COLLEGE OF KINESIOLOGISTS OF ONTARIO

Council Meeting Materials – November 30, 2026

Table of Contents

Council Meeting Agenda 3
20260915 Council Meeting Minutes 6
Consent Agenda - Proposed Amended 2026 2027 Committee Slate 13
Resolution – Consent Agenda November 30 2026 17
Registrar's Report 18
Issue Decision Note – Pan Canadian Regulatory Working Group 18
Resolution – Pan Canadian Regulatory Working Group 21
Committee Reports 22
ICRC 22
Registration 23
Planning and Finance 25
Q1 Finance Report 26
Q1 Dashboard 28
HPDT and COKO Integration 34
HPDT Pilot Phase Report and Proposal 34
2025 HPDT Annual Report 77
By-law Amendments 78
Issue Decision Note – Friendly Amendment to Bylaw 8.03 78
Resolution - Amendment to Bylaw 8.03 81
Policies 82
Issue Decision Note – In-Camera Meeting Policy and Rules Concerning Treatment of Minutes of Council 82
DRAFT In Camera Meeting Policy for Council 90
AMENDED Rules Concerning the Minutes of Council 95
Resolution – In-Camera Meeting Policy 100
Draft 2025/2026 Audited Financial Statement 101
Resolution – Approval of Audited Financial Statements for Fiscal Year 2025/2026 113
Draft 2025-2026 Annual Report 114
Resolution – Approval of the 2025-2026 Annual Report 114
Revised Risk Management Plan 115
Resolution – Revised Risk Management Plan – FY2026/2027 120

Council Public Meeting

Draft Agenda

Date: November 30, 2026 **Time:** 10:40 a.m. **Location:** Virtual

LOGIN INFORMATION

Join Zoom Meeting
https://us02web.zoom.us/j/88933088327?pwd=dCHqNM9Efw95SRrLjEkvGBlJ3s6w2f.1
Meeting ID: 889 3308 8327
Passcode: 815222

COLLEGE OF KINESIOLOGISTS OF ONTARIO

AGENDA

	Time	Discussion Item	Presenter/ Speaker	Document Included	Action
Please complete the online **Conflict of Interest Disclosure/Declaration Form** prior to the meeting.					
In-Camera Session (90 minutes) It is anticipated that Council will exclude the public from this part of the meeting as per s.7(2) of the Health Professions Procedural Code ("the Code"), which is Schedule 2 to the Regulated Health Professions Act, 1991. This notice is posted in accordance with s.7(1.2) of the Code.					
1	10:40 am (1 min)	**Call to order, roll call, welcome**	H. Westaway	No	Information
2	10:41 am (1 min)	**Introductions**	H. Westaway	No	Information
3	10:42 am (1 min)	**Conflict of interest declarations**	H. Westaway	No	Decision
4	10:43 am (1 min)	**Approval of agenda**	H. Westaway	Yes	Decision
5	10:44 (1 min)	**Approval of minutes:** • September 15, 2026	H. Westaway	Yes	Decision
6	10:45 am (5 mins)	**Action Items from the September 15, 2026 meeting:** • Before the CERF report is published, make sure there are no typos in the report, and the year is referenced consistently throughout the document - **COMPLETE**			
7	10:50 am (35 mins)	**Registrar's Report** • Pan Canadian Working Group	N. Leris	Yes	Decision

	Time	Discussion Item	Presenter/ Speaker	Document Included	Action
		• CCUPEKA Update			
8	11:25 am (10 mins)	**President's Report** • March 2027 Meeting Date(s) • CNAR 2026 Attendance	H. Westaway	No	Information
	11:35 am (10 mins)	**Break**			

9	11:45 (15 mins)	**Committee Reports**
		• ICRC
		• Registration
		• Planning & Finance
		  ○ Q1 Finance Report
		  ○ Q1 Dashboard
			All Chairs	Yes	Information

10	12:00 pm (30 mins)	**HPDT and COKO Integration**	D. Wright/ A. Levytska	Yes	Information
	12:30 pm – 1:20 pm (50 mins)	**Lunch**			
11	1:20pm (25 mins)	**By-law Amendments** Revisions to: • By-law 13 • By-law 8	N. Leris/A. Levytska	Yes	Decision
12	1:45 pm (20 mins)	**Policies:** • Revised Council Meeting Minutes • Draft In-Camera Meeting Policy	B. Fehst	Yes	Decision

	Time	Discussion Item	Presenter/ Speaker	Document Included	Action
	2:05 (3 mins)	**Stretch Break**			
13	2:08pm (30 mins)	**Draft 2025/2026 Audited Financial Statement**	Tinkham LLP	Yes	Decision
14	2:38 pm (10 mins)	**Draft 2025/2026 Annual Report**	A. Levytska	Yes	Decision
	2:48 (3 mins)	**Stretch Break**			
15	2:51pm (15 mins)	**Revised Risk Management Plan**	W. Fung	Yes	Decision
16	3:06 pm (45 mins)	**Registration Membership Data Report**	L. Oeur/M. Reder	Yes	Information
	3:51 pm (3 mins)	**Stretch Break**			
17	3:54 pm (30 mins)	**Strategic Results: Assessment of Pathway to Licensure**	M. Reder	Yes	Information
18	4:24 pm (10 mins)	**Meeting Evaluation**	All Council	Yes	Information
		ADJOURNMENT			

Next Council Meeting: March 29, 2027

Council Meeting Minutes

Date/Time of Meeting:	Tuesday, September 15, 2026, at 10:20 am
Council present:	Heather Westaway, Victoria Nicholson, Corby Anderson, Kristin Baker, Teresa Bendo, Jane Gage, Susan Garfat, Oluwashindara Isaac-Oloye, Frank Jasek, Charles Lammam, Jana Smith, Leanne Smith, Jotvinder Sodhi, Gergo Szoboszlai, Jennifer Yee, Mehrdad Alizadeh-Meghrazi,
Regrets:	Alyssa King
Absent:	Sara Gottlieb
Staff members:	Nancy Leris, Lily Oeur, Brian Fehst, Wendy Fung, Aleksandra Levytska, Magdalena Reder, Megan Alguire
Guests/Observers:	Nanci Harris (Chair, Governance & Nominations Committee), Dana Lobson (Ministry of Health), members of the public

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Let it be noted that Council held an in-camera session from 9:00 am to 10:00 am pursuant to section 7(2)(b) of the *Health Professions Procedural Code*.

1. Call to order, roll call, welcome.

Heather Westaway, Council President, called the meeting to order at 10:22 am 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 (the "College") and a quorum was present, the meeting was duly constituted for the transaction of business.

2. Introductions

The Chair introduced guests and reviewed the Code of Conduct and Rules of Order for the meeting.

3. Conflict of Interest Declarations

The Chair asked the Registrar if any Council members had declared a Conflict of Interest. The Registrar confirmed that no such declarations were received. The Chair then invited verbal declarations of Conflict of Interest. None were raised.

4. Approval of Agenda

Following the review of the agenda for the September 15, 2026 Council meeting, the President invited any proposed changes or additions to the agenda. The following amendment was proposed:

- An agenda item pertaining to the Draft 2026-2027 Mentorship Slate be added.

UPON A MOTION duly made by Susan Garfat and seconded by Teresa Bendo, it was resolved that the amended agenda be approved. **Carried.**

Jotvinder Sodhi was absent during the voting.

5. Approval of Minutes of the June 22, 2026 Council Meeting

Having been provided an opportunity to review the Minutes of the June 22, 2026 Council meeting. No errors and omissions identified.

UPON A MOTION duly made by Charles Lamman and seconded by Mehrdad Alizadeh-Meghrazi it was resolved that the minutes of the June 22, 2026 Council Meeting be approved as circulated. ***Carried.***

6. Action Items

The Chair invited Nancy Leris, Registrar and CEO, to provide an update on outstanding action items. All prior action items were reported as complete.

7. Registrar's Report

Nancy Leris, Registrar and CEO, provided an update on the College's 2025-2030 Strategic Plan, focusing on its three strategic themes: Governance and Public Trust, Engagement and Partnerships, and System Collaboration. Information regarding progress toward the specific strategic goals under these themes was provided.

Lily Oeur, Director of Registration, presented two developments currently happening in the kinesiology landscape. One relates to pursuit of regulation of the kinesiology profession outside Ontario. Another relates to the accreditation, credential recognition, and competency work being done by various organizations.

Council acknowledged the significant amount of work completed by the College. Council actively discussed the developments in the kinesiology profession, including:

- various regulatory structures pursued by other jurisdictions in Canada;
- The extent to which the College's mandate and jurisdiction may permit for engaging with such pursuits

- concerns regarding the impact of these pursuits on labour mobility, particularly the assessment of educational and qualification equivalency across various jurisdictions and exercise professions;
- a need for further external and internal analysis of the development.

In light of the emerging developments, the President noted a recommendation from the Registrar that Council prioritize the public awareness component of the College's communication strategy in this fiscal year. Council agreed, and the shift of this priority will be reflected in the appropriate year-end reporting.

8. President's Report

Heather Westaway, Council President, noted her ongoing engagement with the Registrar on key strategic priorities and operational priorities. Heather Westaway advised of her regular communications with the Registrar, the Council Vice President, and Council on several matters, including the Registrar's performance review and the Council Effectiveness Review Framework.

The Chair opened the floor for questions. None were raised.

9. Committee Reports

This was originally an Agenda Item #10 but was moved from its place on the agenda during the meeting.

Committee Reports were provided by the Chairs of the Governance and Nomination Committee, Inquiries, Complaints and Reports Committee, Registration Committee, and Planning and Finance Committee.

The Chair opened the floor for questions. None were raised. Council appreciated Committee and Staff receptiveness to feedback and quick turnaround.

10. Council Effectiveness Review Framework (CERF) Report

This was originally an Agenda Item #11 but was moved from its place on the agenda during the meeting.

A summary of the Council Effectiveness Review Framework (CERF) Report was provided to Council in advance as part of the meeting materials. Nancy Leris, Registrar and CEO, was invited to respond to any questions that Council may have regarding the report and to seek the publication approval.

The Chair opened the floor for questions. Council commented on some typographical errors and inconsistencies that should be corrected before the report is published.

UPON A MOTION duly made by Kristin Baker and seconded by Mehrdad Alizadeh-Meghrazi it was resolved that the Council Effectiveness Review Framework (CERF) Report be posted on the College's website with the slight revisions to support the correctness of the report. ***Carried.***

11. Risk Management: Risk Management Training, 2025-2026 Revised Risk Management Plan, and 2026-2027 Draft Risk Management Plan

This was originally an Agenda Item # 9 but was moved from its place on the agenda during the meeting.

Wendy Fung, Manager of Operations and Financial Services, provided an update on Risk Management, including training, and reporting for the final quarter of the fiscal year 2025-2026, as well as an update on the Draft 2026-2027 Risk Management Plan.

The Chair opened the floor for questions. None were raised.

UPON A MOTION duly made by Kristin Baker and seconded by Victoria Nicholson it was resolved that the Revised draft 2026-2027 Risk Management Plan be approved as circulated. ***Carried.***

12. Election of Officers

UPON A MOTION duly made by Mehrdad Alizadeh-Meghrazi and seconded by Teresa Bendo it was resolved that Nancy Leris, Registrar and CEO, be appointed as the Elections Officer and assume the chair for this portion of the meeting for this purpose. ***Carried.***

Nancy Leris provided a brief overview of the Governance and Nominations Committee's process for considering candidates for President, Vice-President, and the Executive Committee members. These selections were competency-based, informed by expressions of interest received, and reviewed by the Governance and Nominations Committee to support continuity and succession planning.

Nancy Leris announced that Heather Westaway is acclaimed as President of Council for 2026-2027.

Nancy Leris announced that Jennifer Yee is acclaimed as Vice-President of Council for 2026-2027.

Nancy Leris announced that Victoria Nicholson is acclaimed as a Public member of the Executive Committee for 2026-2027.

Nancy Leris advised that there are three eligible candidates for the remaining two positions on the Executive Committee: Corby Anderson, R. Kin, Susan Garfat, R. Kin, and Leanne Smith, R. Kin. Therefore, an election was required.

UPON A MOTION duly made by Teresa Bendo and seconded by Jane Gage it was resolved that Brian Fehst and Magdalena Reder be appointed as the Elections Scrutineers. ***Carried.***

The election was conducted by secret ballot and in accordance with the College's Bylaws.

Nancy Leris announced that based on the vote, the new professional members of the Executive Committee are Leanne Smith, R. Kin and Susan Garfat, R. Kin.

UPON A MOTION duly made by Corby Anderson and seconded by Mehrdad Alizadeh-Meghrazi it was resolved that the voting ballots be destroyed. ***Carried.***

Nancy Leris continued with reading out the resolution that:

- Heather Westaway, R. Kin be appointed as President of Council;
- Jennifer Yee be appointed as Vice-President of Council;
- Victoria Nicholson be appointed as a member of the Executive Committee;
- Leanne Smith, R. Kin be appointed as a member of the Executive Committee; and
- Susan Garfat, R. Kin be appointed as a member of the Executive Committee.

The terms of each officer will commence immediately following their acclamation or election and will continue until the next election for officers, approximately one year later.

UPON A MOTION duly made by Jennifer Yee and seconded by Victoria Nicholson it was resolved that Heather Westaway assumed the Chair of the meeting. ***Carried.***

13. 2026-2027 Committee Slate

Brian Fehst, Manager of Professional Practice, provided an overview of the Committee Slate development process. Brian Fehst also summarized the proposed 2026-2027 Committee Slate, as recommended by the Governance and Nominations Committee.

The Chair opened the floor for questions. None were raised.

UPON A MOTION duly made by Susan Garfat and seconded by Charles Lammam it was resolved that the amended 2026-2027 Committee Slate be approved as distributed. ***Carried.***

14. 2026-2027 Mentorship Slate

This was a new Agenda Item added at the beginning of the meeting.

Nancy Leris, Registrar and CEO, advised that the Mentorship program was identified as a priority and opportunity in the last year's Council Effectiveness Review Report.

Brian Fehst, Manager of Professional Practice, provided an overview of the Mentorship program, including its rationale, timelines, and process. Brian Fehst also summarized the proposed 2026-2027 Mentorship Slate, as reviewed and recommended by the Governance and Nominations Committee.

The Chair opened the floor for questions. None were raised.

UPON A MOTION duly made by Leanne Smith and seconded by Jennifer Yee it was resolved that the 2026-2027 Mentorship Slate be approved, as distributed. ***Carried.***

Jotvinder Sodhi was absent during the voting as his camera was turned off.

15. Expenses and Technology Presentation

This was originally Agenda Item # 14 but was moved from its place on the agenda during the meeting.

Megan Alguire, Operations Coordinator, oriented Council on expense claim processes and introduced new technology tools.

The Chair opened the floor for questions. Council verified the timing for submitting supporting receipts. Council also asked the staff to include the Ministry's contact information in emails regarding Public Member expense claims.

16. Meeting Evaluation

This was originally an Agenda Item # 15 but was moved from its place on the agenda during the meeting.

The Chair asked the Council members to complete a meeting evaluation at the end of the meeting.

17. Review of Action Items

- Action item: before the CERF report is published, make sure there are no typos in the report, and the year is referenced consistently throughout the document

Termination

President thanked staff and Council members for fulfilling the mandate of the College.

UPON A MOTION duly made by Charles Lammam, seconded by Frank Jasek, the Council public meeting of September 15, 2026 was terminated at 2:43 pm. ***Carried****.*

UPON A MOTION duly made by Susan Garfat, seconded by Jennifer Yee, it was resolved that the portion of this meeting from 3:00pm to 5:30pm would be held in camera pursuant to section 7(2)(b) of the Health Professions Procedural Code. ***Carried.***

DR

Proposed Amended 2026-2027 Committee Slate

Key: Green = Committee Chair Pink = Vice-Chair Highlight = Newly added member ~~Strikethrough = Removed~~

Committee	2026-2027 Professional Members	2026-2027 Public Members	2026-2027 Members-at-large
Executive	Heather Westaway, Chair Corby Anderson / Susan Garfat / Leanne Smith	Jennifer Yee, Vice-Chair Victoria Nicholson	
Planning and Finance[1]	Kristin Baker Leanne Smith Heather Westaway	Teresa Bendo, Chair Frank Jasek ~~Charles Lammam~~	
Registration[2]	Corby Anderson, Chair Leanne Smith, Vice-Chair Kristin Baker Jane Gage Alyssa King Heather Westaway	Teresa Bendo Sara Gottlieb ~~Charles Lammam~~ Jana Smith	Daniel Crete Miriam Fong William Gittings Rachel Greco Khushpreet Kaur

Committee	2026-2027 Professional Members	2026-2027 Public Members	2026-2027 Members-at-large
Quality Assurance	Heather Westaway, Chair Kristin Baker Mehrdad Alizadeh Meghrazi Oluwashindara Isaac-Oloye	Jennifer Yee, Vice-Chair Victoria Nicholson Jotvinder Sodhi	Daniel Crete Monica Lardis Xana Ouellette Sherry Parent Logan Strasser
ICRC	Susan Garfat, Vice-Chair Corby Anderson Jane Gage Gergo Szoboszlai	Teresa Bendo, Chair Frank Jasek Jana Smith	Miriam Fong Adeola Giwa
Patient Relations	Susan Garfat, Chair Corby Anderson, Vice-Chair Mehrdad Alizadeh Meghrazi Alyssa King	Jana Smith Jotvinder Sodhi	Miriam Fong Melissa Gunstone Khushpreet Kaur Logan Strasser

Committee	2026-2027 Professional Members	2026-2027 Public Members	2026-2027 Members-at-large
Examination Appeals	Susan Garfat, Chair Oluwashindara Isaac-Oloye Gergo Szoboszlai	Frank Jasek Jotvinder Sodhi	
Discipline[3]	All	Victoria Nicholson, Chair ~~Charles Lammam~~ All	Rachel Greco Adam Jongsma
Fitness to Practise[4]	All	Sara Gottlieb, Chair ~~Charles Lammam~~ All	
Governance and Nominations[5]	Heather Westaway Jane Gage	Frank Jasek ~~Charles Lammam~~	Nanci Harris, Chair Sudha Kutty

Notes:

1) Planning & Finance Committee
    a. Removed Public Council Member Charles Lammam (term ended November 20, 2026)
2) Registration Committee
    a. Removed Public Council Member Charles Lammam (term ended November 20, 2026)

3) Discipline Committee
    a. Removed Public Council Member Charles Lammam (term ended November 20, 2026)
4) Fitness to Practise Committee
    a. Removed Public Council Member Charles Lammam (term ended November 20, 2026)
5) Governance & Nominations Committee
    a. Removed Public Council Member Charles Lammam (term ended November 20, 2026)

Resolution – Consent Agenda November 30, 2026

Whereas Council may consider routine or administrative and other matters that do not require substantive discussion through a consent agenda; and

Whereas Council members have been provided with the consent agenda materials in advance of the meeting and have had an opportunity to review them; and

Whereas Council members have been provided with an opportunity to request that any item be removed from the consent agenda for separate discussion and consideration; and

Whereas any items removed from the consent agenda will be considered separately by Council;

Therefore, be it resolved that Council approves the items currently included in the consent agenda for the November 30, 2026 Council Meeting as presented.

Moved by: _____

Seconded by: _____

Date: November 30, 2026

Return to TOC

Decision Note

Issue or Decision: Proposed COKO Involvement in Pan-Canadian Regulatory Working Group
Prepared for: Council
Date: November 30, 2026

Issue:

To seek Council's approval for the College of Kinesiologists of Ontario (COKO) to explore a limited advisory arrangement with the Pan-Canadian Regulatory Working Group established by the Canadian Kinesiology Alliance (CKA), without becoming a formal member of the Working Group.

Strategic Impact

The strategic themes set out in the College's 2025-2030 Strategic Plan include engagement & partnerships and system collaboration. A common undercurrent of these themes is identification of strategic partnerships and collaborations to support an understanding of Kinesiologists' role and mandate within the regulated health care environment. The College is also focused on work to develop and leverage strategic collaborations to help build a robust healthcare system. Opportunities for such engagement, partnership, and collaborative initiatives should, therefore, receive due consideration.

To do so, the College must assess and evaluate such potential connections for their compatibility with the College's medium- to- long-term strategic goals. With that said, it is also critical to carefully reflect on any proposal's or invitation's alignment with the College's legislated mandate, objects and jurisdiction.

Public Interest Rationale

Sharing Ontario's regulatory experience may help inform the development of regulatory frameworks that prioritize public protection, professional competence and accountability. A limited advisory arrangement would allow COKO to contribute its expertise to these discussions while maintaining its regulatory independence and ensuring that its involvement remains consistent with its statutory mandate and public-interest responsibilities. Participation would not constitute endorsement of the Working Group's broader advocacy objectives.

Participation in a limited advisory capacity could allow COKO to:

- Share Ontario's regulatory experience and lessons learned with jurisdictions considering regulation.
- Support evidence-informed discussions about regulatory readiness, professional standards and public protection.
- Help ensure that discussions concerning regulatory frameworks reflect practical regulatory experience and the importance of the public interest.
- Maintain awareness of national developments affecting the profession without assuming formal membership or an ongoing governance role.

