discussions with other Colleges, who are HIROC members, revealed a good level of service. Insurance has been purchased for 275 days commencing April 1, 2013, expiring January 1, 2014.</p>
	<p style="text-align: center;"><u>Bylaw Amendment – Nomination of Council Members</u></p> <p>Facilitator: BK</p> <p>Council reviewed the proposed amendment to Bylaw 10.13 - Nomination of Council members. The current By-law on nominations for Council members states: “nomination shall be signed by the candidate and by at least 10 Members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held”. The stipulation that ten signatures are to support the nomination was considered to be too onerous and Council members agreed that two signatures was more acceptable and realistic. It was also agreed that the signatures could be electronic.</p> <p>Resolution #1 Therefore, Be it resolved that the Council of the College of Kinesiologists of Ontario approves amendment to By-Law 10.13 to read as follows:</p> <p>10.13 – Nominations</p> <p>The nomination shall be signed by the candidate and by at least 2 Members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.</p> <p>Electronic signatures will be permissible through the online voting process approved by Council.</p> <p>Moved by RH, seconded by DL. CARRIED.</p>
	<p style="text-align: center;"><u>Date of Next Meeting</u></p> <p>A meeting of Council will take place July 8 to approve the Annual Report and the Audited Financial Statements for 2012-13 The handover Council meeting will take place on August 8, 2013.</p>
<p>Motion to Terminate the Meeting</p>	<p>UPON A MOTION duly made by DL, seconded by RH, the meeting adjourned at 2.30pm. CARRIED.</p>