



## September Council Meeting Minutes

<b>Date/Time of Meeting:</b>	Monday, September 26, 2022 / 9:30 a.m.
<b>Council present:</b>	Jennifer Pereira, Corby Anderson, Teresa Bendo, Susan Garfat, Candace Glowa, Ben Matthie, Chad McCleave, Mary Pat Moore, Victoria Nicholson, Graydon Raymer, Jana Smith, Leanne Smith, Heather Westaway, Ryan Wight
<b>Regrets:</b>	Sara Gottlieb, Brad Markis
<b>Staff members:</b>	Nancy Leris, Michelle Bianchi, Lynn Butler; Brian Fehst, Colleen Foster, Lisa Groten, Sam Hanna, Magdalena Reder, Fiona Teape
<b>Guest presenters:</b>	Richard Steinecke (Steinecke Maciura Leblanc) Emily Lawrence (Paliare Roland Rosenberg Rothstein LLP)
<b>Guests/observers:</b>	Christine Forsyth; Stuart Moulton (OKA)

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### 1. Call to order, roll call, welcome

Jennifer Pereira, Chair and Council President, called the meeting to order at 9:40 a.m. and welcomed Council, staff members, and guests.

The Chair shared a Land Acknowledgement.

As the 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 Pereira provided a brief update on the July elections to Council and welcomed Heather Westaway who was elected in District 1 and Leanne Smith who was elected in District 7. Jennifer also welcomed back Ben Matthie who was re-elected in District 5 by acclamation.

Jennifer also noted that the first nomination period and subsequent by-election in District 4 did not produce any candidates and that the College is reviewing its options for filling this Council seat.

The new staff member, Fiona Teape, Director of Registration was welcomed to the College.

Jennifer reminded meeting attendees that the College requires cameras to remain on during meetings to support and encourage engagement.

### 3. Conflict of Interest Declarations

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

### 4. Approval of Agenda

*UPON A MOTION duly made by Mary Pat Moore and seconded by Ryan Wight, it was resolved that the agenda be approved. Carried.*

### 5. Approval of Minutes from the June 27, 2022 Council Meeting

*UPON A MOTION duly made by Susan Garfat and seconded by Ryan Wight, it was resolved that the minutes be approved. Carried.*

### 6. Action Items from the June 27, 2022 Meeting

- Determine the number of public members who are appointed to Council who are in each electoral district, along with the number of elected members who are in each district. **Completed**
- Check the by-laws for guidance regarding vacancies on Council when an election and by-election do not produce any eligible candidates for an electoral district (e.g., leave the seat open, appoint a candidate or member to fill the position, etc.). **Completed**

### 7. Training - Governance

Jennifer Pereira introduced Richard Steinecke of Steinecke Maciura Leblanc, who practices exclusively in professional regulation. Richard provided training in governance to Council members.

### 8. Training – Conflict of Interest

Jennifer Pereira welcomed Richard Steinecke who provided training on “Comprehending Conflicts of Interest” to Council members.

At the end of the presentation, Jennifer Pereira acknowledged Richard’s long-standing relationship with the College and his many contributions to the entire regulated health profession. She thanked him for the support he has provided to the College since its inception and wished him well in the next phase of his life.

## 9. Registrar's Report

Nancy Leris, Registrar/CEO, presented the Registrar's Report as follows.

### 1) Online Exam Update

The College's online entry-to-practice exam was held for the second time on September 21, 2022. From a risk management perspective, steps were taken to ensure exam security and integrity; and accommodations were offered as needed. As of September 9, there were 241 candidates registered for the online exam. This included eight candidates with testing accommodations. There was also one candidate who requested to write the exam in French. The next online exam will be held in spring 2023.

A question was raised about how many people register with the College after passing the exam. Approximately 60 per cent of those who pass will register. After discussion, Council directed that the Registrar take this away as an action item to determine why some candidates who write the entry-to-practice exam do not register with the College of Kinesiologists of Ontario after they have passed the exam.

### 2) Annual Renewal

Renewal started on July 1, 2022. There were 2,951 registrants due for renewal. As of September 21, there were 321 registrants who still had not renewed. Registration staff will initiate a call campaign to the remaining outstanding registrants in the final week of September. Failure of registrants to renew and pay their fee by October 1, 2022 will result in an administrative suspension of their certificate of registration.