Risk Considerations

The Terms of Reference identify several considerations for Council:

- **Mandate alignment:** The Working Group's primary objective is to advance regulatory status nationally, including supporting provincial regulatory advocacy. COKO must ensure that any involvement remains consistent with its statutory mandate and responsibility to serve and protect the public interest.
- **Jurisdictional limitations:** COKO's regulatory authority is specific to Ontario, and participation in emerging regulatory initiatives in other jurisdictions may fall outside its mandate. Active involvement in such initiatives could create a risk that COKO is perceived as exceeding its jurisdiction by attempting to influence the development of regulatory frameworks in other Canadian jurisdictions.
- **Regulatory independence:** The Working Group reports to CKA, a professional alliance, and its membership is weighted toward professional association representation. COKO must maintain a clear distinction between its regulatory responsibilities and professional advocacy.
- **Scope of work:** The proposed activities include competencies, titles, scopes of practice, protected acts, and quality assurance and discipline frameworks. These areas overlap with COKO's regulatory expertise and responsibilities in Ontario.
- **Perception of endorsement:** Formal membership could be interpreted as COKO endorsing the Working Group's mandate, recommendations or advocacy positions, even though its outputs are described as advisory and non-binding.
- **Resources and accountability:** The expected member time commitment, associated costs, specific deliverables and protections concerning attribution of members' views have not been fully defined.

Background & Analysis

COKO has been invited to participate in the Pan-Canadian Regulatory Working Group, whose mandate is to advance kinesiology as a regulated health profession across Canada. Ontario is currently the only jurisdiction in Canada where kinesiology is regulated as a health profession.

The Working Group's Terms of Reference identify objectives that include supporting provincial kinesiology associations in pursuing regulation, harmonizing entry-to-practice competencies and educational standards, developing regulatory frameworks, and supporting provincial regulatory submissions.

The Working Group is an internal working group of CKA, reports to CKA, and operates under a work plan approved by CKA. Its membership is primarily composed of representatives from CKA and provincial kinesiology associations. The Terms of Reference indicate that Ontario regulatory expertise may be included but do not define COKO's specific role.

The Ministry of Health has been informed of the invitation and COKO's preliminary assessment.

The following options have been identified:

Option 1: Join the Working Group as a formal member.

This would provide direct participation but would expose COKO to the governance, mandate-alignment, jurisdictional, and perceived-endorsement risks outlined above.

Option 2: Decline participation entirely.

This would avoid the identified risks but limit COKO's opportunity to contribute regulatory expertise and remain engaged in national discussions.

Option 3: Establish a limited advisory arrangement without formal membership

COKO could offer regulatory expertise on specific topics or respond to targeted requests without becoming a member of the Working Group. This approach would preserve opportunities for knowledge-sharing while maintaining a clear distinction between COKO's regulatory mandate and jurisdiction and the Working Group's broader objectives.

Any advisory arrangement would be subject to agreed parameters, including the scope of COKO's contributions, the use and attribution of its input, resource commitments, and the College's ability to decline requests or discontinue involvement where appropriate or necessary.

Recommendation

It is recommended that Council approve the College pursuing a limited advisory arrangement with the Pan-Canadian Regulatory Working Group, without becoming a formal member.

Under this approach, COKO would:

1. Communicate its willingness to consider providing targeted regulatory advice and sharing Ontario's experience.
2. Clarify the proposed advisory arrangement with CKA, including the scope of participation, resource requirements and how COKO's contributions may be used or attributed.
3. Ensure that any involvement remains consistent with the College's statutory mandate, jurisdiction, regulatory independence, and public-interest responsibilities.
4. Report back to Council if the proposed arrangement would require a material commitment of resources or if the scope of involvement changes significantly.

Decision for the Council

Whether to approve COKO pursuing a limited advisory arrangement with the Pan-Canadian Regulatory Working Group, without formal membership, subject to appropriate safeguards and consistency with the College's statutory mandate and public-interest responsibilities.

Return to TOC

Resolution: Canadian Kinesiology Alliance Pan-Canadian Regulatory Working Group

Whereas, the College of Kinesiologists of Ontario ("the College') is committed to achieving the goals of its 2025-2030 Strategic Plan; and

Whereas, this specifically includes strategic goals relating to Engagement and Partnerships and System Collaboration; and

Whereas, the College was invited by the Canadian Kinesiology Alliance ("CKA") to join a Pan-Canadian Regulatory Working Group whose mandate is to advance kinesiology as a regulated health profession across Canada; and

Whereas, the College has considered the mandate and Terms of Reference of the Pan-Canadian Regulatory Working Group as provided by the CKA; and

Whereas, the College has, based on its mandate and jurisdiction, recommended establishing a limited advisory arrangement without formal membership in the Pan-Canadian Regulatory Working Group.

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the College establishing a limited advisory arrangement without formal membership in the Canadian Kinesiology Alliance Pan-Canadian Regulatory Working Group.

Moved by:

Seconded by:

Date: November 30, 2026

Return to TOC

Inquiries, Complaints and Reports Committee Report

Committee: Inquiries, Complaints and Reports Committee
Prepared For: Council
Date: November 30, 2026

Overview

The Inquiries, Complaints and Reports Committee (ICRC) is a statutory committee that is responsible for elements of the College's Professional Conduct portfolio. The ICRC is established to investigate all complaints regarding the conduct or practice of a registrant and to consider any Registrar's reports made under s.79(a) of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991*.

Public Interest Rationale

The Committee's work serves and protects the public interest by:

- identifying and addressing concerns about a registrant's conduct, competence, or capacity, and taking action where necessary to reduce risk and prevent harm;
- promoting accountability by holding registrants to the standards of practice and professional conduct established by the College, helping ensure safe, ethical, and high-quality care; and
- fostering public confidence in the profession and the College's ability to regulate by considering matters before the Committee through a fair and impartial process.

Summary

The Inquiries, Complaints and Reports Committee (ICRC) met once since the last Council Meeting on September 14-15, 2026.

The panel met on October 27th to discuss the following:

- 3 decisions to take no action
- 4 approvals of investigators
- 1 case review

Currently, there are 8 complaint matters and 3 report matters under active investigation. 1 report matter remains under consideration by a panel of the Committee. One complaint matters from prior terms remains under consideration at the Health Professions Appeal and Review Board("HPARB").

On October 28, 2026, HPARB issued a decision regarding an ICRC matter from September 2024. HPARB determined that the ICRC's investigation was adequate and confirmed the ICRC's decision to take no action.

Return to TOC

Registration Report

Committee(s)	Registration, Examination Appeals, Examination and Item Writing Committees
Prepared for:	Council
Meeting Date:	November 30, 2026
Reporting Period:	September 5 to November 30, 2026

Overview: Registration Committee

i. Public Interest Rationale

The Registration Committee ensures that only applicants who meet established standards of competence, character, and capacity are authorized to practice. Through fair, transparent and risk-based decision-making, the Committee protects patient safety, promotes public confidence, and balances access to qualified professionals with the need to uphold rigorous regulatory standards.

ii. Role of the Registration Committee

The Registration Committee is a statutory committee, and its role is to protect the public's interest by creating and maintaining applicable policies for those who wish to register with the College. The Registration Committee also reviews applications referred by the Registrar and provides written decisions with reasons on how the application will be treated.

Overview: Exam Appeals Committee

i. Public Interest Rationale

The Examination Appeals Committee supports the College's public-interest mandate by providing a fair, consistent and transparent process for reviewing entry-to-practice examination appeals. By ensuring decisions are made on appropriate grounds and in accordance with established procedures, the Committee promotes confidence in licensing decisions while maintaining the integrity of the examination standard that underpins safe and competent practice.

ii. Role of the Exam Appeals Committee

The Examination Appeals Committee is a non-statutory committee, and its role is responsible for hearing appeals from candidates who fail the entry-to-practice exam.

Overview: Examination Committee

i. Public Interest Rationale

The Examination Committee supports the College's public-interest mandate by developing and maintaining test forms which correspond to the approved Examination Blueprint. This work promotes the accuracy, validity, and currency of the exam, thereby maintaining the integrity of the examination standard that underpins safe and competent practice.

ii. Role of the Examination Committee

The Examination Committee is a non-statutory committee, and its role is responsible for developing and approving test forms for use in the entry-to-practice exam, as well as approving exam pass mark.

Overview: Item Writing Committee

iii. Public Interest Rationale

The Item Writing Committee supports the College's public-interest mandate by developing and maintaining test items which correspond to the approved Examination Blueprint. This work promotes the accuracy, validity, and currency of the exam, thereby maintaining the integrity of the examination standard that underpins safe and competent practice.

iv. Role of the Item Writing Committee

The Item Writing Committee is a non-statutory committee, and its role is responsible for developing and reviewing items for use in the entry-to-practice exam.

Meetings

- The *Panel of the Registration Committee* has met once on October 30, 2026 to consider the following:
    - 1 referral for assessment of educational equivalency
    - 2 course review requests

Additionally, the Registration Committee had three group working sessions on November 2, November 6 and November 13 to test the revised Education Equivalency Evaluation Framework. During these working sessions, the Committee tested a sample application using the revised assessment tool, and discussed how the rubric, a decision-aid tool could support the adjudication process. Findings from these sessions as well as the implementation plan to be discussed at the Committee's next meeting.

- The Examination Appeals Committee has not met since the last reporting period.

- The Examination Committee met twice. The meetings were held as follows:
    - September 23, 2026
    - September 30, 2026

The Committee conducted a key validation of the exam questions selected by the exam provider for further review upon completion of the psychometric analysis of the September 2026 examination and approved the pass mark. The next meeting is planned for December to review and approve a new test form.

- The Item Writing Committee is planned to resume in the next fiscal 2027/2028.

Examination

The Fall 2026 sitting of the College's entry-to-practice examination was held on September 16, 2026. 261 applicants wrote the exam. 191 applicants passed the exam.

The Spring sitting of the College's entry-to-practice examination is scheduled to take place on April 14, 2027.

Planning and Finance Committee Report

Committee: Planning and Finance Committee
Prepared for: Council
Date: November 30, 2026

Overview

The Planning and Finance Committee (the "Committee") is a non-statutory committee that provides guidance and oversight in support of the financial stability, sound planning and risk management of the College of Kinesiologists of Ontario (the "College").

Public Interest Rationale

The Committee's work serves and protects the public interest by supporting responsible stewardship of the College's financial resources, informed governance and the organizational capacity needed to fulfil its regulatory mandate.

Meetings

Since the September 14–15, 2026 Council meeting, the Committee has met twice, on October 14 and November 10, 2026. The October meeting included Committee orientation and a pre-audit discussion, while the November meeting focused on the following key items:

Fiscal Year 2026-2026 Financial Audit

The Committee received the draft audited financial statements for the year ended August 31, 2026, presented by Tinkham LLP. The review included the auditor's findings and management recommendations. Matters for continued follow-up include cash-management practices and the independence considerations in the College's whistleblower policy. The draft statements were presented for the Committee's consideration and recommended to Council for approval.

Office Space and Infrastructure Business Case

Management initiated through a business case, a preliminary discussion on the College's current and future office-space needs, exploring potential options such as maintaining the existing configuration, renting additional space, reconfiguring the current office, staggered staff attendance, or relocation. The discussion aimed to identify potential approaches for further exploration and assessment, considering operational needs, future growth, and resource planning. The P&F Committee has requested that management explore these options and report findings to the Committee for consideration.

Q1 FY2026–2027 Revised Enterprise Risk Management Plan

The Committee reviewed the revised Enterprise Risk Management Plan, covering 42 risks, including 10 key priorities subject to enhanced quarterly monitoring. Four precautionary risk-rating increases were proposed, reflecting emerging cybersecurity, confidentiality, website and business-continuity concerns. The Committee considered the proposed changes and their recommendation to Council for approval.

Q1 FY2026–2027 Financial Report and Dashboard

The Committee reviewed the interim Q1 Financial Report and Operational Dashboard. Management highlighted key financial variances, primarily related to revenue recognition timing and outstanding November expenses, noting that the interim surplus does not represent the final quarter-end results. The dashboard also reflected improvements requested by the Committee, including examination pass rates and year-over-year comparisons. The Committee accepted the Financial Report and Dashboard to for information.

Return to TOC

COLLEGE OF KINESIOLOGISTS OF ONTARIO

REVENUES

COLLEGE OF KINESIOLOGISTS OF ONTARIO - REVENUE & EXPENDITURE REPORT FOR QTR 1
FOR THE FISCAL YEAR 2026-2027 (September 1, 2026 to August 31, 2027)

CATEGORY	APPROVED REVENUE FORECAST FY 2026-27	PROJECTIONS QTR 1 SEPT 1 - NOV 30, 2026	REVENUES RECEIVED QTR 1 SEPT 1 - OCT 31, 2026 (INTERIM)	VARIANCE QTR 1 (-Unfavorable/+Favorable)
	$	$	$	$
Revenue:				
Jurisprudence Fee ($75)	34,102	5,509	4,183	-1,327
Application Fee ($150)	72,275	3,900	3,300	-600
Examination Fee ($450)	194,400	99,642	117,860	18,218
*Examination Fee**	*95,228*	*470*	*410*	
Deferred Revenue from 2025-2026	*99,172*	*99,172*	*117,450*	
Registration Fees*	1,965,694	495,533	366,448	-129,086
*Registration Fees**	*386,060*	*100,625*	*106,031*	
Deferred Revenue from 2025-2026	*1,579,633*	*394,908*	*260,417*	
Interest Income	55,027	19,276	12,751	-6,525
TOTAL REVENUE	**2,321,498**	**623,860**	**504,542**	**-119,319**

*Registration Fees are made-up of the following:	Approved Forecast	PROJECTIONS QTR 1 SEPT 1 - NOV 30, 2026	REVENUES RECEIVED QTR 1 SEPT 1 - OCT 31, 2026 (INTERIM)	VARIANCE QTR 1 (-Unfavorable/+Favorable)
	$			
New Registrants				
- Sept - Nov ($700)	11,156	9,340	4,128	-5,212
- Dec - Feb ($525)	26,617			
- Mar - May ($350)	33,004			
- Jun - Aug ($175)	44,379			
Renewal ($700)	1,706,100	415,915	288,018	-127,898
Renewal ($700)	*205,449*	*40,010*	*40,132*	
Deferred Revenue from 2025-2026	*1,500,651*	*375,906*	*247,886*	
Professional Corporation Renewal/Professional Corp Reg Fee	3,000	300	400	100
Inactive Renewal ($250)	98,750	24,277	16,576	-7,701
Renewal ($250)	*19,768*	*5,275*	*4,045*	
Deferred Revenue from 2025-2026	*78,982*	*19,002*	*12,531*	
Change in Status (members back to active)	5,513	3,600	2,475	-1,125
Renewal Late Fee ($150)	26,775	32,850	51,150	18,300
Professional Corporation Late Fee	250	0	0	0
Inactive Renewal Late Fee ($100)	6,850	7,500	9,600	2,100
Re-instatement Fee ($350)	3,300	1,750	1,050	-700
Refunds	0		-6,950	-6,950
Total	1,965,694	495,533	366,448	-129,086

Notes: Q1 Interim Revenue Recognition and Deferred Revenue
The report compares September–October 2026 interim revenue on an accrual basis with projections for the full September–November quarter. Registration and examination fees are recognized in the appropriate fiscal period, including amounts deferred from FY2025/26. As a result, differences in the timing of deferred-revenue recognition and November transactions affect the interim variance. Q1 results will be finalized after November activity is recorded.

Registration:
Registration revenue through October remains below the full-Q1 projection, primarily due to the timing of deferred revenue recognition from FY2025/26. This variance has been partially offset by higher-than-anticipated renewal late fees. With November revenue recognition still outstanding, the interim variance is expected to narrow as the quarter progresses.

EXPENDITURES

COLLEGE OF KINESIOLOGISTS OF ONTARIO
- REVENUE & EXPENDITURE REPORT FOR QUARTER 1

CATEGORY	APPROVED EXPENDITURE FORECAST FY 2026-27	PROJECTIONS QTR 1 SEPT 1 - NOV 30, 2026	REVENUES RECEIVED QTR 1 SEPT 1 - OCT 31, 2026 (INTERIM)	VARIANCE QTR 1 (+Unfavorable/-Favorable)
	$	$	$	$
Expenditure:				
Council & Committees	75,554	25,948	15,537	10,411
Professional Fees	126,658	23,270	17,711	5,559
Communications & Media	163,858	15,515	10,444	5,071
Rent & Facility Costs	174,123	41,768	27,845	13,923
Office & General	143,239	39,965	38,364	1,601
Salaries & Wages	1,283,770	278,892	185,928	92,964

Registration Costs	234,705	64,777	60,020	4,757
Quality Assurance	39,984	1,000	300	700
Professional Conduct	87,312	29,410	19,910	9,500
TOTAL EXPENDITURE	**2,329,203**	**520,545**	**376,059**	**144,486**

Major Highlights:

Council and Committee

Council and Committee expenditures support scheduled meetings, per diems and related claims. Further costs associated with late-quarter meetings and outstanding claims will be captured as part of the quarter-end review. The interim variance largely reflects timing rather than confirmed savings.

Professional Fees

Professional fees include accounting and bookkeeping, audit, general legal and other external advisory services. Ongoing service commitments and outstanding invoices will be recognized as the quarter is finalized.

Communications & Media

Communications and Media expenditures support managed IT services, Microsoft licensing, website operations and software subscriptions. Regular service and maintenance commitments continue throughout the quarter, with remaining invoices to be reflected in the final results.

Rent & Facility Costs

Rent and Facility Costs primarily reflect recurring office lease and parking obligations. The interim difference is attributable to the timing of monthly charges and does not represent ongoing cost savings.

Office & General

Office and General expenditures cover telecommunications, banking and merchant services, insurance, memberships, staff & Council professional development and routine office operations. Remaining recurring charges will be captured during the quarter-end close.

Salaries & Wages

Salaries and Wages include employee compensation, benefits and related statutory costs. The interim variance largely reflects the remaining November payroll period and benefits,and should not be interpreted as confirmed staffing savings.

Registration Costs

Registration Costs support registry licensing and hosting, ongoing technical assistance, EMS enhancements, and examination administration and development. Relevant vendor invoices and accruals are being monitored through quarter-end.

Quality Assurance

Quality Assurance spending remains limited as the first Peer and Practice Assessment (PPA) cycle has not yet commenced, with related claims generally expected in Q2. The Essential Competencies project concluded in the prior fiscal year. Potentially outstanding eLearning administration invoices are being followed up, and the interim variance is not yet considered confirmed savings.

Professional Conduct

Professional Conduct expenditures include external investigations, legal services and other case-related support. Costs remain driven by the volume, complexity and timing of ongoing matters and will be reassessed at quarter-end.

Return to TOC

2026/2027 Q1 Performance Report

(Q1: Sep 1, 2026 – Nov 30, 2026)

Overall Highlights

REGISTRATION

2026/2027 Q1



As of **November 2, 2026**
Total registered: **2916**
New registrations: **68**

2025/2026 | COMPARATIVE
Total registered: **2,862**
New registrations: 32

YOY Change
Registered: **+36**

PRACTICE INQUIRIES

2026/2027 Q1



As of **November 3, 2026**
Total received: **23**

2025/2026 | COMPARATIVE
Total received:**36**

YOY Change
Received: **-13**

PROFESSIONAL CONDUCT

2026/2027 Q1



As of **October 30, 2026**
Active cases: **26**
Closed cases: **1**

2025/2026 | COMPARATIVE
Active cases: **20**
Closed cases: **0**

YOY Change
Active cases: **+6**
Closed cases: **+1**

EXAMINATION

2026/2027 Q1



Fall exam date: **September 16, 2026**
Registered : **268**
Fall 2026 Pass rate: **73% (191 of 261)**

2025/2026 | COMPARATIVE
Registered: **294**
Fall 2025 Pass rate: **71% (182 of 258)**

YOY Change
Registered: **–26**
Pass rate: +2%%

Operational Highlights

Strategic Theme #1: Governance & Public Trust

Governance/Corporate

DELIVERABLES	STATUS	COMPLETED IN Q1	IN-PROGRESS

Governance:
• Council and committee performance and effectiveness
  ○ Implement goals and priorities from 2025/2026 CERF
  ○ 2026/2027 CERF
• Annual Council and committee activities and requirements
  ○ COI forms, professional affiliations & confidentiality agreements.
  ○ Council & committee orientation & training
• Development of Committee competencies
• Decision-making trees for Council & committees
• Council engagement
  ○ In-Person meetings
  ○ Future meeting schedule
• Ongoing policy review and development, including the COI Policy and By-law 16.
	?	• Competency-based committee appointments
		• Orientation and training for Council (September Council meeting)
		• Committee training
		• Inclusion of Public Interest Rationales on Council decision notes
		• Mentorship slate approved
		• Decision tree for Council
			• Implementing 2025/2026 CERF goals & priorities – extending meetings to additional days in March – proposal to Council in November; implementation of Public Interest Rationale's in all Council Decision notes; work on expansion of public risk register commenced – draft to be provided to P&F and then to Council; Council mentorship guide implementation commenced with the development of an approved mentorship slate, mentor training to commence in Q2
			• 2026/2027 CERF- ongoing meeting evaluation surveys
			• Ongoing Council and committee orientation and training
			• Ongoing competency-based committee appointments
			• Council engagement – Business CAse for expansion of COKO Office space presented to P&F
			• Future meetings of Council meeting schedule are in progress – revisions to March meeting dates to be presented to Council for approval
			• Annual Council and Committee COI, Professional Affiliations and Confidentiality forms outstanding

			• Implementation, review and development of corporate policies, including COI Policy and By-law 16.
			  • Bylaw 8 revisions – November Council meeting for approval
			  • Bylaw 13 revisions - November Council meeting for approval
			  • Draft In-camera Policy – November Council meeting for approval
			  • Revised Meeting Minutes Policy – November Council meeting for approval

Corporate:
• Ongoing review of portfolio performance against KPIs.
• Regulatory, governance and corporate compliance:
  o Completion of FY2025/26 Financial Audit and Annual Report
  o 2026 CPMF reporting
• Staffing and physical office space planning and expansion.
• Enhance risk management and right-touch regulatory frameworks, including ERM, business continuity and incident response.
• Development of the Public Risk Management Framework.
• Corporate initiatives, including AI governance, operational process improvements and website security.
		• FY2025/26 Financial Audit
		• Q1 Risk Management Plan review and updates, including incident reporting and mitigation measures.
		• Q1 financial and operational performance review.
		• Ongoing coordination of security and operational control improvements.
		•
			• Ongoing monitoring of portfolio performance against KPIs.
			• FY2025/26 Annual Report.
			• 2026 CPMF reporting, subject to release.
			• Development of the Public Risk Management Framework. Draft to be presented to P&F Committee in Q2
			• Ongoing risk monitoring, reporting, documentation and business continuity enhancements.
			• Ongoing staffing and physical office space planning and expansion.
			• AI governance initiatives and operational process improvements.

