

## 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**