### 3) Contract for the Kinesiology Core Competency profile

In September, the College finalized the contract with the vendor overseeing the Kinesiology Core Competency Profile Revalidation. The first phase of the project, Project Design and Launch, will occur during the months of September and October. This will be primarily a planning phase for the vendor, where they will develop the project framework, timelines, and establish procedures for the project for each phase. The project currently has a planned completion date of June 2023.

### 4) EDI-B Working Group

The College continues to actively participate in an HPRO working group focused on anti-racism and anti-oppression work. The working group expects an announcement regarding its application for a grant under the CSMARI program. CSMARI is - Community Capacity Building component of the Community Support, Multiculturalism, Anti-Racism Initiative Program (CSMARI). Any funds provided through this grant will be directed towards a project tentatively referred to as the "Anti-Racism in Health Regulation" Project.

The key deliverables of this project are:

- Development of a DEI self-assessment checklist and reporting tool for use by health regulatory colleges.
- Production of an Equity Impact Assessment (EIA) toolkit and training package to assist organizations in uncovering unconscious bias, dismantling systemic barriers, and creating a strategic framework for maintaining inclusive practices and policies.

The goal of this project is to increase College's ability to promote diversity and inclusion. The proposed completion date for this project is March 31, 2023.

#### **5) Employee Health Benefits**

The College has also been reviewing its employee benefits program as cost of benefits have increased over the last three years. The College wants to remain competitive with other employers especially within the regulated health profession and is currently seeking new quotes for employee benefits.

#### **6) Closing notes**

In addition to welcoming new Council members following the election in July, the College also reached out to the Public Appointments Secretariat requesting that two existing Council members be re-appointed in September and two new ones be appointed in October, as the terms of the current public members are expiring. Teresa Bendo and Victoria Nicholson have both been re-appointed to Council for another three-year term. The Ministry also requested that Chad McCleave and Mary Pat Moore continue to serve as public members as their nine-year term ends in October. Unfortunately, Mary Pat has decided to move on, and Chad McCleave has agreed to stay with the College for another term, pending the Ministry's confirmation of Chad's reappointment.

In August, the College hired and onboarded the newest staff member, Fiona Teape, Director of Registration. Fiona provided a brief introduction of herself.

The College has also visited several other Colleges who are interested in sharing office space as we continue to work on a hybrid model. This is part of future planning for office relocation as the lease expires in 2024.

On July 8, the College held its staff team-building event to build on and encourage team collaboration and cohesiveness. The College was closed that day for us to focus on our team development.

On September 2, the College sent correspondence to the Ministry in response to their request for consultation regarding the registration requirements under the Regulated Health Professions Act. Prior to this request, on June 10, 2022, the Ministry consulted with regulators to gather feedback on changes to the RHPA by adding new requirements to the Health Professions Procedural Code and addition of regulation making power through Bill 106 – Pandemic and Emergency Preparedness Act.

- The amendments to the Health Professions Procedural Code require Colleges to comply with the regulations regarding their English or French language proficiency requirements.
- They also prohibit Colleges from requiring Canadian experience as a qualification for registration, subject to any exemptions provided for in the regulations.
- Additionally, the amendments require the Councils of the Colleges to make regulations establishing an emergency class of registration that meets the requirements set out in the regulations.
- Included is additional regulation-making power that would also allow for the establishment of time limits in which Colleges must make certain decisions related to registration.
- Based on the responses received from regulators, the Ministry reached out to regulators in September to obtain additional feedback on the impact of these changes on their operations.

In closing, the Registrar thanked the College staff for their work commending them for their dedication, commitment, and hard work.

## 10. Risk Management Plan

Nancy Leris, Registrar and CEO presented a review of the College's risk management process and review cycle along with proposed Risk Management Plan amendments. She outlined the key risks affecting the organization, particularly those that could significantly impact the achievement of objectives. She also described the risk occurrence matrix and risk ratings.

Risks that were outlined included those related to finance, information management, examination, human resources, loss of confidence, and governance and compliance. The major risks that were included as amendments included risks in the following areas: information management, examinations, loss of confidence, and governance including compliance and loss of confidence with the governance.