Registration			
DELIVERABLES	STATUS	COMPLETED IN Q1	IN-PROGRESS

• Revised Education Equivalency Evaluation Framework (EEEF) • Implementation of database management system update • Provincial Provider Registry integration • Entry-to-Practice Examination Development • Enhanced member demographic data collection • Registration policy review • Exploration of emerging registration Class models and flexible licensure pathways		EEEFR project Phase II: Continued testing of the newly approved tool by the Registration Committee. Internal operational processes were refined The committee also met to review the project plan, which includes key workstreams, including stakeholder communications, launch readiness, training, operational processes and system updates. • Policy review: priority registration policies were identified. The review process of selected policies has been initiated, • PPR project: PPR Project: Funding confirmed; project commencement is pending the funder's revision and legal review of its fund transfer and data-sharing agreement templates.	• Exam: The Examination Committee to meet in Q2 to review and approve a new test form. • EEEFR project: Testing of the new tool is scheduled to be completed in this quarter. In the next quarter, the detailed plan will be developed for each workstream within the implementation plan and brought forward to the committee for review and feedback. • PPR project: Initiate project activities following receipt and execution of agreements from Ontario Health. • Database management system: Continue testing and complete the remaining key module to proceed with implementation of the upgraded membership database. • Policy review; Project will continue through fiscal 2026/2027.
Professional Conduct			
DELIVERABLES	STATUS	COMPLETED IN Q1	IN-PROGRESS
• Timely response to complaints. • Complainants effectively supported by and informed regarding the progress of complaints. • Addressing complaints in a right-touch manner.		• Responses to complaints remain timely, with some delays in isolated cases • Complainants continue to receive timely updates and responsive support throughout the complaints process. • Complaints continue to be assessed and managed using a proportionate, risk-based approach that supports public protection.	• Ongoing/as needed: ○ Ongoing development of complaint process guide for the public ○ Ongoing revision of complaint intake process and a complaint form to accommodate AI-generated submissions
Strategic Theme: #2: Engagement & Partnerships			

Communications

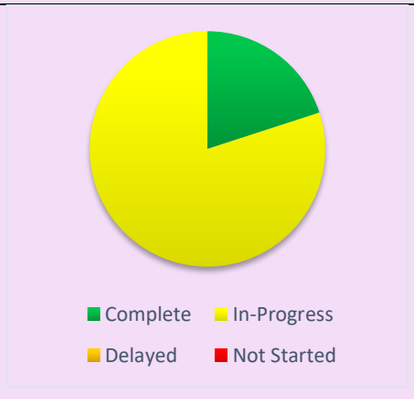
DELIVERABLES	STATUS	COMPLETED IN Q1	IN-PROGRESS

• Communication strategy and implementation plan
• System partner engagement and meetings
• Member engagement and education
• Public awareness and perception
• Enhanced communication products and channels
• Council elections
		• Member engagement and education:
		  ○ Intimate Partner Violence Webinar
			• Communication Strategy and Implementation Plan: engaging external support
			• System partner outreach & collaborations:
			  ○ University visits
			  ○ System partner (association) meetings
			• Council elections planning
			• Public awareness and perception: practice story
			  ○ Working on the second article

Strategic Theme #3: System Collaboration

Professional Practice & Quality Assurance

DELIVERABLES	STATUS	COMPLETED IN Q1	IN-PROGRESS

• Implementation of revised *Essential Competencies of Practice for Kinesiologists in Ontario*
• Establish expectations and supports to promote culture of continuous quality improvement
  ○ Biennial self-assessment
  ○ Annual eLearning module cycle
• Develop/amend processes and policies to explain how COKO uses a risk-based, evidence-informed approach to assessment
• Development of peer and mentoring programs for kinesiologists
		• Annual eLearning module cycle	• Rollout of revisions to Essential Competencies of Practice for Kinesiologists in Ontario
			  ○ Risk-based approach: Logic Model for risk-based Quality Assurance as part of Essential Competencies project.
			• Development of peer and mentoring programs for kinesiologists
			• Biennial self-assessment: opens December 1, 2026
			• Peer and Practice Assessments

Return to TOC



Pilot Phase
Report and Proposal

HPDT
Health Professions
Discipline Tribunals

TDPS
Tribunaux de discipline
des professions de la santé

Table of contents

GLOSSARY 4
INTRODUCTION 5
The OPSDT 5
The HPDT Pilot 6
This Report 6
PART I – THE MODEL AND THE PILOT 7
Background 8
The New Model: Core Components 12
Implementing the Pilot 22
PART II – FEEDBACK AND DATA 25
Qualitative Feedback 26
Quantitative Measures 29
PART III -- NEW MODEL 34
Principles 34
Proposal for the HPDT 35

Glossary

The terminology used at different Health Colleges and at different times varies. For readability, we have used consistent terminology as follows.

Board	"Council" under the Code
CASLPO	College of Audiologists and Speech-Language Pathologists of Ontario
HPDT or OPSDT Chair	Chair of the Ontario Physicians and Surgeons Discipline Tribunal and Chair or Co-Chair of the Pilot Tribunals, currently David Wright
CMC	Case Management Conference
CMTO	College of Massage Therapists of Ontario
Code	Health Professions Procedural Code, Schedule 2 to the RHPA
CPSO	College of Physicians and Surgeons of Ontario
CRPO	College of Registered Psychotherapists of Ontario
Discipline Tribunal	A discipline committee or tribunal under the Code
Experienced Adjudicator	Individuals with at least five years of experience as an adjudicator, recruited through a competitive process and appointed to the OPSDT and Pilot Tribunals
HPDT	Health Professions Discipline Tribunals, currently the OPSDT, ORPDT, and the Discipline Committees of CMTO and CASLPO
OPSDT	Ontario Physicians and Surgeons Discipline Tribunal, which is the Discipline Committee of the CPSO
ORPDT	Ontario Registered Psychotherapists Discipline Tribunal, which is the Discipline Committee of the CRPO
Parties	The parties to a discipline proceedings are the College (the prosecutor) and the registrant (the defence)
Pilot Colleges	CASLPO, CMTO and CRPO
Pilot Tribunals	The Discipline Committees of CMTO and CASLPO and the ORPDT
Registrant	A "member" under the Code
RHPA	*Regulated Health Professions Act*
Tribunal Office	The department within CPSO that supports the OPSDT and HPDT
Tribunal Office Staff	Staff employed by CPSO who work on administration and case processing of HPDT matters, including the HPDT Chair and Tribunal Counsel.

Introduction

The OPSDT



Between 2021 and 2023, the College of Physicians and Surgeons of Ontario (CPSO) revamped its process for hearing and deciding allegations of professional misconduct and incompetence referred for discipline hearings. The changes, reflecting best practices in administrative justice, have led to increased independence, higher participant and public confidence, dramatically shorter timelines and significant cost savings. Physician and public members hearing discipline cases have provided extremely positive feedback.

The significant components of the changes include:

- renaming the CPSO Discipline Committee the Ontario Physicians and Surgeons Discipline Tribunal (OPSDT) to signal independence and promote understanding of its work;
- appointing an independent full-time Chair to lead the OPSDT and the Tribunal Office, along with a part-time physician Vice-Chair;
- recruiting individuals with significant experience as adjudicators in other contexts to chair hearing panels, eliminating the need for independent legal counsel;
- instituting intensive case management in the pre-hearing phase, with case management conferences (CMCs) chaired by an experienced adjudicator;
- implementing a more streamlined scheduling process;
- modernizing the OPSDT's Rules of Procedure and Practice Directions to make them more plain language, flexible and values based;
- developing a separate website for the OPSDT, including detailed, plain-language guides to various OPSDT processes and other easily accessible and user-friendly resources;
- adopting a more contemporary, accessible reason-writing style and implementing a comprehensive reasons preparation and review policy with tightened timelines for completion;
- establishing a practice advisory group to gather feedback from lawyers who represent both the College and registrants;
- designing and implementing new, more robust training when new members are appointed and continuing education for all OPSDT members;
- emphasizing equity, diversity and inclusion in all we do.

These changes produced notable successes, including:

Shortened timelines across all stages of the process, including:



- releasing all reasons within our 84-day standard, with most completed sooner
- developing a 2024 key performance indicator of one year from referral to final decision, 80 percent of the time

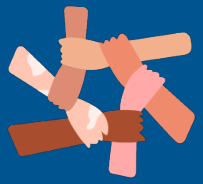


Feedback from professional and public OPSDT members that hearing management by experienced adjudicator chairs allows them to better focus on the issues the panel must decide



Significant cost savings

A more diverse discipline tribunal membership





Positive feedback from all participants in the process and favorable comments from the courts



Ability to schedule uncontested hearings within weeks of parties' agreement

Greater transparency



The HPDT Pilot

HPDT Health Professions Discipline Tribunals
TDPS Tribunaux de discipline des professions de la santé

In 2023, the OPSDT embarked on a pilot project together with the Colleges of Audiologists and Speech-Language Pathologists (CASLPO), Massage Therapists (CMTO) and Registered Psychotherapists (CRPO) – the Health Professions Discipline Tribunals Pilot (HPDTP). The Pilot Colleges adopted core aspects of the model as implemented at the OPSDT. The Pilot Colleges appointed the experienced adjudicators that were initially recruited by the OPSDT to their Discipline Committees, and the HPDT Chair as the Chair or Co-Chair of their Discipline Committees. CPSO billed the Pilot Colleges for the work done on a non-profit basis.

The Pilot began in March 2023 at CMTO, April 2023 at CRPO and May 2023 at CASLPO. Initial agreements were for a one-year period. After the first year, the Pilot was extended until the end of December 2024 at all three Colleges.

There have been several differences between Pilot Colleges in implementation:

- At CMTO, only cases with allegations of sexual abuse were part of the Pilot stream; other cases continued under the existing system.
- At CASLPO, the Tribunal Office has handled case processing from the beginning of the Pilot. At CRPO, the Tribunal Office took over case processing in the spring of 2024. CMTO continues to do all its own case processing.
- CRPO, CASLPO and OPSDT harmonized their rules, forms, practice directions, guides, administrative processes and templates in the spring of 2024. CMTO continues to be distinct in these ways.



This Report

This report on the Pilot Phase is divided into three parts. The first provides the background to the Pilot and reports on what we did. The second presents participant feedback and some quantitative measures of our work. The third outlines the form of the proposed permanent organization, which is open to both existing participants and other Ontario Health Colleges to join in 2025.

We sought feedback from multiple individuals, including members of the Pilot Tribunals and OPSDT, Pilot College leadership, prosecution and defence counsel and staff supporting the Pilot Tribunals. We have also consulted with senior leadership of other Health Colleges not currently part of the Pilot. Unless attributed to others, the analysis in this report reflects the views and proposals of the Tribunal Office. Proposals on human resources, information technology and finances are on behalf of both the Tribunal Office and CPSO as the organization responsible for resources and contractual arrangements.



PART 1
The model and the pilot

The model and the pilot



BACKGROUND

Changing Expectations and New Challenges

Ontario's Health Professions Procedural Code[1] sets out regulatory processes that apply to all 26 of Ontario's Health Colleges, including establishing various committees. The Discipline and Fitness to Practise Committees are unique within the College structure, in that they are required to hold formal, quasi-judicial hearings to decide allegations referred to them by the Inquiries, Complaints and Reports Committee.

Despite their name, Discipline Committees are administrative tribunals, a part of the justice system that decides far more disputes than the courts. They are required to hold quasi-judicial hearings in accordance with the principles of procedural fairness, write decisions and process cases effectively and efficiently. These are just some of the types of claims that tribunals address: rental housing disputes (Landlord and Tenant Board); entitlement to automobile insurance benefits (Licence Appeal Tribunal); allegations of discrimination in employment or services (Human Rights Tribunal); refugee claims (Immigration and Refugee Board), involuntary detention in psychiatric facilities (Consent and Capacity Board); and entitlement to Employment Insurance Benefits (Social Security Tribunal).

Like other parts of the administrative justice system, professional discipline tribunals are facing several challenges that have become more pronounced in recent years. One is scrutiny from the courts. Discipline decisions can be appealed by either party to the Divisional Court. Since the Supreme Court of Canada's 2019 decision in *Vavilov*,[2] discipline decisions no longer receive deference from the courts on questions of law; they must be correct. There is also greater scrutiny of tribunals' written reasons.

The court said in *Vavilov* that tribunals must adopt a "culture of justification" and demonstrate through reasons that their exercise of public power can be justified.[3]

The legal issues in discipline cases are becoming increasingly complex. Supreme Court decisions have clarified that parties may raise issues under the *Canadian Charter of Rights and Freedoms*[4] and the *Ontario Human Rights Code*[5] before tribunals. Recent discipline cases have involved decisions on *Charter* claims of freedom of expression, unreasonable search and seizure and patient privacy.

There is also a marked increase, in both tribunals and courts, in the number of self-represented litigants. Tribunals have a duty to provide appropriate support and information to self-represented litigants in published materials, communications with tribunal staff and case management/pre-hearing conferences. Some litigants' and counsel's approach to litigation can lead to hearing management challenges.

Discipline Committees are administrative tribunals, a part of the justice system that decides far more disputes than the courts.

The legal issues in discipline cases are becoming increasingly complex.

[1] Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18.
[2] *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65.
[3] Para. 14.
[4] *Nova Scotia (Workers' Compensation Board) v. Martin; Nova Scotia (Workers' Compensation Board) v. Laseur*, 2003 SCC 54.
[5] *Tranchemontagne v. Ontario (Director, Disability Support Program)*, 2006 SCC 14.

Finally, there are increased legal and societal expectations of transparency and accessibility. Best practice is now to write decisions using a more plain-language, non-formulaic, less legalistic approach so they are more understandable to the parties and the public. Recent court decisions have also found that the "open courts principle" requires that documents filed in tribunal proceedings be available to the public in a timely way, with limited exceptions. The use of on-line hearings that began with the pandemic and has continued since then has allowed the public, complainants, other registrants and the media to view hearings without travelling to downtown Toronto and sitting in a hearing room all day.

Tribunal Best Practices

The following are among the best practices in contemporary tribunal design[6]:

- **merit-based appointment and reappointment processes, based on recommendations from the tribunal leadership;**[7]
- **expert leadership that sets direction through policy, process and decision writing, promoting consistency while respecting panels' independence;**
- **tribunal independence, including fixed terms for adjudicators, removal of adjudicators during terms only for cause and separation from the prosecution in discipline tribunals;**[8]
- **a robust education program for adjudicators, both at the time of appointment and on an ongoing basis;**
- **plain language, values-based, flexible rules of procedure that allow procedures to adapt to the needs of a particular case;**
- **plain-language guides and practice directions to assist parties, witnesses and the public;**
- **issues-based, plain language reasons;**[9]
- **"decision review and release" policies to ensure high quality and timeliness;**
- **supports for self-represented litigants;**[10]
- **establishment of committees or roundtables for feedback from those who appear before the Tribunal;**
- **the use of case management, alternative dispute resolution and active adjudication to promote settlement and streamline hearings;**[11]
- **attention to trauma-informed approaches to adjudication.**

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[6] For examples of tribunal policies in these and other areas see the Council of Canadian Administrative Tribunals Tribunal Policies Repository: https://www.ccat-ctac.org/tribunal-policies-repository/
[7] See the *Adjudicative Tribunals Accountability, Governance and Appointments Act,* S.O. 2009, c. 33, Sched. 5 (ATAGAA), which does not apply to professional discipline tribunals but is based on best practice.
[8] See *2747-3174 Québec Inc. v. Québec (Régie des permis d'alcool)*, [1996] 3 SCR 919.
[9] See Ed Berry, *Writing Reasons: A Handbook for Judges*, 5th Edition, 2020.
[10] See Canadian Judicial Council, *Statement of Principles on Self-represented Litigants and Accused Persons*, September 2006: https://cjc-ccm.ca/sites/default/files/documents/2020/Final-Statement-of-Principles-SRL.pdf; *Pintea v. Johns*, 2017 SCC 23; Michelle Flaherty and Morgan Teeple Hopkins, "Active Adjudication and Self-Represented Litigants: the Duties of Adjudicators" (2022) 35 Canadian Journal of Administrative Law & Practice 177.
[11] See Michelle Flaherty, "Best Practices in Active Adjudication" (2015) 28 Canadian Journal of Administrative Law and Practice 291.

Expertise in Adjudication and Tribunal Administration

Greater professionalization of administrative tribunals has led more people to build careers in administrative justice, resulting in a significant cadre of professionals with extensive experience in the area. Adjudicators often serve on more than one tribunal at the same time or in succession, working part-time in multiple roles and/or applying their experience in different contexts.

With regards to tribunal administration, over the last 15 years, governments have developed umbrella organizations for tribunals, in which they share resources, leadership and policies. Tribunals Ontario is made up of 14 different adjudicative tribunals with a common Executive Chair and Executive Director. Several tribunals have now been combined into the Ontario Land Tribunal. Federally, the Adjudicative Tribunals Support Service of Canada provides support services to 11 tribunals.

Combining Legal and Health Expertise

The OPSDT and Pilot Tribunals hear discipline cases in five-member panels that include an experienced adjudicator chair, two public members of the College's Board (as required under the Code), one professional member of the College's Board (also required under the Code) and one professional non-Board member. Panels of decision-makers such as this, consisting of experts in adjudication, health care professionals and members of the public are common in Canadian administrative justice.

For example, the Consent and Capacity Board decides a variety of applications, including those related to involuntary status in a psychiatric facility, findings of incapacity to consent to treatment, reviews of community treatment orders, admission to long term care, end-of-life care, capacity to make financial decisions, access to health and youth records, and certain communicable diseases. Its members include lawyers, psychiatrists, other physicians, nurses in the extended class and members of the public. It sits in panels of one, three or five members and multi-member panels must include a mixture of lawyers, health care professionals and public members. The legal member presides and prepares the written decision and the reasons for decision.

The Ontario Review Board and its counterparts in other provinces and territories make decisions about the detention or restrictions on individuals who have been found by a court to be either unfit to stand trial or not criminally responsible on account of mental disorder. Its members include lawyers, judges, retired judges, psychiatrists, psychologists and members of the public. Panels of five are made up of two legally trained members, two health professionals and a member of the public.

The Health Services Appeal and Review Board, which holds appeals, hearings and reviews concerning publicly insured health services under the Health Insurance Act and other hearings, is required to have both lawyers and medical professionals as members, and they may sit together on panels. The lawyer generally presides.

None of these tribunals regularly use independent legal counsel.

Other Professional Regulators

There are also various professional regulators that have panels combining legal experts and others without using independent legal counsel.

The Colleges of Physicians and Surgeons of Saskatchewan, Nova Scotia and Quebec have legally trained members sit on all panels and chair their discipline hearings, as do the College of Immigration and Citizenship Consultants and the Electrical Safety Authority.

Beginning in 2013, the Law Society of Ontario implemented significant enhancements to its hearing process. This included establishing the Law Society Tribunal (LST) as a body with a separate identity from the Society. The LST has its own premises, website and logo along with an independent, full-time chair. Beginning in 2013, it recruited experienced adjudicators to serve on panels along with elected or appointed board members. Appointee lawyer members chair many but not all hearing panels and conduct most pre-hearing conferences. The panels include paralegal and public members sitting together with lawyers, without independent legal counsel.

The Goudge Report

In 2015, the Ministry of Health and Long-Term Care asked Stephen Goudge, a former justice of the Court of Appeal for Ontario, to make recommendations about the complaint and hearing processes at the CPSO. His report recommended, among other things:

- that non-physician members with advanced dispute resolution skills be appointed to the Discipline Committee to deal with cases where a physician pre-hearing conference chair is not required, or where a non-physician pre-hearing conference chair might be more effective; and

- that legally trained persons, experienced in running hearings, be appointed to the Discipline Committee to chair hearing panels in non-clinical standards cases. He noted that would eliminate the need for independent legal counsel at those hearings.

THE NEW MODEL: CORE COMPONENTS

Leadership

OPSDT

The CPSO Board appointed David Wright as the Chair of the then Discipline Committee for a three-year term beginning in November 2020. He was renewed for a further five-year term beginning in November 2023.

A physician serves as Vice-Chair of the OPSDT: James Watters from 2020-2023 and Joanne Nicholson since 2023. The Vice-Chair's primary role has been to provide the Chair advice and feedback and to sit as a panel member on significant or difficult cases.



David Wright has been a full-time adjudicator for over 15 years, serving in senior leadership positions at adjudicative tribunals since 2009. Prior to his appointment at CPSO, he was the Chair of the Law Society Tribunal for over seven years, during which time he led the implementation of the reforms discussed above. Before that he was a Vice-Chair, Interim Chair and Associate Chair at the Human Rights Tribunal of Ontario as that tribunal implemented the reform of the human rights system and a new adjudicative model. David is bilingual, has been the Chair of the Council of Canadian Administrative Tribunals and is frequently asked to speak at conferences and to other tribunals. He has published several articles on administrative law and practice in peer-reviewed journals.

The OPSDT Chair is responsible for both adjudicative and administrative leadership. His appointment agreement protects his independence, under a structure that has been found by the Divisional Court to be appropriate:[12]

- He is appointed for a fixed term of three years and cannot be removed except for just cause. He must be provided with written reasons and an opportunity to make submissions to the Board if it is proposed that he be removed for cause. Similar provisions are included in the CPSO's agreements with the Pilot Colleges.

- He reports to the Registrar and Chief Executive Officer on operational or managerial issues and with respect to the Tribunal's goals, policies and processes.

- The agreement specifies that nothing in it is intended to prevent the OPSDT Chair from "making any decisions and expressing any opinions in the course of conducting proceedings and writing reasons as an adjudicator."

The OPSDT Chair assigns panels and sits as an adjudicator on CMCs and hearings. Since 2020, he has been case management chair for most files, and has sat regularly as a panel chair or as a single adjudicator deciding preliminary issues. He coordinates the educational programming for adjudicators and often delivers training himself. He and his team have proposed and implemented all aspects of the new model, including recruitment, preparation of policies, guides and practice directions, and the project to update the Rules of Procedure.

The OPSDT Chair has the administrative responsibilities of a director on operational matters like finance, information technology and human resources. The Tribunal Office staff report to him, and he is the final decision maker on matters of case processing. He attends CPSO Senior Leadership Team meetings occasionally, but only when there are operational matters that affect the Tribunal Office.

[12] *College of Physicians and Surgeons of Ontario v. Khan*, 2022 ONPSDT 23; *Kopyto v. The Law Society of Upper Canada*, 2016 ONSC 7545.

Pilot

The leadership model differed at each of the Pilot Colleges. As CMTO had a Pilot and a non-Pilot stream, two co-chairs were appointed. The HPDT Chair fulfills the Chair responsibilities for Pilot cases and a massage therapist – first Kim Westfall-Connor and then Bobbie Flint – exercised the responsibilities for the non-Pilot cases.

At CRPO, the HPDT Chair was appointed as Chair of the Discipline Committee when the Pilot started. In 2024, Shelley Briscoe-Dimock was appointed as Vice-Chair, reflecting the model at OPSDT.

At CASLPO, the HPDT Chair was appointed as Co-Chair of the Discipline Committee. The CASLPO Co-Chair, elected by the members of the Committee, appoints the two professional and two public members to each panel. This position has been held since the Pilot started by Kim Eskritt.

Recruitment of Adjudicators

We engaged in a rigorous process to select the five experienced adjudicators over the summer of 2021. At least five years of experience as an adjudicator was required, although those selected had considerably more experience.

Out of nearly 100 applicants, we selected 20 for interviews. The interview panel was made up of one public member and one professional member of the Discipline Committee, Tribunal Counsel and the OPSDT Chair. In addition to a structured, scenario-based interview, each interviewee was required to watch a video of a mock hearing and write a decision. The written decisions were subject to a blind evaluation, ensuring that the evaluators did not know who had written which decision. Another important consideration was diversity. Four of those selected are women, two are racialized, one is Franco-Ontarian and two can conduct hearings in French. Three live in Toronto, one in Niagara Region and one in the Ottawa Valley. Four have previous adjudicative experience in human rights and three have previous experience in professional discipline for other regulators.

A brief summary of some of their previous and current experience shows the cross-pollination in the tribunal sector. These adjudicators were appointed to the Pilot Tribunals for the Pilot period.



Raj Anand: Multiple adjudicative and public service roles including Chief Commissioner of the Ontario Human Rights Commission and member of the Law Society Tribunal (current). Raj led the working group that proposed the reform of adjudication at the Law Society and the creation of the Law Society Tribunal.



Shayne Kert: Alternate Chair of the Ontario Review Board (current); Alternate Chair of the Nunavut Review Board (current); member of the Law Society Tribunal; member of the Consent and Capacity Board.



Sherry Liang: Assistant Commissioner with the Office of the Information and Privacy Commissioner of Ontario; Vice-Chair of the Ontario Labour Relations Board, the Human Rights Tribunal of Ontario, and the Grievance Settlement Board.



Sophie Martel: Vice Chair of the Workplace Safety and Insurance Appeals Tribunal and the Human Rights Tribunal of Ontario; workplace investigator; member of the Law Society Tribunal (current).



Jennifer Scott: Presiding Officer with the Office of the Chief Coroner; Associate Chair of the Child and Family Services Review Board, Custody Review Board and the Ontario Special Education Tribunals; Vice-Chair of the Human Rights Tribunal of Ontario.

For their complete biographies, see https://opsdt.ca/adjudicators.

Building an Independent Identity

Renaming the Discipline Committee

The CPSO's Board renamed the Discipline Committee of the College of Physicians and Surgeons of Ontario the Ontario Physicians and Surgeons Discipline Tribunal through a by-law amendment. The OPSDT established its own web site (opsdt.ca) and logo.

The use of "Tribunal" identifies more accurately that we conduct open, formal hearings, rather than the type of work done and paper-based process typically used by committees. Given that the College as prosecutor is a party to every case before the Tribunal, the new identity underscores its independence from the College.

The CPSO received an outside legal opinion confirming that the renaming was not contrary to the Code. In accordance with that advice, key documents like notices of hearing include the note that the OPSDT is the discipline committee established under the Health Professions Procedural Code. There have been no legal challenges to the change of name.

The only other Pilot College to change the name of its discipline committee thus far has been CRPO, in May 2024. It is now known as the Ontario Registered Psychotherapists Discipline Tribunal, pursuant to a by-law similar to that of CPSO.

HPDT Identity

We have begun the process of developing an identity for HPDT. It has its own logo, and we have obtained the internet domain hpdt.ca.

Mission and Core Values

The OPSDT developed the mission and core values set out below to help define its new identity.

MISSION

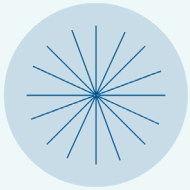
To hear and decide allegations of physician misconduct and incompetence with independence and fairness, making just decisions in the public interest.

CORE VALUES



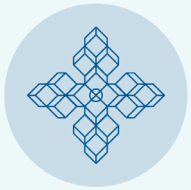
Fairness

We are neutral and ensure all parties are heard. Our decisions and processes are accessible and clearly explained.



Excellence

We aim for high quality decision-making and service.



Respect

We actively listen with humility and empathy. We strive to understand the diverse identities and experiences of parties, witnesses and those affected by our decisions.



Openness

Our decisions, hearings and processes are transparent, balancing openness and privacy.



Timeliness

We recognize the importance to participants and the public of promptly resolving cases. We act and require parties to act in a responsive and timely way.

Panel Composition and Roles

Composition

Panels hearing the merits and penalty are made up of five individuals: two public members of the Board, two professional members, at least one of whom is a member of the Board and one experienced adjudicator who chairs the panel. One-member panels consisting of only an experienced adjudicator sometimes hear pre-hearing motions on issues like adjournments, evidentiary or procedural issues.

As mentioned above, panel composition flows from the Code. There are no restrictions in the Code on who the Board may appoint as a member of a discipline tribunal. Each panel must consist of 3-5 members of the discipline tribunal, two of whom must be public members of the Board and one of whom must be a professional member of the Board. The other two spots may be filled by any member of the discipline tribunal, and our practice is to always appoint another professional, either a member of the Board or not, and an experienced adjudicator.

Roles

While the panel chair is responsible for managing the hearing and writing the first draft of the reasons, all panel members are equal in decision making. Skills in leading inclusive discussions and encouraging participation were one of the core criteria in selecting the experienced adjudicators. A key part of our training focuses on the role of all panel members in deliberations and reason writing.

Here are some quotations from experienced adjudicators about how they promote participation:

- "During deliberations I may start by framing the questions for discussion but ask the panel for their thoughts before offering my own. I will canvass each panel member for their thoughts on each decision point, if they have not already jumped into the discussion… At the beginning of a hearing (especially with panel members I haven't worked with before), I discuss our mutual expectations around asking questions during the hearing, dealing with objections on the fly (whether it is necessary to consult with the entire panel and how they may signify if they wish to go into breakout.)"

- "At nearly every break, I check in with the other panel members to see if they are comfortable with how I am chairing and whether they have questions or comments. In deliberations, I ask the panel members about how the reasons should be written, often seeking input about specific choices on things like tone and how much detail should be included on certain issues. Where there is a reprimand, it is almost always drafted and always delivered by a professional or public member of the panel."

- "I have been very deferential to the other panel members, essentially trying to intervene mostly to frame discussions/issues. I have also ensured all panel members are heard by specifically asking for comments from those who have yet to participate in any discussion. For hearings, it has also been important to join hearings well ahead of the scheduled start time to introduce myself and answer any questions or concerns panel members may have. During hearings, it has been important to take breaks and ensure that questions are first discussed among the panel members before being raised with the parties."

As set out in more detail in the survey results in Part II, nearly all Tribunal members felt they were contributing, with some saying it was easier to do so than in the previous system. Many noted that the experienced adjudicators made sure all voices were heard.

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Legality of the Model

Some lawyers in the regulatory legal community have expressed concerns, including in their feedback on the Pilot for this report, that the presence of a lawyer on a panel is improper on the basis that the lawyer is giving "legal advice" to the other members of the panel that is not being shared with the College and the defence and that the process is therefore less transparent. Section 44 of the Code, similar provisions in other legislation and the common law require that if a panel in any administrative tribunal obtains formal legal advice, it must disclose that advice to the parties and give them a chance to make submissions on it. The concern raises both legal and transparency grounds.

An example of the concerns is the following response to our survey:

> "Transparency may be lacking as legal advice provided by the Experienced Adjudicator to the panel is not made available to the parties (as compared to ILC who provided their advice on the record)."

In light of concerns such as this, we obtained a legal opinion in May 2023 from Nadia Effendi, a partner at Borden Ladner Gervais LLP. Ms. Effendi is recognized as one of the leading administrative and public lawyers in Canada. Her detailed opinion, which can be provided on request, concludes that a lawyer serving as a panel member is not providing legal advice and the panel composition is not improper.

There are other factors that give us confidence that the model is appropriate:

- The model was recommended by Justice Goudge, also recognized as an expert on administrative law.
- As discussed above, panels that combine lawyers and non-lawyers without using independent legal counsel are common in Canadian administrative tribunals, and to our knowledge the model has not been challenged or overturned in the courts.[13]
- The panel is required to raise with the parties any analysis, factual or legal, that the parties did not raise. The parties then have the opportunity to make submissions about it. Indeed, panels have done so in OPSDT and Pilot cases.[14]
- Under the previous model, discussions or communications with lawyers that are not known to the parties and are not formal "legal advice" take place, including through review and assistance with decisions by independent legal counsel or the drafting of decisions on behalf of the panel by legally trained decision writers.[15]

Adopting Adjudication Best Practices

Active Adjudication and Case Management

Under the new model, the Tribunal takes a more active role in moving cases forward by promoting early settlement or partial agreement where possible, identifying pre-hearing issues and deciding them sooner with less formality. Panel chairs also take a more active role in hearings. This stems directly from the HPDT Chair and the experienced adjudicators' expertise in alternative dispute resolution.

The first case management conference is scheduled immediately upon filing of the Notice of Hearing. Depending on the nature of the case, more CMCs are often held before the hearing is scheduled. Given the HPDT Chair's availability, a CMC can be scheduled on short notice to quickly deal with issues.

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[13] The principles set out in s. 44 are a codification of common law principles of fairness, so the same principles apply whether or not there is an explicit provision to this effect. Some statutes under which tribunals use this model have a similar section to s. 44. *Health Insurance Act*, R.S.O. 1990, c. H.6, s. 23 (2) (Health Services Appeal and Review Board); *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A, s. 77 (2) (Consent and Capacity Board).

[14] *R. v. N.C.*, 2024 ONCA 239. This occurred, for example, in *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v. Becker*, 2024 ONRPDT 7 (legal issue) and *College of Physicians and Surgeons of Ontario v. Fagbemigun*, 2022 ONPSDT 11 (factual issue).

[15] *Khan v. College of Physicians and Surgeons of Ontario,* 1992 CanLII 2784 (ON CA).

Some examples of the use of the case management process are:

- **A matter that had been referred to a discipline committee in 2019 began case management when the Pilot began in spring 2023. After several case management conferences, the parties reached a joint submission. An uncontested hearing took place in October and the decision was released in early November 2023.**

- **A self-represented registrant advised at a CMC in early October 2023 that they would bring a motion to disqualify College counsel from acting on the case. The case management chair set a schedule under which the motion would be heard in writing, with submissions to be made in November and early December 2023. The decision on the motion was released two days after the written submissions were complete, allowing the matter to move forward.**

- **Several hearings where the registrant was not participating were heard in writing, avoiding scheduling challenges and reducing hearing costs.**

- **Through changes to scheduling practices and the use of case management, payments to OPSDT members for late cancellation of hearing dates decreased by 81% between 2021 and 2023.**

There may be cases in which it would be helpful for the registrant to hear the perspective of another member of the profession. If this is identified by either of the parties or the case management chair, a CMC can be conducted jointly with a professional member.

Issues-Based Reason Writing

Best practices for writing of court and tribunal reasons have undergone a revolution in recent years. Led by Justice John Laskin, formerly of the Court of Appeal for Ontario, and Ed Berry, an English professor at the University of Toronto, most legal decision makers now write very differently from the way that the courts and tribunals did previously. This approach rejects legal formality and templated decisions in favour of an audience-focused approach that emphasizes the organization of the decision based on the issues in the case, plain language and conciseness.[16]

Our approach to decision writing reflects this. The experienced adjudicators have all written many decisions using this approach, and indeed, their ability to do so was an important criterion when evaluating decisions during the recruitment process. Reasons look quite different than they used to and, we believe, better capture the expectations of the courts. We also promote quality decisions through a formal decision review process.

New Rules of Procedure

OPSDT implemented new Rules of Procedure to replace the previous OPSDT Rules, which were similar to those of most other health professions' discipline committees.[17] They took effect on January 1, 2023, and were developed following an extensive process of research, consultation and drafting.

The approach to the revisions was centered around several principles (see Rule 1.1.1):

- the overarching importance of fairness;
- accessibility and understandability, using plain language and simplified processes;
- flexible processes, allowing for adaptation to the circumstances of each case;
- adopting successful practices used at other regulators and tribunals; and
- ensuring that matters move forward expeditiously.

[16] See Edward Berry, *Writing Reasons: A Handbook for Judges*, 5th Edition, 2020.
[17] https://opsdt.ca/hpdt/rules-of-procedure

Here are some of the most significant changes:



Rule 2 – Openness

Under most Colleges' current rules, a member of the public who wishes to obtain copies of documents in the discipline tribunal's record must file a motion to do so. This can take some time. Pursuant to a 2018 decision of the Superior Court of Justice, the "open courts principle" applies to administrative tribunals. Among other things, the public must have timely access to hearing materials.

Rule 2 adapts to these changes. It establishes an automatic publication ban on the names of patients and anything that could identify them. If a party asks for additional information to be subject to a publication ban or made not public, it sets out the test to be applied, which comes from Supreme Court of Canada caselaw.

Materials in the record are public, and if there is personal health information or other personal information, it must be redacted by the party filing the document. This can be done by filing two versions: one public and one not public. A process like the old process applies to documents filed before the rules came into effect, to protect reasonable expectations of the parties.



Rule 3 – Accommodation and Language

The rule codifies the rights of participants to accommodation in accordance with the Human Rights Code, to communicate with the discipline tribunal in English or French and to an interpreter. It also sets out the right of the registrant to choose the language of the proceeding, subject to reasonable limits.



Rule 8 – Statement of Particulars

The tribunal may direct either party to provide more information (particulars) about their position.



Rule 9 – Case Management

This rule sets out the discipline tribunal's case management approach and the values that underly it. It sets out the following four goals of case management:

a. hearings progress in a fair and timely way, in the public interest;
b. hearing time is used efficiently and effectively;
c. procedural and legal issues are identified early; and
d. adjournments are only necessary in exceptional circumstances.

This rule requires a case management conference in every proceeding, and describes what the case management chair may do, including exploring and applying alternatives to traditional adjudicative or adversarial processes.



Rule 12 – Hearing Preparation

Rule 12.3 – This rule is used mostly when the registrant is not participating. If one party sends a request to admit and the other party does not respond, the other party is deemed to have admitted the facts contained in the request to admit. This avoids the need to call evidence if the registrant isn't participating, since the hearing can proceed based on the deemed admissions. A similar rule at the Law Society Tribunal was recently upheld and applied by the Divisional Court.[18]

Rule 12.4 – This rule requires each side to provide the other with a list of witnesses and a summary of their anticipated evidence. It also requires the parties to file the documents they may rely upon, including any agreed statement of facts or joint submission on penalty, one week in advance so that the panel may prepare.



Rule 13 – Registrant Applications to the Tribunal

Rule 13.3 – The Divisional Court decided, in *Li v. College of Physicians and Surgeons of Ontario*,[19] that the Health Professions Procedural Code implicitly allows a discipline committee to remove or vary an indefinite term, condition or limitation on a certificate of registration. The CPSO Discipline Committee had previously concluded it had no power to do so. The court found that it was "not for us [the court] to determine the circumstances in which a member may seek a variation of a term as that issue is not before us on this application." (para. 30) This rule sets out these conditions.

[18] *Khan v. Law Society of Ontario*, 2024 ONSC 3092.
[19] 2008 CanLII 37613.



Rule 14 – Hearings
Rule 14.1 – This rule sets out a set of factors to be considered when determining a request that a hearing be held all or partially in person.



Rule 17 – Costs
Rules 17.1.1 and 17.1.2 – The *Statutory Powers Procedure Act* allows a tribunal to make rules to order costs in circumstances other than those set out in the Health Professions Procedural Code if a party has acted in a way that is unreasonable, frivolous, vexatious or in bad faith, and this rule does so. Examples of new situations in which this rule would allow costs include before the end of the hearing (for example, after a frivolous motion) or in favour of a third party who had to respond to a third-party records motion. Rule 17.2.1 allows for costs because of an adjournment less than two weeks before the hearing.

There are also several provisions of the Rules that, while not new to OPSDT in 2023, would be changes from some other Colleges' discipline committee rules.

Rule 9.4.1 – Both parties, rather than only the College are required to prepare a case management conference memo.

Rule 10 – Adjournments are granted only where it is necessary for a fair hearing, even if both parties consent.

Rule 12.4 – Both the College and the registrant are required to provide the other, in advance, a list of witnesses, a summary of what each witness will say and a copy of all documents the party may rely upon. This is sometimes called "reciprocal disclosure."

Rule 14.3 – This rule allows the parties to agree that the registrant will plead "no contest." This means that the registrant does not admit the allegations. The registrant accepts that the discipline tribunal can rely on the facts set out in a Statement of Uncontested Facts provided by the College, but only for the purposes of the College proceeding.

Rule 14.5.1 – This rule mirrors a similar provision in the Criminal Code that prevents the use of a complainant's sexual history except in certain circumstances.

Companion Resources and Adoption

The Tribunal has prepared practice directions, forms, frequently asked questions, and guides to provide plain language information for registrants, witnesses and members of the public about the process as a whole and specific issues. These work together with the rules to promote understanding of the process and transparency. They also assist in meeting our responsibilities to self-represented registrants.

All three Pilot Colleges kept their existing Rules of Procedure for the first year, with the addition of a modified version of the OPSDT's case management rules for their Pilot cases. When the Pilot was extended in spring 2024, both the CASLPO Discipline Committee and the ORPDT adopted the new rules, forms and guidelines. They were all amended to remove any OPSDT or CPSO-specific references and are now on a separate portion of the website (opsdt.ca/hpdt). CASLPO, CRPO and OPSDT all link to this webpage from their own websites. Each retained their previous approach to costs, reflected in Tariff A.

Education

Orientation

We have designed a four half-day orientation program, delivered mostly virtually, for new public or professional discipline tribunal members. Its topics include: the RHPA, the Code and its discipline provisions, procedural fairness, the burden of proof, rules of evidence, reason writing, deliberations, myths and stereotypes in sexual abuse cases, joint submissions, penalty principles and making credibility determinations. It is interactive and uses a variety of teaching techniques to support different styles of adult learning. It has been coordinated and delivered by Dionne Woodward, Tribunal Counsel and David Wright.

We have tailored the orientation to the new model. For example, we emphasize the role of panel members in deliberating, reviewing and commenting on reasons in a way that will strengthen the final product and ensure their voices are heard. In relation to hearing management, while they must have an understanding of the role of the panel chair and the principles applied, they do not need to be trained to chair themselves.

In each Pilot College, there has been an orientation to the profession for the experienced adjudicators delivered by professional members of the discipline tribunal, as well as an introduction to the Pilot for the other members provided by the HPDT Chair and counsel.

In the spring of 2024, a joint orientation was conducted for new members of the OPSDT and the CASLPO Discipline Committee. When orientation is urgent, for example when a new member is needed to sit on hearings shortly after their appointment, they have watched a recording of the most recent training.