Overall, the College's Risk Management Plan is a living document with the goal of promoting a resilient organization that can use a variety of strategies to operate effectively in the face of the risks that present themselves and may emerge in the future.

*UPON A MOTION duly made by Vicky Nicholson and seconded by Teresa Bendo, it was resolved that Council approves the Risk Management Plan for 2022-2023 as presented. Carried.*

## 11. President's Report

Jennifer Pereira, Chair and Council President, opened by discussing the role of the College, followed by her President's Report.

### 1) Activities

The President provided the following summary of activities that she has been involved with in her role as President:

- Attended various committee meetings
- Been in constant communications with the Registrar/CEO
- Been in contact with staff (with the Registrar's knowledge)
- Managed stakeholder communications
- Participation in Council orientation.

### 2) Council meetings

The President discussed that how, after emerging from COVID, we can see the benefits of human interaction. She noted that Council and staff have been missing out on the face-to-face collaboration that meeting in person enables.

The President proposed that Council consider holding a two-day in-person meeting next September to bid farewell to outgoing Council members and to welcome new ones since it will be the first meeting after the election, and to include training and orientation for members.

The meeting would take place in-person at a location that will accommodate Council members, and there could be an online option for those who are unable to attend in person.

Following this proposal, the President opened the floor to questions. A lively discussion ensued with members discussing various options and the pros and cons of each.

It was recommended that the Registrar take this item away as an action item to review and recommend back to Council how Council meetings should proceed in the future, taking into consideration whether:

- meetings be held in person, virtual or hybrid
- the September meeting continue to be in person with a remote option for those who cannot attend in person
- the September meeting be one or two days since it includes training.

## 12. Training - Discipline

Jennifer Pereira introduced Emily Lawrence, of Paliare Roland Rosenberg Rothstein LLP who is acting as Independent Legal Counsel (ILC) on various cases for the College.

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.

## 13. Practice Standard and Guideline Updates

Brian Fehst, Manager of Professional Practice presented an overview of the Patient Relations Committee's review of the following three draft practice standards on Record Keeping, Discharging a Client, and Dual Health Care with a recommendation that they be brought forward to Council for approval.

### Resolution – Update to Practice Standard – Record Keeping

**Therefore, be it resolved** that the Council of the College of Kinesiologists has had the opportunity to review and approve the revised Practice Standard – Record Keeping to be published by the College, as amended.

*UPON A MOTION duly made by Graydon Raymer and seconded by Heather Westaway, it was resolved that Council approves the revised Practice Standard – Record Keeping, as amended. Carried.*

### Resolution – Update to Practice Standard – Discharging a Client

**Therefore, be it resolved** that the Council of the College of Kinesiologists has had the opportunity to review and approve the revised Practice Standard – Discharging a Client, as amended, to be published by the College.

*UPON A MOTION duly made by Corby Anderson and seconded by Susan Garfat, it was resolved that Council approves the revised Practice Standard – Discharging a Client, as amended. Carried.*

## Resolution – Update to Practice Standard – Dual Health Care

**Therefore, be it resolved** that the Council of the College of Kinesiologists has had the opportunity to review and approve the revised Practice Standard – Dual Health Care to be published by the College.

*UPON A MOTION duly made by Ben Matthie and seconded by Candace Glowa, it was resolved that Council approves the revised Practice Standard – Dual Health Care. Carried.*

## 14. Terms of Reference

Fiona Teape, Director of Registration, presented an overview of the review of the revised Terms of Reference for the Item Writing Committee and the revised Terms of Reference for the Examination Committee. The review was undertaken since both committee Terms of Reference had not been updated since 2013 and required revisions to align with recent amendments to College by-laws on the election and selection of Council and Committee members. Following the review, the recommendation was that they be brought forward to Council for approval.

### Resolution - Terms of Reference – Item Writing Committee

**Therefore, be it resolved** that the Council of the College of Kinesiologists of Ontario approves the Item Writing Committee Terms of Reference, as amended.