Ongoing Professional Development

The OPSDT has had semi-annual business/education meetings, with sessions facilitated by both Tribunal Office staff and guests. These have included:

- reason writing and deliberations;
- discussions with judges;
- lessons for our work from cognitive science;
- reprimands;
- trauma-informed adjudication;
- the law of evidence;
- deliberation scenarios; and
- the role of counsel cross-examining complainants where there is a self-represented registrant.









Annual Conference

A one-day conference was held in November 2023, in person with an on-line option, for the members of all four discipline tribunals. It provided an opportunity both for learning and for the decision makers from different Pilot Colleges to network with each other and discuss their work. Sessions included:

- a panel of lawyers who prosecute and defend health discipline cases providing insight on hearings from their perspective and that of their clients;
- a deliberation exercise with breakout "discipline panels" made up of public and professional members from each College;
- equity in adjudication;
- mandatory revocation and sexual abuse: a legislative history;
- freedom of expression and professional discipline; and
- a networking reception.

Sessions were organized and delivered by Angela Peco, Manager and Tribunal Counsel at CMTO, Dionne Woodward and David Wright. Guests included Superior Court Justice Andrew Pinto, Palma Paccioco, a professor at Osgoode Hall Law School and Grace Vaccarelli, a mediator and investigator with over 20 years of experience in human rights.

Our second annual conference is scheduled for November 2024.

Feedback on the sessions was very positive. The overall rating for the conference by the participants who completed the evaluation was 4.72 out of 5. Here are some comments we received on the evaluation:

> ***"Great conference, well organized, education sessions were really good. The deliberation exercise was excellent and allowed networking as well as education."***

> ***"I hope this will become a yearly event!"***

> ***"…[A]ll of the sessions seemed short, but I think that was because they were so interesting and time went by fast."***

> ***"Great day of learning. The deliberation exercise and comparison of decisions from each group was very interesting."***

> ***"I liked the varied style of presentations. Fireside chat was excellent."***

> ***"Breakout session was great! Really liked the design of the exercise. Seemed daunting at first but we rolled into it quickly. Really liked hearing thought process of other professionals from different backgrounds and Colleges."***

The Pilot has also led to benefits for individual Colleges' education. For example, Angela Peco presented to the OPSDT about the CMTO Discipline Committee's experience with appointing counsel to cross-examine complainants in contested sexual assault cases where the registrant is self-represented. This situation is common at CMTO, but recently arose at OPSDT for the first time. Similarly, David Wright made presentations at CMTO business meetings on topics such as evidence, reason writing, and updates on caselaw. Tribunal Office staff will coordinate a business/education meeting for the ORPDT in the spring of 2025.

Newsletter

We send all members of the Pilot Tribunals and OPSDT a monthly newsletter, containing updates on decisions released in the Pilot, as well as other decisions of significance for health discipline. The newsletter, which began with the OPSDT before the Pilot and then expanded, is largely written and edited by Dionne Woodward. David Wright also writes a monthly column, usually about practical issues that arise in adjudication. All members also have access to an archive of all previous issues.



[20] *Shuttleworth v. Ontario (Safety, Licensing Appeals and Standards Tribunals)*, 2019 ONCA 518.

Timeliness

Deadlines are set so that decisions are released within 84 days of the last hearing day or final submissions. This standard has been met in every case under the new model, both at OPSDT and in the Pilot, with most decisions being released more quickly. We have prepared a policy on reason preparation, review and release that establishes deadlines for each step in the process, from the first draft being provided to the panel to legal and peer review. It also establishes a process and expectations for these reviews, consistent with the requirements set out by the Court of Appeal.[20]

The average number of days to complete a discipline file at OPSDT decreased from 429 to 285 between 2020 and 2023. In 2023, the OPSDT's key performance indicator was 15 months from referral to the completion of the discipline process (80th percentile). As of December 2023, the 80th percentile was 11 months. In 2024, the KPI has been reduced to 12 months, with tighter criteria for exclusion from the measure. Considering that before the new model, the CPSO Discipline Committee was struggling to meet a target of starting hearings within one year, this is a dramatic change.

Data on timeliness at Pilot Colleges follows later in this report.

Financial Implications for CPSO

While the primary motivation for change was not financial, the new model has resulted in significant cost savings for CPSO. Given other changes in recent years, in particular a lower volume of referrals and the shift to virtual hearings, it is difficult to separate how much of the savings are due to each of these factors.

Significant savings have resulted from the following:

- elimination of fees for independent legal counsel to attend hearings, provide advice and support to staff in the Tribunal Office and review decisions;

- reduced hearing time;
- reduced reason writing time;
- reduced cancellation fees;
- reduced time for decision review and editing;
- CMCs and hearings conducted by the OPSDT Chair; and
- education organized and delivered by the OPSDT Chair and Tribunal Counsel rather than ILC.

Electronic Hearings and Hearing Support



The new model coincided with the general adoption of electronic hearings by professional regulators and other tribunals throughout Canada because of the pandemic. All OPSDT hearings have been conducted by videoconference. The OPSDT has established a Rule and Practice Direction that sets out the factors to be considered when there is a request that all or part of the hearing be held in person.

The move to electronic hearings has had various advantages. In particular, it has assisted with the challenges of scheduling five-member panel hearings with a small pool of members who meet the statutory requirements for public and physician board members and live across Ontario. Largely eliminating the need for travel means that an out-of-Toronto panelist with a commitment one evening during the week in their home city can still sit, or a panel can sit on Monday, Tuesday and Friday to accommodate schedules without wasted costs. The same advantages apply to witnesses, registrants and lawyers from outside Toronto.

Electronic hearings have also had significant benefits for transparency. Anyone, such as complainants, the registrant's family, media or members of the public can watch a hearing without travelling to downtown Toronto.

OPSDT piloted various methods of supporting electronic hearings before reaching an agreement with First Class Conferencing Facilitation (FCCF). FCCF specializes in supporting electronic legal hearings and also supports coroners' inquests and arbitrations, among other hearings.

FCCF, among other functions:

- sets up the Zoom hearing and the livestream accessible only through a private link;
- sets up and manages a webpage that automatically sends users who provide their name and email address the link to watch a hearing, together with relevant information;
- moves panel members, counsel, witnesses and other participants in and out of the breakout rooms;
- has expertise in troubleshooting technical issues, resolving them quickly;
- displays documents as requested by the parties or the panel, which, if appropriate, can be blocked from being viewed by the public;
- displays information on the livestream if the hearing is delayed or on a break;
- marks exhibits and other documents;
- prepares a report for the Tribunal Office staff summarizing what occurred at the hearing, including a witness list and exhibit list;
- provides a video recording from which a transcript can be generated by a court reporter, making it unnecessary to have a court reporter present during the hearing.

Among other advantages, we have found that using FCCF rather than staff allows for flexible scheduling, since FCCF can support multiple hearings on the same day. It has led to less delay due to participants' technical issues and allows staff to focus on case processing, with other work less disrupted by hearing days.

In the Pilot, CMTO and CRPO staff have continued to support virtual hearings, while CASLPO has used FCCF.

Ongoing Consultation

The OPSDT established the Practice Advisory Group for feedback from those who regularly represent the College and defence before the Tribunal. A similar roundtable was established under the Pilot.

Appeals

There have been two appeals from OPSDT decisions under the new model. Both were dismissed, with positive comments from the court. There have not yet been any appeals from Pilot decisions in the other Colleges.

In *Fagbemigan v. College of Physicians and Surgeons of Ontario*, 2023 ONSC 2642, the registrant argued that the Tribunal had not fulfilled its duties to him as a self-represented litigant. The court said, at para. 47, "The transcripts clearly demonstrate that the Tribunal patiently and carefully assisted the Appellant throughout the process." Among the issues in this case was a *Charter* challenge to the College investigators' having viewed and removed documents during a site visit to the registrant's clinic. The court fully upheld the Tribunal's constitutional and professional misconduct analyses.

In *Aboujamra v. College of Physicians and Surgeons of Ontario*, 2023 ONSC 3344, the court spoke of the Tribunal's "detailed and nuanced credibility findings" (para. 77) in rejecting the multiple challenges to the decision in a highly contested sexual abuse case. An application for leave to the Court of Appeal for Ontario was dismissed.

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IMPLEMENTING THE PILOT

Differences Between Colleges

During the Pilot phase, the division of responsibilities between the OPSDT and each participating College varied. Each College brought unique backgrounds and experiences in discipline matters, leading to different approaches. This diversity assisted us in evaluating the pros and cons of different options, and allowed the Pilot Colleges to adopt the arrangement that best suited their needs.

CMTO College of Massage Therapists of Ontario

CMTO has the highest volume among the Pilot Colleges: 20 new referrals and 46 cases closed in 2022. It has a high volume of sexual abuse cases relative to its size; 56% of the cases before the CMTO Discipline Committee in 2022 were sexual abuse matters. The CMTO has a Hearings Office with several full-time staff, well-established processes and experience in many different types of cases. Its staff and Discipline Committee members, because of this volume, have extensive experience and involvement in all aspects of discipline work under the existing model.

CMTO established two tracks. Any case in which sexual abuse was alleged and there was no activity prior to the start of the Pilot was assigned to the Pilot track. Cases with sexual abuse allegations in which there had been activity under the existing model, and cases where sexual abuse was not alleged, were assigned to the standard track. As a result of its higher case volume and experience, CMTO staff did all administration and hearing support for all cases, including those assigned to the Pilot. CMTO adapted some of the OPSDT's policies, practices and precedents for its Pilot cases. Other cases continued as before. The two tracks were important to CMTO, among other reasons, so that it had the option to easily return to the previous system after the Pilot if either it or OPSDT decided not to continue, and so that it could make comparisons as part of evaluating the success of the new model.

CRPO College of Registered Psychotherapists of Ontario

CRPO's Discipline Committee received five referrals in 2022. For the first year of the Pilot, CRPO staff continued to do all case processing and hearing support,

under the primary direction of the HPDT Chair. It adopted the policies, practices and procedures of the OPSDT, with modifications to reflect the fact that the Rules were not the same. In the spring of 2024, when the Pilot was renewed and the Rules of Procedure were harmonized, the Tribunal Office took over case processing, using the same templates and processes as for OPSDT cases.

College of Audiologists and Speech-Language Pathologists of Ontario
Ordre des audiologistes et des orthophonistes de l'Ontario

CASLPO's Discipline Committee received four referrals in 2022. At CASLPO, the OPSDT staff did case processing from the beginning of the Pilot. Tribunal Office staff prepared modified versions of the guides and practice directions (where possible), to reflect the differences between the OPSDT and CASLPO Discipline Committee Rules of Procedure. The CASLPO-specific versions were no longer needed when the Discipline Committee adopted the HPDT Rules of Procedure.

Memorandum of Agreement

The Pilot was implemented through a memorandum of agreement between the CPSO and each College. The significant provisions were:

- The College would make changes to its by-laws, where needed, to allow for the experienced adjudicators to be appointed to its Discipline Committee and for the appointment of the HPDT Chair.
- Staff would recommend to the Board the appointment of the Pilot Chair and the five experienced adjudicators to the Discipline Committee for a term parallel to the term of the Pilot. The agreement would be null and void if the Board did not make the appointments.
- The independence of the HPDT Chair and adjudicators would be protected.
- A participants' committee consisting of representatives from all four Colleges would meet bimonthly.
- A dispute resolution process.

Cost Sharing and Billing Structure

The financial arrangements were designed to reflect the following:

- CPSO is not making any profits.
- The financial approach should be clear and simple, with as little time as possible spent on administration.
- Rates should compensate CPSO for its expenses on the Pilot and for a share of salaries and administrative costs based on the time spent by its staff (including the HPDT Chair) on Pilot matters.
- Common costs should be shared equitably between the Pilot Colleges.

For the first year, the Pilot Colleges were billed only based on the time spent by the experienced adjudicators and HPDT Chair on cases and their attendance at College-specific educational programs. The OPSDT has a remuneration policy that sets out the activities for which adjudicators are compensated, including preparation, hearing and CMC time, deliberations and reason writing. There are also limits on the number of hours that can be claimed based on the nature and length of the case, which can be increased where appropriate based on the circumstances of a case with authorization of the HPDT Chair. The Pilot Colleges also reimburse CPSO for the disbursements on their behalf.

The hourly rate compensates for the adjudicator time and the time spent on administration, education, set-up and other costs. There are no separate charges to the Pilot Colleges for matters like education, administration, decision review or meetings attended by Tribunal Office staff and the HPDT Chair.

The first year's hourly rate was $275 per hour for Colleges where their staff did case processing and hearing support and $325 per hour where OPSDT staff were doing that work. These amounts were increased for inflation in 2024 to $282 and $334. The OPSDT staff recorded the amount of time they spent so that calculations could be done to determine whether the gross-up from the amounts paid to the adjudicators was over or under compensating CPSO for its staff's

time. The agreements provided that if CPSO was over compensated, it would use the surplus for future HPDT activities or return it to the Pilot Colleges. If the CPSO was under compensated, it could use future revenues to compensate for the deficit but there would be no extra charges to the Pilot Colleges.

During the first year, CPSO was under compensated. We concluded that was for three main reasons: the large amount of time and expenses associated with start-up, that the rates had been set too low and a higher-than-expected amount of time spent in meetings with and adjustments to policies and practices for individual Colleges.

In addition, the costs paid by some Colleges were disproportionate to the amount of time spent on their matters. This was because, first, there were differential amounts of time spent adapting to the needs of individual Colleges. Second, case processing and pre-hearing work often did not correspond with the amount of remunerable time on a particular file, particularly if a lot of work was put into case management that successfully reduced hearing time. Third, there was a base amount of non-remunerable time that did not vary with caseload, for example preparing the newsletter, offering educational programming or preparing invoices.

Accordingly, when the Pilot was extended, participants agreed that rather than raising the hourly rate, each Pilot College would pay a base fee of $1,000 per month. While it is too early to reach any conclusions, it appears that with this change the compensation is more accurately reflecting CPSO's costs and equitable sharing of expenses.



Information Technology

IT proved to be a challenge. Initially, CPSO IT was not used for any case-related matters in the other Pilot Colleges. This required experienced adjudicators to juggle multiple laptops, email addresses and other systems. Additionally, Tribunal Office staff had to monitor multiple email boxes and learn different systems. This proved to be unwieldy, time consuming and prone to error. Accordingly, in 2024 the IT arrangement was changed so that the adjudicators use their CPSO equipment and email addresses, and staff use CPSO systems. An internal CPSO protocol has been established so that Pilot Colleges' data cannot be accessed by anyone other than Tribunal Office and CPSO IT staff without the authorization of the Chair or the Registrar of the College concerned. Once a discipline file has been closed, the file is returned to the College concerned for retention and the CPSO does not retain the data. A common email box is used for the three discipline tribunals whose cases are administered by the Tribunal Office.

Scheduling

The requirements of the Health Professions Procedural Code for panels that include three Board members -- two public and one professional – created challenges for scheduling at all Colleges, given the numbers of public members and the limitation on theirs and professional members' schedules. This often increased the amount of time and back-and-forth needed to set hearing dates.

Fitness to Practise Committee

At CPSO and CRPO, the HPDT Chair is also Chair of the Fitness to Practise Committee and the membership is the same as the discipline tribunal. There has not yet been a hearing of a Fitness to Practise case at either College since the new model was implemented.

Summary of Current State

- OPSDT, ORPDT and the CASLPO Discipline Committee have common rules, guides, practice directions and forms, and a common "resources" website that contains them. The Tribunal Office does case processing, decision review and decision preparation and release throughout the life of a discipline file, using common processes, templates and forms. With some exceptions, the Tribunal Office is responsible for all aspects of the file from referral to final reasons.

- CMTO has two streams: a Pilot stream for cases that allege sexual abuse and a regular stream for other cases. It maintains its own Hearings Office, which does the case processing and decision review and release for Pilot and non-Pilot cases, using materials for the Pilot cases adapted from but not the same as those used elsewhere. CMTO has separate rules, policies and procedures, and has adapted the Pilot templates as appropriate.

- Each Pilot College pays a base fee plus an hourly rate for adjudicator time. The hourly rate varies depending on the level of service provided by the Tribunal Office.

- The experienced adjudicators and the HPDT Chair are cross-appointed to each Pilot Tribunal.

- The Tribunal Office offers, without additional charge, educational programming including a full day or two half days of College-specific business/educational programs, a monthly newsletter and a full-day conference. There is a registration fee per attendee to cover the costs of outside speakers, food, the venue, IT support and related matters.



Part 2
Feedback and Data

Feedback and Data

QUALITATIVE FEEDBACK

We sought feedback through a Microsoft Forms survey, which asked open-ended questions. We sent separate, tailored surveys to lawyers on the HPDT Counsel Roundtable, to discipline tribunal members (including at OPSDT) and to the experienced adjudicators. We received 12 responses from counsel, 51 from discipline tribunal members and five from experienced adjudicators. Participants were free to reply anonymously or provide their name as they wished.

Overall, the responses were extremely positive, although some discipline tribunal members were limited in their ability to comment because they had not yet sat on a case in the new model. Most respondents believed the Pilot had met its objectives, that the changes were positive and that it should continue. The discipline tribunal members were generally more positive than counsel. As discussed below, a theme among counsel respondents was a concern that there was a lack of transparency because independent legal counsel was not present.

Discipline tribunal members reported a greater ability to focus on the substance of the case rather than legal procedure and an improved deliberation process.

Panel Composition

Leveraging diverse skill sets

The discipline tribunal members who had participated in Pilot hearings were nearly universally supportive of the change to panel composition. They reported a greater ability to focus on the substance of the case rather than legal procedure and an improved deliberation process.

> ***"The difference is that with the experience our discussion time has reduced and the adjudicator makes sure that all the panel members' concerns are heard."***

> ***"My concerns as we made the change between the outside legal advisors and the experienced adjudicators was gone working with individuals with strong interpersonal skills in addition to a wealth of legal knowledge."***

> ***"I was surprised and very pleased with this new approach. Initially I was concerned with the reduction in physician members of the panel but the new arrangement works very well..."***

> ***"[T]he experience and skill sets that the Chair brings to the hearings allow us to be more effective while providing us with an educational component that would have been lost if they were not part of the process. They lead us through support and collaboration."***

Every perspective counts

We asked the discipline tribunal members whether they felt their perspectives were heard and considered. There was nearly unanimous agreement.

> ***"Absolutely. The adjudicator/chair of the hearings I participated in made a point of including all members in the discussion, circulated written drafts in a timely manner, incorporated suggestions/edits and opened further discussion on items as required."***

> ***"Fantastic job ensuring that everyone is heard, their questions are answered and reinforcing that there are no stupid questions."***

> ***"Deliberations have been handled well. It's definitely easier to review and comment on shorter, more plain-language documents that are provided in reasonable time following a hearing."***

> ***"During deliberations all voices are encouraged and heard better than ever."***

Other Comments

A small number of discipline tribunal members expressed concerns. One was concerned that an adjudicator did not have sufficient skills and knowledge. Another expressed concern that the non-lawyer discipline tribunal members' legal knowledge was not being developed. A third explained as follows:

> ***"Compared to a traditional deliberation I do not feel as involved. It felt more like the experienced adjudicator gathering a small amount of input from the panel to satisfy the requirement. I do not necessarily see this as a negative."***

Several lawyers expressed concern that without independent legal counsel providing legal advice on the record, the process was less transparent. They expressed concern that the panel chair was improperly providing "legal advice" in deliberations. One expressed concern that the panel chair was improperly dominating:

> ***"My other concern is that the Chairs dominate the proceedings, which has happened in every hearing to date."***

Other counsel expressed the opposite view, for example:

> ***"I think it makes eminent sense to hire experienced lawyer adjudicators in lieu of ILC. As much as the ILC work is excellent for lawyers such as myself, it does not make sense from a resource perspective."***

Perspectives of the Experienced Adjudicators

Most respondents commented that the Pilot was effectively achieving its objectives. Many commented on the collegiality and discussions among the experienced adjudicators, who meet once a month to discuss issues and approaches. All appreciated the relationships they had built with professional and public discipline tribunal members, although some found it challenging given the number of members of the different Pilot Tribunals and often small volume. The HPDT Chair has been informally assigning a subset of adjudicators to each Pilot Tribunal where possible, and in general the adjudicators supported this approach.

Experienced adjudicators expressed concern about differences in technology and process, between the Colleges, but were pleased with changes that had been made in that regard in 2024. Generally, they were pleased with administrative support.

Case Management

There was strong support among both discipline tribunal members and counsel for the more intensive case management. Respondents felt that it improved the efficiency of the process. One respondent noted that the ability of the CMC chair to provide information to self-represented litigants from a neutral perspective was helpful. Examples of the comments are:

> ***"The robust case management, in my experience has been extremely effective. Parties are able to schedule a case management conference with very little notice. The CMC directions are usually issued within 24 hours, and the directions I have received have been clear and fair."***

> ***"Also, the CMC Chair has the power to make procedural orders, which is helpful and brings more certainty in the process. We also appreciate that the CMC Chair adopts flexible approaches and is open to waive certain procedural requirements to be efficient."***

Several discipline tribunal members mentioned that the case management process had reduced surprises and cancellations.

Two lawyer respondents emphasized that the CMC chair should not be heavy-handed in promoting settlement. One suggested that the CMC process should better take into account different policy approaches to resolution at different Colleges and better coordinate ADR techniques with College counsel. One suggested that pre-hearing hearing conferences were less effective than they were with a member of the profession serving as chair. As set out below in the description of the new model, we can include members of the profession in CMCs along with the case management chair as appropriate.

Quality of Hearings and Reasons

The strong view among the discipline tribunal members was that hearings were smoother and the process more efficient. Many commented on the quality of the reasons and the benefits of receiving them more quickly after the hearing.

There was near unanimous support among discipline tribunal members for obtaining the parties' materials in advance, with several respondents noting that the amount of preparation could be heavy.

Most counsel commented positively on the quality of hearings and reasons. Two respondents suggested there was little difference from the previous model and two suggested that some reasons were difficult to understand. One respondent commented that reasons in joint submission cases were sometimes too short.

> ***"I have always found that having an experienced Chair that is able to navigate the system allows for a more effective and efficient process, allows for more genuine conversations, and provides the panel a solid foundation of experience and application."***

> ***"The Pilot has been extremely effective. The quality of hearings has increased drastically with experienced chairs and removing ILC. As a public member, I feel a lot more confident in the proceedings under the Pilot than previous Discipline Panels. Decisions have been released a lot faster and more well written. Overall this has benefited our College and the public interest and we should continue this process."***

> ***"I've noticed a significant quality improvement of deliberation discussions under the Pilot."***

> ***"Increased efficiency, increased clarity of writing, and in my view increased accuracy on important points of law."***

> ***"In my opinion, the Pilot project is such as asset to the CMTO discipline system. Hearings progress so much more efficiently with expert tribunal and panel leadership. The experienced lawyer is able to keep panel members from straying into the weeds while deliberating. Detailed reasons for decisions are received in a timely manner. The efficiency of this whole process is astonishing. Love it."***

> ***"Although it takes time pre-hearing, time is saved during the hearing/deliberation phase, making it a worthwhile activity."***

> ***"[Receiving materials in advance] is the best part of the Pilot project for me. It is such a benefit to be able to review and absorb this information prior to the hearing."***

> ***"Very significant impact – allows opportunity to review the material which enhances the panel discussion and makes for an efficient use of time."***

Education

Comments on the educational offerings were nearly universally positive.

> ***"I have found the education to be the most beneficial part for me so far. Being a member of the CMTO we have two discipline streams and the education from the HPDTP has been an immense benefit to my work on the non HPDTP stream as well as the HPDTP stream."***

> ***"Joint educational conference enabled me to see the road block or ways others have overcome. The complexity of the different Colleges and the relationship with their clientele impacts the type of hearings."***

> ***"I find that David's presentations are always educational and engages all the members. He brings scenarios and case examples from other institutions and his personal experiences as well. The newsletter keeps us informed about the current cases and outcome of the tribunals."***

> ***"Education has struck the right balance with business meetings, complemented by other learning opportunities, presentations and the newsletter which I thoroughly enjoy and learn from. Keep up the great work."***

> ***"My orientation session to discipline hearings was very elaborate and informative. I use this as my reference point for any hearing meetings. The monthly newsletter is a valuable tool and helps me understand the jargon used in the process."***

> ***"The joint educational conference was outstanding. The newsletter is well done and very informative."***



A Selection of General Comments

"Very impressive conceptualization and work by many. Very positive impact."

"I think this has been a successful experiment."

"Not having to Chair hearings and write D and Rs has eliminated the significant anxiety associated with those tasks."

"I believe the Pilot has been effective. The proceedings are more focused, the Case Management and decision writing much better. I support adopting this model going forward."

"It is an exciting initiative that has done a great job with our committee so far. Thank you for everything you've done to date."

"My peers seem pleased, and I have heard only good things from those who have sat on panels. It is great to hear the experienced adjudicators refer to their experience with other Colleges and their processes, as it gives insight into what we do at ours."

"In the matter of fairness and credibility the Pilot model is essential, but I on occasion feel we are relinquishing our own College's responsibility to regulate our own."

"I believe that this initiative should definitely continue to become our 'new normal.'"

"The Pilot has been a huge success thanks to David's leadership. It is also a great example of cross sectoral collaboration."

"Turn the Pilot into a full tribunal."

"It is exciting to be a part of a program that is growing in the right direction, for the right reasons. Thank you!"

"At this time, all I have to share is, 'Keep doing what you are doing.'"

"I would recommend this Pilot to all Colleges."

Feedback from Non-Pilot Colleges

We reached out to RHPA colleges not currently in the Pilot to canvass interest in the Pilot and their needs and held multiple meetings with senior staff. There is considerable interest in the possibility of joining, and the most common preference is to have the HPDT take on the administration and case processing as well as sharing adjudicative resources.

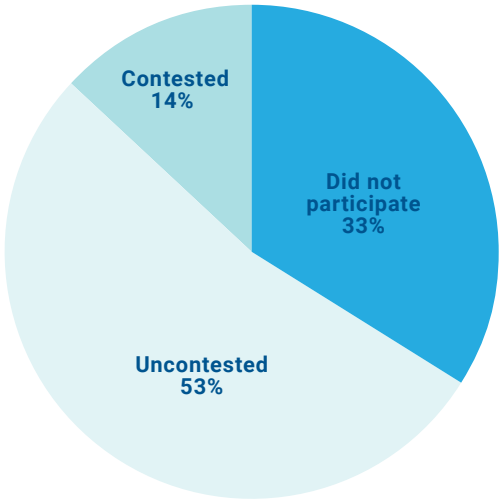
Some Colleges have a very low volume of discipline proceedings, which can be as infrequent as one case every two or three years. These Colleges have a different set of needs from larger ones. Rather than orienting all committee members and providing them regular education, their preference would be to have an infrastructure in place to take on the processing and management of cases, as well as the training of adjudicators when a referral is made and the need arises.

QUANTITATIVE MEASURES

Total of 30 hearings have been held

General

From the start of the HPDT Pilot to the end of June 2024, a total of 30 hearings have been held. Of these, 16 hearings, 53% were uncontested, where the merits, penalty, and costs were agreed to by the parties. In 10 (33%) of the cases, the registrant did not participate. In contrast, four hearings (14%) were contested, with the parties disagreeing on some or all issues, typically resulting in longer hearings.



Fifteen cases involving allegations of sexual abuse were completed: 11 at CMTO and four at CRPO.

Contested hearings made up less than one sixth of Pilot hearings but accounted for just over 40% of total hearing days.

Breakdown of Hearings by College

Agreement level	CASLPO	CRPO	CMTO	Total
Contested	0	2	2	**4**
Uncontested	2	9	5	**16**
Not participating	3	2	5	**10**
Total	**5**	**13**	**12**	**30**

All four contested cases involved sexual abuse allegations

Hearing Length

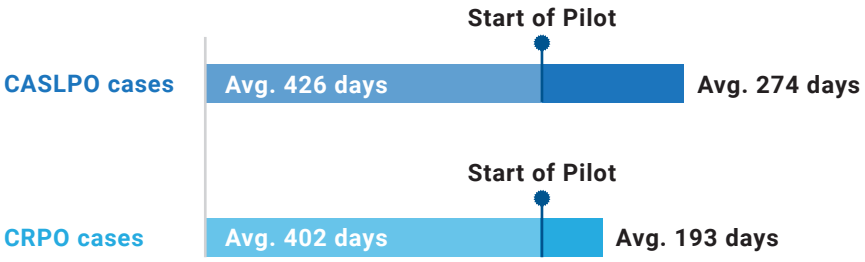
Six multi-day hearings have been held, four of which were contested. In the other two, the registrant did not participate in the hearing. The lengthiest contested hearing, in a CMTO case, was scheduled for five days but was completed in four-and-a-half days, covering both merits and penalty hearing days.

Nineteen cases were heard over a single or half day, all of which were uncontested or the registrant did not participate. There were five written hearings; in four of these, the registrant did not participate, and one involved an uncontested motion to withdraw allegations.

Timeliness

Cases Referred Before the Start of the Pilot

At CRPO, seven cases had been pending for an average of 402 days at the time the Pilot began. They were subsequently completed within an average of 193 days from the start of the Pilot.



At CASLPO, four cases had been pending for an average of 426 days. These cases were completed within an average of 274 days from the start of the Pilot. Two of these cases were case managed together with one other case involving the same registrant referred after the Pilot.

Cases Referred During the Pilot

Cases that were both opened and completed after the start of the Pilot were completed on average 201 days from the date of the notice of hearing.

At CRPO, six cases that were opened after the Pilot began were completed in an average of 200 days.

At CMTO, four cases that were opened after the start of the Pilot were completed in an average of 204 days.

At CASLPO, we have yet to complete a case that was opened after the start of the Pilot.



On average, Pilot cases have closed within 201 days.

Decision Release

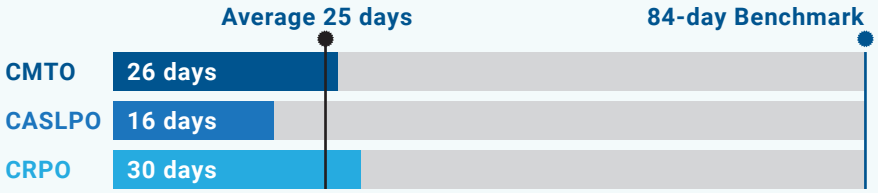
Overall, there have been 40 decisions released during the Pilot: 16 for CMTO, 9 for CASLPO and 15 for CRPO .

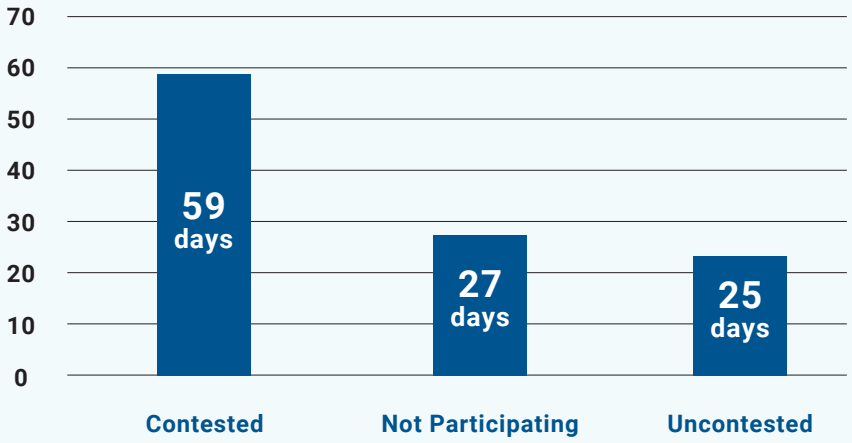
40 decisions released during the Pilot

In the Pilot, decisions have been released within an average of 25 days following the conclusion of a hearing, significantly outperforming the 84-day benchmark.

Average Days to Decision Release

There were four merits reasons released for cases that were contested. These reasons were released in an average of 59 days. There were ten reasons released in cases where the registrant did not participate. These reasons were released in an average of 27 days. There were 19 reasons released in uncontested cases. They were released in an average of 25 days.





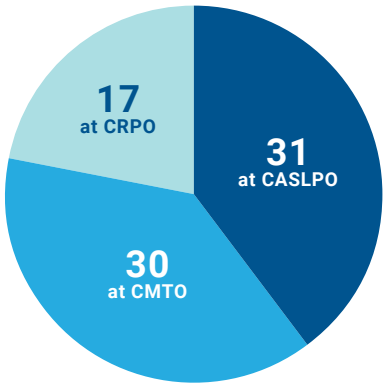
There were seven motion reasons released during the Pilot and their average time to release was six days. Of these there were five uncontested motion reasons released within an average of five days. The remaining two were contested motions and their reasons were released within an average of nine days.

Case Management

The Pilot incorporates a comprehensive case management rule designed to streamline the hearing process in a manner that is fair, timely, and aligned with the public interest. This approach ensures that hearing time is utilized efficiently and effectively, procedural and legal issues are identified early and adjournments are reserved for exceptional circumstances only.

Throughout the Pilot, 78 CMCs have been conducted across all Pilot Colleges: 31 at CASLPO, 30 at CMTO, and 17 at CRPO. On average, there were 2.43 CMCs per contested case and 1.78 CMCs per uncontested case. The higher number of CMCs per contested case reflects the greater complexity often associated with these matters, requiring more preliminary management to ensure efficient proceedings.

78 CMCs have been conducted across all Pilot Colleges



The higher number of CMCs per contested case reflects the greater complexity often associated with these matters.

Financial Impact

The impact of the new model on each College will be different, so it is difficult to generalize. Factors that will affect cost and cost comparisons with the previous model include:

- caseload;
- types of cases;
- settlement rates;
- discipline committee size;
- remuneration rates paid to professional members;
- staff resources devoted to discipline;
- current ILC hourly rates;
- current approach to reason writing;
- frequency and nature of education.

To give a sense of HPDT costs, we have summarized the number of adjudicator hours spent for various Pilot cases with a description of the nature of the case.

Hours Spent by Case Type		CMC Hours	Hearing Hours (including preparation and deliberation)	Reason Writing Hours	Total
Joint submission through CMC process	**Example 1**	5.7	2.50	1.50	**9.70**
	Example 2	4.00	2.75	3.50	**10.25**
Written hearing; registrant not participating; complex legal issues		1.00	11.20	15.70	**27.90**
Contested sexual abuse; registrant represented	**Example 1**	2.00	27.20	23.70	**52.90**
	Example 2	1.50	37.00	40.00	**28.50**
Contested sexual abuse; registrant self-represented		3.00	30.50	14.70	**48.20**
Consent withdrawal; single adjudicator; in writing		0.00	0.00	1.50	**1.50**
Indefinite Adjournment after CMCs; single adjudicator		1.00	1.25	0.75	**3.00**



Part 3
New Model

New Model



PRINCIPLES

This part sets out the model we are proposing be adopted should Pilot Colleges decide to continue or other Colleges choose to join.

The following principles were applied in the design:

- The model has been very well-received and few changes are needed to the overall structure.
- The success of the model has come from the combination of all its elements, most importantly case management, the change in panel composition, enhanced education and modernized adjudicative and administrative processes.
- It is important for each profession's tribunal to maintain its separate identity and jurisprudence and provide opportunities for separate interactions and education.
- Consistency in processes, rules, templates and IT is important for many reasons, including:
    - smoother hearings and reasons through consistent approaches, in particular if the number of Colleges participating grows;
    - consistent approaches and reduced costs for representatives who appear before multiple tribunals;
    - the ability to prepare extensive documentation and support for self-represented and represented litigants that apply to all the participating tribunals;
    - reduced administrative and adjudicative costs and time;
    - changes to ensure continuous improvement are more easily made;
    - consistent fees and fair cost sharing.
- In limited circumstances there may be differences between Colleges in processes, rules and templates including:
    - on costs tariffs, which are a policy question, and do not require changes to adjudicative processes;
    - to respond to differences that relate to the nature of the profession;
    - during transition and to allow a trial period.
- Independence, and therefore the confidence of the public and registrants, is promoted by separation between the College, in particular the professional conduct staff and prosecution counsel, and the discipline tribunal.

The success of the model has come from the combination of all its elements, most importantly case management, the change in panel composition, enhanced education and modernized adjudicative and administrative processes.

PROPOSAL FOR THE HPDT

Identity

The Discipline Committee of each participating College is renamed the Ontario [name of profession] Discipline Tribunal by Board By-Law. The group of tribunals together is known as the Health Professions Discipline Tribunals. Decisions and orders have the HPDT logo at the top, followed by the name of the discipline tribunal. Each discipline tribunal has a separate section on the Canadian Legal Information Institute (CanLII) and other legal reporting services.

Correspondence and emails to and from HPDT Tribunals use a central email address and HPDT branding.

The HPDT website contains an "About Us" section with general information about the HPDT, a "Scheduled Hearings" section with all scheduled dates, which can be sorted by College, a "resources" section similar to that already built and a "contact" section. Discipline tribunals or Colleges will likely wish to maintain their own web pages for information such as cases currently referred, outcomes and a list and/or biographies of discipline tribunal members.

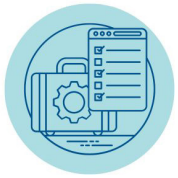
Tribunal Membership and Leadership

Pursuant to the Code, each College's Board appoints the members and leaders of its discipline tribunal. Unless there is a conflict of interest, all experienced adjudicators are appointed to all HPDT Tribunals. The HPDT Chair is appointed Chair of each HPDT Tribunal and a professional or public member of the discipline tribunal is selected as Vice-Chair. The Chair meets with each Vice-Chair as needed and there are regular meetings of all Vice-Chairs. Particularly with smaller Colleges, the Chair will make efforts to have a smaller group of the experienced adjudicators chair hearings in each HPDT Tribunal.



Rules of Procedure, Practice Directions and Guides

Each HPDT Tribunal adopts the HPDT Rules of Procedure, Practice Directions and Guides. Where agreed by HPDT and the relevant College, Appendix A to the Rules of Procedure allows for rules that apply to one tribunal and a Practice Direction specific to that College can be prepared. Each College determines whether there will be a costs tariff and the amounts.



Case Processing and Administration

Participating Colleges have the option to decide whether they wish to have Tribunal Office staff conduct case processing using common templates and procedures or whether they will continue to do so themselves. Both of the options presented require individual Colleges to provide staffing support, the amount of which will depend on their volumes. There is much less College staff time required with the first option.

Tribunal Office Processes Cases

Where the Tribunal Office does case processing, it is responsible for all file administration from the filing of the Notice of Hearing until the file is closed, including all correspondence, scheduling, canvassing panel members for their availability, maintaining the file, tracking, editing and releasing reasons and preparing the file for storage. Further, the Chair and Tribunal Counsel leverage their legal expertise to advise Tribunal Office staff on file management issues that arise throughout the duration of a case file.

The College remains responsible for:

- advising the Tribunal Office of conflicts of interest of tribunal members;
- all updates to the public register;
- all updates to the College's website;
- all reports, including statistical updates, reports to the Board and the College's annual report;
- supporting business or education meetings of the individual tribunal;
- file retention;
- remuneration and reimbursement of professional members and administration of public members' remuneration claims with the Health Boards Secretariat.

The College appoints a staff member or members outside the professional conduct department as the liaison with the Tribunal Office. The liaison advises the Tribunal Office of all changes to tribunal membership.

Tribunal Office staff and experienced adjudicators use CPSO systems, and members of the other tribunals are given access to documents using SharePoint. Data access and sharing with discipline tribunal members is conducted in accordance with the agreed-upon data protocol.

College Processes Cases

Where the College processes its own cases, it uses the same templates and processes, email address and databases as the Tribunal Office. Tribunal Office staff provide training to the College's staff on the processes. The HPDT Chair has ultimate responsibility and decision making in relation to case processing and may be consulted by College leadership on the performance of staff working on discipline cases.



Hearing Support

HPDT tribunals are encouraged to use FCCF to support hearings. Where the Tribunal Office is doing administration and file processing, the Tribunal Office makes all relevant arrangements, pays FCCF invoices and invoices the College. When using FCCF, hearings are recorded and there is no need for a court reporter to attend the hearing; the recording is sent if the transcript is ordered.



Education

The HPDT organizes an annual education conference. There is a registration fee to cover the expenses. In consultation with the Vice-Chair, the HPDT organizes up to one full-day or two half-day virtual business/education meetings.

The HPDT provides a combined orientation (four half days) for new discipline tribunal members in all HPDT Colleges. In general, the orientation takes place twice annually. If a member is needed to sit on a hearing before the next orientation, they watch the video of the last training and are invited to an individual question and answer session with the HPDT Chair or Tribunal Counsel.

The HPDT continues to produce the monthly newsletter.

Colleges provide an orientation to the profession for the experienced adjudicators when joining the HPDT and for new experienced adjudicators. The HPDT provides up to a one-day orientation to the HPDT for discipline tribunal members when the College joins the HPDT.

Finances

The financial arrangements continue as in the Pilot. Colleges are only billed for adjudicator time (including time attending College-specific meetings), base fee, reimbursement of expenses incurred on their behalf (such as hearing support) and expense sharing for the conference. Colleges are not charged separately for preparation of education, organizing the conference, the newsletter, case processing, reasons review and editing, etc. The Tribunal Office continues to track the time spent on all other activities to ensure that the program is cost neutral for CPSO.

The 2025 base fee will remain unchanged at $1,000 per month per College, except that for Colleges with an average of two hearings or less per year over the past five years, it will be $750. The hourly rates will be $350 per hour if the Tribunal Office staff are doing case processing and $300 per hour if the College is doing its own case processing. If more Colleges participate, that will allow for steady or perhaps reduced base fees as base costs can be spread between all participating Colleges. While in the future it may be appropriate to set fees for a longer period, at the outset fees should be reviewed and agreements should be signed on an annual basis.

Smaller Colleges

Colleges that have had an average of less than one hearing per year over the past five years, and that do not wish to regularly participate in education will pay a base fee of $150 per month (billed on an annual basis) during any period in which they have no active cases. If there is a referral, the HPDT will provide focused training tied to the nature of the case and regular fees will apply during the period the case is active.

Reporting, Feedback and Evaluation

There will continue to be regular meetings of all the participating Colleges and the HPDT. The HPDT-Counsel Roundtable will continue and be expanded as appropriate to include new members.

There are various issues and decisions that may need to be considered in coming years. How these are approached will depend on various factors, including the number of Colleges that join, volume of cases, our experiences under the new model and changes in the sector. These may include:

- the process for selecting the HPDT Chair;
- whether full-time experienced adjudicators in addition to the HPDT Chair should be recruited;
- the possibility of statutory and/or regulatory changes to promote effectiveness and efficiency, including to the requirement for Board members on discipline panels, methods for appointing public members and the size of panels;
- HPDT office location and financial structure;
- the duration of agreements and appointments;
- mechanisms for determining future structure and independence; and
- continuous improvement and strategic planning.