*UPON A MOTION duly made by Teresa Bendo and seconded by Ryan Wight, it was resolved that Council approves the amended Terms of Reference for the Item Writing Committee. Carried.*

### Resolution – Terms of Reference – Examination Committee

**Therefore, be it resolved** that Council approves the Examination Committee Terms of Reference, as amended.

*UPON A MOTION duly made by Vicky Nicholson and seconded by Graydon Raymer, it was resolved that Council approves the amended Terms of Reference for the Examination Committee. Carried.*

## 15. Elections Update

Lynn Butler, Communications Manager, provided an update on the College's elections and current vacancies on Council in Electoral Districts 2, 4 and 6.

In December 2021, the professional member from District 4 resigned from Council, prior to their term end in July 2023. In March 2022, the professional members from Districts 2 and 6 also resigned.

According to College By-law 10.33, the resignations created long-term vacancies in Districts 2, 4 and 6 since the seats became vacant more than 12 months before the members' terms of office expired.

As these are long-term vacancies, and in accordance with the by-laws, Council may consider any of the following options:

- 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
- 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
- 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.

### Options for consideration

The two vacancies in Districts 2 and 6 are long-term and, and given the scrutiny that all colleges are under, proceeding with appointing a previous candidate or a successor from among the membership may diminish trust and confidence in the College's governance processes. If Council decides to proceed with this option, they will need to demonstrate that this process of appointment was fair and transparent.

Although holding a by-election will take additional time and result in some costs, the process will be viewed as open, fair, and transparent. If Council decides to proceed with this option, staff will need to begin the elections process as soon as possible. Although on a tight timeline, the new Council members would be elected in time for the December Council meeting.

**Therefore**, be it resolved that Council directs the Registrar to hold a by-election to fill the vacancies in Electoral Districts 2, 4 and 6.

*UPON A MOTION duly made by Mary Pat Moore and seconded by Ben Matthie, it was resolved that Council approves holding a by-election in Electoral Districts 2, 4 and 6.*  
**Carried.**

## 16. 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.

Ben Matthie, chair of the Planning and Finance Committee, provided an update indicating that the College is on track to meet financial goals with an expected end-of-year surplus. There will be some adjusting entries after the audit is completed. There are no concerns regarding the College's financial situation.

## 17. Election of Officers/Executive Committee/Approval of Committee Membership

### Election of Officers and Executive Committee

**Therefore**, be it resolved that the Registrar be appointed as the Elections Officer and assume the chair for this purpose



*UPON A MOTION duly made motion by Ben Matthie and seconded by Teresa Bendo, it was resolved that that the Registrar be appointed as the Elections Officer and assume the chair for this portion of the meeting for this purpose. **Carried.***

The Registrar presided over the election of the College's Executive Committee.

**Therefore**, be it resolved that:

- Jennifer Pereira be acclaimed President
- Ben Matthie be acclaimed Vice President
- The additional members be acclaimed to the Executive Committee include Susan Garfat, Chad McCleave, and Victoria Nicholson.

*UPON A MOTION duly made motion by Mary Pat Moore and seconded by Corby Anderson, it was resolved that Jennifer Pereira be appointed President; Ben Matthie be appointed Vice-President; and Susan Garfat, Chad McCleave, and Victoria Nicholson be appointed as members of the Executive Committee. **Carried.***

### **Approval of Committee Slate**

Jennifer Pereira noted that the Executive Committee met to consider committee composition for 2022/2023. 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 the preferences of Council members, applications received from the general membership, the workloads of each committee and geographic factors, to form the proposed slate.

**Therefore**, be it resolved that the proposed committee slate be accepted as presented:

*UPON A MOTION duly made motion by Teresa Bendo and seconded by Mary Pat Moore, it was resolved that the Council of the College of Kinesiologists of Ontario appoints the committee members and chairs as per the attached slate developed and recommended by the out-going Executive Committee. **Carried.***

## **18. Review of Action Items**

- Determine why some candidates who write the entry-to-practice exam do not register with the College of Kinesiologists of Ontario after they have passed the exam.
- Review and recommend how Council meetings should proceed in the future, taking into consideration the following:
  - Should meetings be held in person, virtual or hybrid?
  - Should the September meeting continue to be in person with a remote option for those who cannot attend in person?
  - Should the September meeting be one or two days since it includes training?

## 19. 2022 Council Meeting Dates

Council will meet in 2022 on the following date:

- December 5

## Adjournment

*UPON A MOTION duly made by Chad McCleave, the Council meeting of September 26, 2022 was terminated. **Carried.***

DRAFT