Commencing in 2026 for the year 2025, the HPDT will prepare an annual report of its activities. The HPDT will establish annual performance metrics in consultation with all participating Colleges to be reported on in the next year's annual report.

In the first half of 2028, we will consult participants from the regulatory community and prepare a report on the first three years of the HPDT and possible improvements to all aspects of the model, including the structure and the Rules of Procedure.

Timing of New Participants and Transition

We are open to new Colleges participating at any time after January 2025. Transition, and any special arrangements during a trial period, can be discussed individually.

Fitness to Practise

The HPDT is able to take on fitness to practise cases. Rules and processes for fitness to practise cases will be developed as needed.

HPDT
Health Professions
Discipline Tribunals

TDPS
Tribunaux de discipline
des professions de la santé

tribunal@opsdt.ca

Return to TOC

HPDT | TDPS
Health Professions Discipline Tribunals

Annual Report 2025

Who We Are

The HPDT is a group of administrative tribunals that hold discipline hearings for ten health colleges in Ontario.

Each HPDT Tribunal member is appointed by the Lieutenant Governor in Council for its respective College and conducts hearings panels to ensure a shared set of rules and consistent practices.

- Chiropodists and Podiatrists Discipline Tribunal (CHIROPOD)
- Chiropractors and Physicians and Surgeons Discipline Tribunal (CHIRO/PHYSICIANS)
- Dietitians Discipline Tribunal (DIETITIANS)
- Massage Therapists Discipline Tribunal (MASSAGE)
- Occupational Therapists and Physical Therapists Discipline Tribunal (OCCUPATIONAL)
- Opticians Discipline Tribunal (OPTICIANS)
- Optometrists Discipline Tribunal (OPTOMETRISTS)
- Psychologists Discipline Tribunal (PSYCHOLOGISTS)
- Registered Practical Nurses Discipline Tribunal (RPN)

Chair's Message



I am pleased to present the Health Professions Discipline Tribunals' first Annual Report.

In the last three years, the HPDT has grown, from an idea in 2022 to a small and promising new health college in 2023, to a group of 10 tribunals in 2025.

This year, the HPDT made major strides in refining the processes of an unit participating tribunals, including the appointment of Vice-Chairs for each tribunal, implementing a comprehensive guide to the HPDT's new experimental regulations, as well as a calendar system to ensure consistent scheduling practices. The HPDT also launched a new website, which makes it far more accessible by making it easier to find hearing notices and access all tribunal decisions. Finally, the HPDT began to develop a new case management system, which will be the largest initiative in the report.

None of these accomplishments would be possible without the hard work and support of the many people who are dedicated to the HPDT's success. I would like to thank the Lieutenant Governor in Council for appointing such dedicated and talented public members, the staff of the HPDT, the Chief's Hearings Office, and the HPDT's Registrar and Director, Ms. Jessica Wong. I would also like to thank the Vice-Chairs and Presiding Members of the HPDT Registrar's Panel and Hearings Panel, who collectively conducted all of the hearings and ensured a strong and decision-making environment alongside Mrs. Sanchez, Andrews, and excellence.

I look forward to the HPDT's continued growth and success in the years to come, and to the continued dedication of its members and staff to the HPDT's mandate: to serve and protect the public interest.

Key Elements of the HPDT Model



Each college's Discipline Committee is made up of members from all of the colleges.



Each tribunal panel is made up of a combination of public members and professional members of the college.



Tribunals share common rules of procedure, relevant case management, and administrative practices to ensure consistency across the administrative tribunals.



The Tribunal Chair and experienced vice-chairs oversee and appointed to each participating tribunal.



Robust training and continuing education for tribunal members is provided by HPDT staff.



The HPDT hosts an annual orientation conference for members of all HPDT tribunals, along with professions-specific orientation sessions.

The HPDT produces accessible, plain-language support materials and reasons.

Timeline

2022

Chiropractors and Physicians and Surgeons Discipline Tribunal created

2023



HPDT First Chair begins, with Staff and Tribunal Members attend conference

2024



Expansion of the HPDT to include 8 more tribunals, ongoing model is introduced, fact sheets and templates prepare to join

2025



Tribunals established, Chief Hearings Officer prepares to join

"Having had the opportunity to observe the work of the Health Professions Discipline Tribunals, I am struck by the HPDT's dedication to implementing regulatory innovations and reinvestments current best practice in disciplinary proceedings. The Tribunal has a strong and obvious commitment to openness. Written reasons for Tribunal decisions are concise and clear. The Tribunal's hearings are efficient, expeditious, openness, respect and timeliness are demonstrably present in the way it conducts itself."

- Harry Cayton, Professional Regulation and Governance Consultant

Cases

Tribunal	Cases Opened	Cases Closed
CHIRO/PHY	4	4
DIETITY	2	2
OMTDT	28	20
OOTDT	1	1
OPSDT	43	28
OMTDT	5	3
Total	**106**	**67**

80 percent of cases were completed in 314 days or less.

Notable Cases: Application of the New HPDT Rules

Flexible processes in the Rules of Procedure were used to streamline the hearing.

- College of Physicians and Surgeons of Ontario v. Smith

Upon adoption of the HPDT Rules, for the first time a massage therapist entered a no contest plea.

- College of Massage Therapists of Ontario v. Gilbert



Conference

Every year HPDT adjudicators and key staff gather for a day of learning, discussion, and connection. This year's conference was an opportunity to reflect on shared adjudicative experiences, strengthen relationships across the HPDT, and look ahead. The conference, which brought together 70 participants, featured a keynote address by Harry Cayton, a professional regulation consultant. Cayton, Chancellor of the Immigration and Refugee Board of Canada, and Chair of the Professional Standards Authority, spoke before the HPDT, sharing lessons from his extensive work in professional regulation and governance. Cayton's keynote address, and the conference, the HPDT Annual Conference is more than just a meeting—it is a vital part of building a strong, collaborative, and professional community, and adjudicative excellence.

Website

In 2025, the HPDT launched a new website for online hearings, decisions, and resources. The website was designed to be more user-friendly, with improved search functions and clearer navigation. Users can now find hearing notices, decisions, and other information on HPDT panels, sorted by tribunal, and view of tribunals. The website also includes a new section for resources, including guides for participants in hearings.

Ensuring everyone to reach colleges, including the Tribunal Chairs, Vice-Chairs, and Presiding Members of the Registrar's Panel and Hearings Panel, who collectively conducted all of the hearings and ensured a strong and decision-making environment, and Kareena ready-browsed through the website.

CMCs

Case Management Conferences (CMCs) are meetings between the parties and a Tribunal adjudicator that help to promote settlement and to ensure the proceeding moves forward in an efficient and organized way.

We held **294 CMCs** in **119 cases** in 2025.



In 2025 **80% of first CMCs occurred within 112 days** of the case with the HPDT.

Notable Cases: Penalty

The Tribunal concluded that the absence of a discipline history is not a mitigating factor.

- College of Physicians and Surgeons of Ontario v. Hampton

The Tribunal applied the penalty concept of unprovenability.

- College of Physicians and Surgeons of Ontario v. Hampton and College of Physicians and Surgeons of Ontario v. Ahmed

New Colleges

This year saw the expansion of the HPDT. In January 2025, the HPDT welcomed its first tribunals for the new colleges: the Dietitians Discipline Tribunal and the Optometrists Discipline Tribunal. And at the end of the year, we said goodbye to tribunals for the Ontario Dietitians Discipline Tribunal, the Ontario Medical Laboratory Technologists Discipline Tribunal, and the Ontario Veterinary Technicians Discipline Tribunal. The HPDT is continuously working to work with you to run hearings efficiently, fairly, and user-friendly.

Hearings



The HPDT held **69 half-day hearings**, **78 full-day** hearings and **9 written** hearings in **81 cases.**

Sexual abuse was alleged in **38% of cases**. **56% of hearing days** involved cases with sexual abuse allegations.

Oral Hearing Days by Discipline Tribunal



















Watching a Hearing

It is now easy to observe a live & watch an HPDT hearing. Members of the public can watch a hearing by clicking the "Watch" button to enroll the Tribunal Office for a link. Now, at a hearing, participants can join by video. This is a key feature of currently scheduled hearings at all colleges and times. Wonder to Mount.

Notable Cases: Costs

The Tribunal issued its first published decision applying the new costs provision in Rule 17.1.1.

- College of Physicians and Surgeons of Ontario v. Wu

The Tribunal addressed the principles for determining costs.

- College of Physicians and Surgeons of Ontario v. Physicians of Ontario v. Ahmed

Case Management System

Before 2025, the HPDT Tribunal Office used spreadsheets to manage cases and schedule hearings. This was slow and difficult, with an assessment of the HPDT's system that had been developed by Ontario's Tribunals Support Services and Acquires Ontario's Tribunal for several years.

Rolls now handles scheduling and tracking of cases for adjudicators by the HPDT office, streamlining and simplifying the process of scheduling hearings and managing cases. In addition, as well as serving all of the Ontario Tribunals, the HPDT will be able to customize the system to meet the needs of its different platform, we can now more easily analyze data from cases, which will help us to identify areas for improvement and improve our work for many years to come.

Self-Rep Guide

This year saw the completion of the Guide for Self-Represented Parties, which was developed to provide guidance to the Tribunal process for litigants who are self-represented. The Guide explains the HPDT's rules and procedures in plain language, representing themselves. It is essential to make a fair and efficient process for all participants, and the Guide is expected to help to improve the experience of the HPDT and to decrease to more examinations for the panel's reasons for decision. The Guide was developed in consultation with the Tribunal's Advisory Committee and was reviewed by a number of self-represented individuals who have previously worked here at the HPDT.

Reasons

89 reasons were released in 2025.

80% of reasons were released in less than 55 days.

100% of reasons were released within our **target of 84 days.**

Selected Adjudicator Education Topics

- Reprimands: Purpose, Drafting Guidelines and Key Considerations
- Joint Submissions
- Victim Impact Statements
- Deliberating Well: Open Minds, Sound Decisions
- Fairness in Force: Understanding Reasonable Apprehension of Bias

Selected New Member Orientation Topics

- Procedural Fairness: Key Principles
- The Hearing Process and the Role of the Panel
- Making Decisions on Findings and Penalty
- Reason Writing as a Panel
- Witness Matters: Rules and Process
- Myths and Stereotypes in Sexual Violence Cases



People

Experienced Adjudicators
Raj Anand
Mary Jane Ardel
Sherry Liang
Jennifer Scott
Jacqueline Wilson
Dawn A. Wright

Ontario Audiologists and Speech-Language Pathologists Discipline Tribunal
Julia Asbarova, ADJ
Jacqueline Bell, Vice-Chair
Rebecca Rose Bilkhanjay, Public Member
Ivan Corva, ADJ, Vice-Chair
Jeffrey Cowan, ADJ
Veronica Fernandez, ADJ
Jennifer Gold, ADJ
Cara Jelinek, ADJ
Jennifer Kelly, ADJ
Janet Lovsky, ADJ
Ashwini Ramachandran-MacDonald, ADJ
Jeffrey Richards, ADJ
Sandra Rosen, ADJ
Sarah Singhal, ADJ
Jennifer Wilson, Public Member

College Liaisons
Sadia Nadeer, Professional
Kareena Ready-Bowdrey, Program Support and Hearings Liaison Officer

Ontario Massage Therapists Discipline Tribunal
Nina Alaberdy, MMT
Lisa Bell, MMT
Lauren Cartwright, MMT
Jennifer Da Prato, MMT
Jennifer Dawn Dunn-Lalonde, MMT
Charles Gelinis, Public Member
Jeff Gilbert, MMT
Brian Highgate, Public
Jeffrey Hoffman, MMT
Jim Kitsiona, MMT
Jennifer Lee, MMT
Jennifer McKitt, MMT
Jennifer Mills, MMT
Peter Peter, MMT
Jillian Petit, Public
Lauren Rosenberg, MMT
Lauren Schwartz, MMT
Carolyn Watt, Public
Jeffrey Wilson, MMT
Eric Yu, MMT

Ontario Chiropodists and Podiatrists Discipline Tribunal
Dr. Ryan Bell, Chiropodist
Katherine Kinnaird, Chiropodist
Dr. Jennifer Lee Kwan, Chiropodist
Ravi Nagra, Chiropodist
Dr. Jennifer Nicole Pinto, Chiropodist
Cassandra Shaw, Public
Dr. Jennifer Lee Wong, Podiatrist
Jinny Xu, Chiropodist
Jeffrey Yeung, Public
Mary Grace Ventanilla-Ochoa, Chiropodist

Ontario Chiropractors and Physicians and Surgeons Discipline Tribunal
Dr. Ryan Bell, Chiropodist
Dr. Jennifer Lee Kwan, Chiropodist
Dr. Jennifer Nicole Pinto, Chiropodist
Cassandra Shaw, Public
Dr. Jennifer Lee Wong, Podiatrist
Jinny Xu, Chiropodist
Jeffrey Yeung, Public
Mary Grace Ventanilla-Ochoa, Chiropodist
Dr. Paul Wilson, Chiropodist
Dr. Jennifer Lee Kwan, Chiropodist
Rachael Nadeer, Public
Dr. Jennifer Nicole Pinto, Chiropodist
Jennifer Somerville, Chiropodist
Dr. Jennifer Lee Wong, Podiatrist
Keith Thompson, Chiropodist
Dr. Jinny Xu, Chiropodist
Jessica Yanchuk, Public Member
Shaan Jeffrey Walmsley, Podiatrist

Ontario Dietitians Discipline Tribunal
Communications and Engagement

Ontario Occupational Therapists Discipline Tribunal
Jennifer Anderson, OT
Natalie Bell, OT
Jennifer Bowes, OT
Nick Doyle, Public
Jeffrey Fisher, OT
Allen Friedman, Public
Jeffrey Gilbert, OT
Elizabeth Gerber, OT
Jennifer Hall, Public
Laura Nicholson, OT
Thuy Lang, OT
Jennifer Lee Kwan, OT
Sarah Miller, OT
Jennifer Nicole Pinto, OT
Vincent Sansue, Public
Jennifer Somerville, OT
Kelly Sutton, Public
Jennifer Wong, OT

Ontario Physicians and Surgeons Discipline Tribunal
Brenda Acton, Physician
Dr. Jennifer Lee Kwan, Physician
Dr. Jennifer Nicole Pinto, Physician
Dr. Jennifer Lee Wong, Physician
Lisa Bevan, Public
Dr. Jennifer Lee Kwan, Physician
Nadine Bird, Public Member
Dr. Jennifer Nicole Pinto, Physician
Jane Cordaro, Public
Dr. Jennifer Lee Wong, Physician
Melissa de Domenico, Public
Dr. Jennifer Lee Kwan, Physician
Virginia Duffy, Physician
Dr. Jennifer Nicole Pinto, Physician
Dr. Stewart Fleischer, Physician
Ray Frate, Public
Dr. Jennifer Lee Wong, Physician
Jennifer Gardner, Physician
Dr. Jennifer Lee Kwan, Physician
Carol Gaudet, Public
Dr. Jennifer Nicole Pinto, Physician
Dr. Jennifer Lee Wong, Physician
Dr. Jennifer Lee Kwan, Physician
Dr. Jennifer Nicole Pinto, Physician
Dr. Jennifer Lee Wong, Physician

Ontario Registered Psychotherapists Discipline Tribunal
Jennifer Anderson, OT
Andrew Benedetto, RP
Jennifer Bowes, OT
Shirley Brickenden-Bond, RP, Vice-Chair
Carol Cooper, RP
Jennifer Dawn Dunn-Lalonde, MMT
Kirsten Gaudet, RP
Jennifer Hall, Public
Jennifer Hamilton, RP
Laura Nicholson, OT
Kenneth Lowy, RP
Jennifer Nicole Pinto, OT
Judy Mock, RP
Jennifer Somerville, OT
Kevin Saad, Public
Kelly Sutton, Public
Sandra Sunder, RP
Jeffrey Vincent, Public

Legal Counsel
Lauren Bell, Professional Conduct Compliance Assistant

Tribunal Office
Jessica Wong, Registrar, Case Processing Coordinator
Kareena Ready-Bowdrey, Program Support and Hearings Liaison Officer
Sandra Sanchez, Administrative Assistant
Andrew Ryan Case, Professional Conduct Compliance Assistant
Jennifer Lee Kwan, Professional Conduct Compliance Assistant
Deanna Woodward, Tribunal Counsel
Sarah E. Wright, Tribunal Chair

Issue/Decision Note

Issue or Decision: Friendly Amendment to By-law 8.03 – Appointment of Deputy Registrar
Prepared for: Council
Date: November 30, 2026

Issue:

A proposed friendly amendment to By-law 8.03 to clarify the Registrar's authority to appoint a Deputy Registrar without restricting the selection to existing College staff.

The proposed amendment aligns the wording of the By-laws with the original intent of Council's delegation of appointment authority to the Registrar and allows consideration of a broader pool of candidates based on the College's needs and the requirements of the role.

Strategic Impact

The role of Deputy Registrar was added to the College's By-laws to clarify succession planning and build operational capacity. This will facilitate continuous improvement, which is part of the strategic theme of Governance and Public Trust.

A Deputy Registrar also helps effectively transform organizational practices, including efforts to meaningfully engage and collaborate with the public and other stakeholders.

A broader pool of potential appointees to this role would support work towards these strategic goals by allowing additional skills and expertise to be added to the College's existing human resources.

Public Interest

Effective leadership and continuity are essential to the College's ability to regulate the profession of kinesiology in Ontario in the public interest. As a small regulator with broad statutory responsibilities, the College must be able to access the expertise needed to oversee its regulatory functions and respond to emerging risks.

The proposed amendment supports leadership capacity, succession planning, and organizational resilience by allowing the Registrar to select the most suitable candidate based on the College's needs. This flexibility supports the College's ability to fulfill its mandate effectively and sustainably.

Risk Considerations

Retaining the current wording could unnecessarily limit the pool of candidates available to the Registrar. The proposed amendment addresses this risk by allowing consideration of all suitable candidates without establishing a preference for internal or external applicants.

The amendment will be implemented in accordance with the College's applicable By-law amendment and approval procedures.

Background, Analysis and Rationale

Section 8.03 of the College's By-laws currently states:
"The Registrar may appoint a staff member to serve as Deputy Registrar at any time and for any period of time."

Under the *Regulated Health Professions Act, 1991* (RHPA), the Registrar is the College's statutory staff member. Council has delegated the authority to appoint a Deputy Registrar to the Registrar. The College has obtained legal advice confirming that the existing wording was not intended to restrict the appointment to existing staff and that the proposed change constitutes a friendly amendment.

Proposed Amendment

Bylaw: 8.03 Deputy Registrar
The Registrar may appoint a ~~staff member to serve as~~ Deputy Registrar at any time and for any period of time.

The Deputy Registrar's role supports the Registrar in fulfilling the College's regulatory, operational, and leadership responsibilities. The proposed amendment would:

1. **Provide recruitment flexibility:** Allow the Registrar to consider internal and external candidates and select the individual best suited to the role.
2. **Strengthen leadership capacity:** Support continuity of operations and succession planning.
3. **Support organizational resilience:** Enable the College to access the expertise required to meet its evolving regulatory responsibilities.
4. **Maintain accountability:** Preserve the existing delegation of appointment authority to the Registrar without introducing a new Council approval requirement.

The amendment clarifies the existing authority and does not change the role of the Deputy Registrar or Council's governance responsibilities.

Financial and Operational Implications

Funding for the Deputy Registrar position has already been allocated in the College's approved budget for the current fiscal year. The position addresses the College's workload demands, regulatory responsibilities, and succession planning objectives.

The amendment does not create a new position or budgetary allocation. The appointment is expected to be accommodated within the approved budget, subject to the terms of the appointment and established financial controls.

Recommendation

It is recommended that Council approve the friendly amendment to By-law 8.03, replacing the current wording with:

"The Registrar may appoint a Deputy Registrar at any time and for any period of time."

The amendment will clarify the Registrar's existing appointment authority, provide appropriate recruitment flexibility, and support the College's leadership capacity, succession planning, and public-interest mandate.

Decision for the Council

Council is therefore asked to approve the proposed friendly amendment to By-law 8.03.

Resolution – Amendments to By-law 8

Whereas the College of Kinesiologists of Ontario ("the College") is committed to the adoption and implementation of best practices in governance and risk management; and

Whereas the College has given due consideration to succession planning and business continuity in the event of a vacancy or extended absence of the Registrar & CEO; and

Whereas the College had proposed a friendly amendment to By-law 8 to facilitate appointment of a Deputy Registrar; and

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendment to By-law 8 as presented.

Moved by:

Seconded by:

Date: November 30, 2026

Return to TOC

Issue / Decision Note

Issue or Decision:	In-Camera Meeting Policy and Rules Concerning Treatment of Minutes of Council
Prepared for:	Council
Meeting Date:	November 30, 2026

Issue for Consideration

A draft In-Camera Meeting Policy ("the draft Policy") and proposed amendments to the Rules Concerning Treatment of Minutes of Council.

Public Interest Rationale

The College of Kinesiologists of Ontario ("the College")'s mandate is to serve and protect the public interest. It is therefore essential that the conduct of the organization and Council's meetings reflects the principles of openness, transparency and accountability. The presumption is that Council meetings are conducted in public. Where circumstances arise that meet the specific statutory grounds under section 7 (2) of the Health Professions Procedural Code under the RHPA, 1991, the public may be excluded from a meeting or a portion of a meeting. A clear and robust framework ensures that these exceptions are applied consistently, appropriately and only when legally justified. It also supports proper documentation and accountability for in-camera discussions and decisions while safeguarding legitimate confidentiality.

This approach reinforces public confidence in the College's governance practices and ensures that the use of in-camera meetings remains consistent with the College's public protection mandate and its obligations to transparency and accountability.

Strategic Impact

Governance & Public Trust: It is important that discussions and decisions are properly documented and actioned. This is particularly true in circumstances where internal and external observers may not be present for that meeting or for a part of that meeting. For such "in-camera" meetings, a clear policy framework supports good governance by clarifying the parameters for such meetings or parts of meetings. These parameters include:

- The expectation that meetings will be open to the public by default, with in-camera meetings or parts of meetings only be held for the reasons set out in s.7(2) of the *Health Professions Procedural Code* ("the Code").
- Ensuring that any decision to move in camera is justified by one or more of the applicable statutory grounds established in s.7(2) of the Code.
- Ensuring that in-camera discussions are limited to matters that fall under the specific reasons set out in s.7(2) of the Code.
- Ensuring that appropriate records of in-camera discussions, decisions, and actions are maintained, subject to applicable confidentiality and recordkeeping requirements.

These parameters will enable Council members present at such an in-camera meeting to effectively discharge their fiduciary duties in as transparent a manner as possible when addressing matters that may be best considered in a closed forum.

Risk Mitigation

The draft Policy is intended to mitigate the risk that the College may be perceived as lacking transparency by establishing a clear and consistent framework for circumstances in which the public may be excluded from a Council meeting or part of a meeting. The policy reinforces that meetings are open to the public by default and that exclusions are limited to the specific statutory grounds permitted under the Health Professions Procedural Code.

Further, the draft Policy supports compliance with the legislative requirements under section 7 of the Health Professions Procedural Code by providing clear direction on the appropriate application and documentation of decisions to exclude the public. This helps mitigate the risk of legislative non-compliance and supports the College's commitments to transparency, accountability and public confidence.

Equity Impact

The College is committed to ensuring that its governance practices reflect principles of equity, inclusion and fairness. Where a Council meeting or portion of a meeting is appropriately held in camera under the statutory grounds established by the RHPA, the policy should promote equitable participation, inclusive discussion and fair consideration of perspectives among those entitled to participate. These principles should apply consistently to both public and in-camera deliberations, while recognizing the importance of transparency and public accountability.

Background

As part of its mandate to protect public interest through the effective regulation of the practice of kinesiology in Ontario, the College must ensure that Council decision-making is consistent with all applicable legislation, as well as the principles of good governance in the regulatory context.

Despite the importance of transparency, there are circumstances in which Council may exclude the public from a meeting or part of a meeting, as permitted under Section 7 (2) of the Code. The Code establishes the statutory grounds for exclusion of the public, which are situations where:

> (a) matters involving public security may be disclosed;
> (b) financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public;
> (c) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced;
> (d) personnel matters or property acquisitions will be discussed;
> (e) instructions will be given to or opinions received from the solicitors for the College; or
> (f) the Council will deliberate whether to exclude the public from a meeting or whether to make an order under subsection

The Code also includes requirements relating to advance public notice, recording the grounds for exclusion in meeting minutes, and the authority of Council to make orders necessary to prevent public disclosure of matters discussed during such meetings. However, the Code does not prescribe a comprehensive operational framework addressing the roles, responsibilities and procedures for conducting in-camera sessions. To support consistent application of the legislative requirements, mitigate governance risks and promote accountability, the College has considered the development of a policy to provide greater clarity on these procedural matters. The policy is intended to complement the Code.

Analysis

The process to develop a draft In-Camera Meeting Policy ("the draft Policy") included a review of applicable legislation and an internal review of the College's By-laws, Rules of Order and existing governance policies. COKO also conducted an environmental scan of other health profession regulators in Ontario. Through this environmental scan, relevant policies were identified and reviewed for applicability and utility. To ensure a comprehensive environmental scan, consideration was given to in-camera meeting policies at some non-health regulators.

As part of the internal review and environmental scan, an opportunity was identified to ensure consistency between the draft Policy and existing policies and procedures. From that review, which was also informed by the environmental scan, potential amendments to the rules pertaining to Council minutes were developed.

Draft In-Camera Meeting Policy

The draft Policy, which emerged from the internal review and environmental scan, includes the principles on which the draft Policy is based, specifically:

- Specificity - That in-camera sessions may only be held for reasons set out in the Code;
- Transparency - The grounds for holding an in-camera session will be clearly documented;
- Proportionality - The public will only be excluded from the portion of a meeting and for the duration necessary to address matters that meet the statutory grounds.
- Inclusion - The policy will promote equitable and meaningful participation among those authorized to attend in-camera sessions; and
- Confidentiality - Except as necessary and permitted, those present during in-camera sessions are prohibited from divulging to anyone outside the in-camera session any information discussed or distributed during in-camera sessions.

The draft Policy also includes a specific Procedure to arrange and hold an in-camera session. This describes how an in-camera session will be posted and documented, and covers the following situations:

- When it is anticipated prior to a meeting that the meeting will be held in-camera;
- When it is anticipated prior to a meeting that a portion of the meeting will be held in-camera; and
- When it is proposed during a meeting that an in-camera session may be required.

A description of activities during in-camera sessions is also provided, including the following information:

- References to the Rules of Order, Code of Conduct, and Rules Concerning Treatment of Minutes of Council;
- Who may potentially attend an in-camera session, and when they may be invited; and
- An expectation that, upon conclusion of any in-camera session, Council will decide what information, if any, may be shared publicly.

The draft Policy also includes a section focused on Accountability and Oversight, including who will be responsible for various levels of compliance with and implementation of the draft Policy. Specific reference is made here to ensuring that the minutes of an in-camera session will be duly recorded, approved and retained in accordance with applicable requirements, which include the Rules Concerning Treatment of Minutes of Council.

Proposed Amendments to the Rules Concerning Treatment of Minutes of Council

The table below shows proposed substantive amendments to the Rules Concerning Treatment of Minutes of Council:

Note: amendments are shown in underlined red text, with ~~strikethrough~~ used to indicate proposed removals.

Current Approved Version	Proposed Amended Version	Rationale
Not Present	1. **Recording of the Minutes** In accordance with the College's By-law 11.14, the Registrar & CEO will ensure that accurate minutes of all Council meetings are recorded, approved and maintained in a manner consistent with this Policy. Where the Registrar & CEO is not or may not be present at a meeting, they will designate an appropriate individual to assume responsibility for ensuring that	The By-laws (11.14) assigns the responsibility for ensuring that accurate and approved minutes of all Council meetings are recorded and maintained at the College office. However, By-law 11.14 does not expressly address the arrangements for fulfilling this responsibility when the Registrar is absent, has a conflict of interest, or is otherwise unable to participate in an in-camera session. To ensure continuity and

	Minutes are recorded, approved and maintained. Where neither the Registrar & CEO nor their designate is present, the Chair will ensure that an appropriate individual is assigned responsibility for ensuring that Minutes are recorded and maintained, taking into consideration any actual or potential conflicts of interest. Responsibility for ensuring that minutes are recorded, approved and maintained does not require the Registrar & CEO, their designate or the Chair to personally record the Minutes. This administrative function may be assigned to another appropriate individual who is authorized to attend the meeting in question.	clarity of accountability, it is proposed that the Rules provide for the Registrar to designate an appropriate individual to assume responsibility for ensuring that minutes are recorded and maintained in the Registrar's absence. Where neither the Registrar nor their designate is present, the Chair should ensure that an appropriate individual is assigned this responsibility, taking into consideration any actual or potential conflicts of interest. This amendment also specifies that responsibility for ensuring that minutes are recorded does not require the Registrar, their designate or Chair to personally take the minutes. This is an administrative function that may be assigned to another appropriate individual who is authorized to attend the meeting.
"Contents of the Minutes (Robert's Rules of Order S48)" (pg. 1) *"At the beginning, the Minutes shall record:"*	"**4. The Beginning of the Minutes** At the beginning, the Minutes shall record:"	Added section heading for internal consistency, as other parts/ elements of the Minutes are dealt with using individual sections (i.e., the body of the minutes, information about the vote, etc.). Also removed italics for formatting consistency.
Bullet point 8 under "The Body of the Minutes (pg. 2) "• Whether the Council went into an in-camera session and the purpose of the in-camera session"	Bullet point 8 under "The Body of the Minutes" (pg. 2) "• Whether the Council went into an in-camera session and the ~~purpose of the in-camera session~~reason(s) for excluding the public from that session" • For clarity, s.7(2) of the Health Professions Procedural Code, which is Schedule 2 to the Regulated Health Professions Act, 1991, states: Exclusion of public (2) Despite subsection (1), the Council may exclude the public from any meeting or part of a meeting if it is satisfied that,	Proposed to more closely reflect the wording of s.7(4) of the *Health Professions Procedural Code*. Also: included a specific reference to and citation of s.7(2) of the *Health Professions Procedural Code* to ensure that there is clarity regarding the specific reasons why the public may be excluded from a meeting. This is important, as these Rules should not create an impression that the public may or should be excluded from a meeting or portion of a meeting for any reason as long as that reason is stated in the Minutes.

	(a) matters involving public security may be disclosed; (b) financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public; (c) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced; (d) personnel matters or property acquisitions will be discussed; (e) instructions will be given to or opinions received from the solicitors for the College; or (f) the Council will deliberate whether to exclude the public from a meeting or whether to make an order under subsection (3).	
"Approval of Minutes" (pg. 3): "[…]Draft Minutes, as corrected will be presented at the next regular meeting of Council for final review and approval. Final approved Minutes will be maintained as the record with draft Minutes deleted from the records of Council."	Added, between the two paragraphs shown: "The Minutes of any in-camera session:	Proposed insertion of this wording, including the bullet points below, due to differences between how in-camera meeting Minutes need to be circulated and approved given that in-camera sessions are closed to the public, and the Minutes of such sessions are therefore not posted publicly as part of a Council meeting materials or otherwise.
	• Shall be circulated in accordance with the timelines set out in the "Approval of Minutes" section of these Rules;	Proposed insertion to clarify the approval timelines for the Draft Minutes of an in-camera session.
	• Shall only be circulated and approved in a manner that ensures that such Minutes remain confidential, and that only authorized individuals will have access to such Minutes.	Proposed insertion to specify circulation of the draft Minutes of an in-camera meeting would be dealt with in a manner that ensures confidentiality, preventing unauthorized and inappropriate access to the Minutes of an in-camera session.
	• Shall be maintained as confidential College records and access shall be restricted to individuals authorized to receive them, based on their roles, responsibilities and legitimate need to know, subject to applicable legislative requirements,	Given that Draft Minutes of an in-camera meeting are not public, there needs to be a mechanism for approval of those Draft Minutes without requiring a perpetual cycle of in-camera sessions simply to approve the Minutes of the previous in-camera session.

	confidentiality obligations, conflicts of interest and solicitor-client privilege.	
	• Access may be granted to: ○ The President and Vice-President, provided they are not conflicted or otherwise restricted from accessing the information; ○ Council members, where access is necessary to fulfil their governance responsibilities and is authorized in accordance with applicable confidentiality and legal requirements; ○ The Registrar & CEO, except where the subject matter relates to the Registrar & CEO or their access would create a conflict of interest or compromise confidentiality or legal privilege; ○ In the absence of the Registrar & CEO and College staff, an appropriately designated individual, such as the Acting Registrar, Deputy Registrar, Director/Manager of Finance & Operations or the College's Legal Counsel, where access is necessary	Inserted for clarity regarding who may have access to the Minutes of an in-camera session.

	to fulfil an authorized responsibility. Where in-camera minutes relate to a specific individual, investigation, personnel matter or legal proceeding, access shall be restricted to those authorized and necessary to manage the matter. Access to such records by newly appointed Council members or other individuals shall be assessed on a case-by-case basis. The College shall ensure that appropriate arrangements are in place for the secure custody, retention and authorized disclosure of all in-camera minutes.	
	The Registrar & CEO may request access to the Minutes of in-camera sessions where they were not present. • Such requests shall be made through the President, or the Vice-President if the Vice-President is assuming the responsibilities of the President.	Provides a mechanism for the Registrar & CEO to request access to in-camera Minutes.
"Posting of Council Minutes on the College Website" (pg. 4). Paragraph 4: "Final approved Minutes will be maintained in the Minutes Book and reviewed annually as part of the audit process"	"~~Final approved Minutes will be maintained in the Minutes Book and reviewed annually as part of the audit process~~." "The College shall maintain accurate and approved minutes of all Council meetings, including in-camera sessions, as part of its official corporate records. Minutes may be maintained in physical or electronic format, provided appropriate measures are in place to ensure their accuracy, integrity, confidentiality, security, retention, and authorized access, in accordance with applicable legislation and the College's records management requirements."	Amended for better alignment with COKO's approach to document management.

This review of the Rules Concerning Treatment of Minutes of Council also resulted in identification of non-substantive amendments to:

- Add section numbering to facilitate review and citation;
- Adjust formatting for internal consistency and consistency with other Policies; and
- Make minor edits to punctuation.

Decision for Council

The Council is requested to consider the draft In-Camera Meeting Policy and amended Rules Concerning Treatment of Minutes of Council and:

1) Approve the draft Policy and/or the amended Rules Concerning Treatment of Minutes of Council;
2) Approve the draft Policy and/or the amended Rules Concerning Treatment of Minutes of Council with specified amendments; or
3) Refer the draft Policy and/or the amended Rules Concerning Treatment of Minutes of Council for further consideration, with specified questions.

Recommendation

It is proposed that the draft Policy and amended Rules Concerning Treatment of Minutes of Council:

- Will support achievement of strategic goals, particularly goals pertaining to Governance & Public Trust;
- Will serve the public interest by demonstrating and reinforcing COKO's commitment to openness, transparency and accountability; and
- Will help to limit the likelihood and impact of Governance, Compliance and Loss of Confidence risks.

For these reasons, it is recommended that Council approve the draft Policy and amended Rules Concerning Treatment of Minutes of Council

Appendices

- Appendix A: Draft In-Camera Meeting Policy
- Appendix B: Amended Rules Concerning Treatment of Minutes of Council

College of Kinesiologists Policies and Procedures Manual	
DEPARTMENT:	
POLICY: In Camera Meeting Policy	
DATE OF APPROVAL:	**POLICY REVISION DATES:**

POLICY STATEMENT:

To accomplish its Mission to protect the public through governance that ensures excellent professional practice of Kinesiologists in Ontario, the College of Kinesiologists of Ontario is guided by its values, including Accountability, and Transparency. These values are applied to all Council meetings, which are, by default, open to the public. There are circumstances where limitations on who can attend a meeting or part of a meeting are required. Such limitations serve to protect confidentiality of matters which place the College or individuals at risk, or to facilitate decisions regarding sensitive governance responsibilities. Where circumstances such as these arise, the public may be excluded from a Council meeting.

Definitions

"the College" means the College of Kinesiologists of Ontario.

"Council" means the Council established under subsection 5(1) of the *Kinesiology Act, 2007*.

"Council Member" means:

a. a person who has been elected to Council from among the members of the College; or
b. a person who has been appointed to Council by the Lieutenant Governor in Council.

"the Code" means the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991*.

"President" means the President of the College.

"Vice-President" means the Vice-President of the College.

"Chair" means the Chair of a meeting of Council.

"College Staff" means a person who is employed by the College.

"Registrar & CEO" means the Registrar & CEO of the College.

"In-camera session" or "In-camera sessions" means a meeting or part(s) of a meeting from which the public are excluded.

College of Kinesiologists Policies and Procedures Manual	
DEPARTMENT:	
POLICY: In Camera Meeting Policy	
DATE OF APPROVAL:	**POLICY REVISION DATES:**

"Agent or Vendor" means anyone who is not a Council Member, Committee Member or College Staff and who has been engaged by the College or provide a specified duty, role or service.

"By-laws" means the College's By-laws and includes all Schedules to the By-laws and Attachments to the Schedules to the By-laws.

"Policies" means approved College policies including but not limited to those pertinent to Human Resources and Governance.

"Procedures" means the College's operational procedures including but not limited to those pertinent to Human Resources, Finance and Governance.

Purpose

1) This Policy will ensure that in-camera sessions are held in a manner consistent with legislation, the College's values and the principles of good governance.
2) This Policy establishes:
    a. the types of in-camera sessions which can occur at the College;
    b. when they should be invoked;
    c. who should be included or excluded from in camera sessions;
    d. the requirements for confidentiality; and
    e. parameters for safe storage and access to minutes of in camera sessions.

Policy Scope

3) This Policy applies to Council meetings.
4) This Policy applies to all Council members, the Registrar & CEO, the College's staff, and any relevant Agent(s) or Vendor(s).

Principles

5) Council meetings, including in-camera sessions, will be governed in accordance with the following Principles:
    a. Specificity: in-camera sessions may only be held for reasons set out in legislation. Council shall abide by subsection 7(2) of the Code when determining whether a meeting or part of a meeting may be an in-camera session.
    b. Transparency: the grounds for holding an in-camera session will be clearly documented.

College of Kinesiologists Policies and Procedures Manual	
DEPARTMENT:	
POLICY: In Camera Meeting Policy	
DATE OF APPROVAL:	**POLICY REVISION DATES:**

c. Proportionality: the public will only be excluded from the portion of a meeting and for the duration necessary to address matters that meet the statutory grounds for excluding the public.
d. Inclusion: This Policy will promote equitable and meaningful participation among those authorized to attend in-camera sessions.
e. Confidentiality: Except as necessary and permitted, those present during in-camera sessions are prohibited from divulging to anyone outside the in-camera session any information discussed or distributed during in-camera sessions.
    i. Council may, as per subsection 7(3) of the Code, make orders necessary to prevent the public disclosure of matters disclosed during in-camera sessions, including banning publication or broadcast of those matters.

Procedure to hold an in-camera session

6) Where it is anticipated prior to a meeting that a meeting will be held as an in-camera session:
    a. Notice of that meeting will be posted in a manner consistent with the Code, the By-laws and any other applicable legislation, Policies and/or Procedures.
    b. The agenda for that meeting will indicate any in-camera session;
    c. The agenda for that meeting will include the legislative grounds under s.7(2) of the Code for any in-camera session.
7) Where it is anticipated prior to a meeting that a portion of that meeting will be held as an in-camera session:
    a. The agenda for that meeting will indicate any in-camera session; and
    b. The agenda for that meeting will include the legislative grounds under s.7(2) of the Code for doing so.
8) Where it is proposed during a meeting that an in-camera session may be required:
    a. A Council Member must make a motion for that part of the meeting to be held as in-camera session;
    b. The motion to hold that part of the meeting as in-camera session will include the legislative grounds under s.7(2) of the Code for doing so;
    c. That part of the meeting will only be held as an in-camera session if
        i. The motion is consistent with the legislative grounds under s.7(2) of the Code; and
        ii. The motion is approved in a manner consistent with the By-laws.

In-camera sessions

9) During any in-camera session:

College of Kinesiologists Policies and Procedures Manual	
DEPARTMENT:	
POLICY: In Camera Meeting Policy	
DATE OF APPROVAL:	**POLICY REVISION DATES:**

a. All discussions and decision-making will proceed in a manner consistent with the By-laws, the Rules of Order, and the Code of Conduct. This includes the requirement that a quorum be present and maintained.
b. Decisions requiring formal Council approval will be documented and, where appropriate, reported or ratified in an open session, subject to applicable confidentiality requirements.
c. The Minutes of the in-camera session will be recorded in a manner consistent with the College's Rules Concerning Treatment of Minutes of Council.

10) Attendance at in-camera sessions is restricted to Council Members, the Registrar & CEO, and any explicitly invited guests.
    a. The Registrar & CEO may be invited to provide information before withdrawing, where appropriate.
    b. The Registrar & CEO will not, unless permitted by Council or the Executive Committee, attend an in-camera session:
        i. Where the in-camera session pertains to the Registrar & CEO's performance evaluation;
        ii. Where the in-camera session pertains to other issues related to the Registrar & CEO;
        iii. Where the in-camera session pertains to matters involving a conflict of interest; or
        iv. In other circumstances where Council determines that the Registrar & CEO's presence would not be appropriate.
11) Invited guests may include, but are not limited to, any person or persons who may need to be present to provide Council with advice, information, or expertise.
12) The in-camera session will conclude by a motion.
    a. Where the in-camera session forms part of a regular Council meeting, the motion will provide for the meeting to resume in an open session, as appropriate.

Accountability and Oversight

13) The President and the Registrar & CEO will ensure the requirements of this Policy are communicated.
14) All individuals to whom this Policy applies are responsible for their compliance with this Policy and any applicable Legislation, By-laws, Policies and Procedures.
15) The Chair will ensure that in-camera sessions are held and conducted a manner consistent with this Policy and any applicable legislation, By-laws, Policies and Procedures. This includes but may not be limited to:
    a. Managing attendance;
    b. Maintaining the purpose of the in-camera discussion; and

c. Ensuring appropriate transitions between in-camera and open sessions.

16) The recording, approval and retention of minutes of in-camera sessions will be managed in accordance with applicable legislation, regulations, By-laws, policies and procedures, and the College's records management requirements.

College of Kinesiologists Policies and Procedures Manual	
DEPARTMENT: Council	
POLICY: ~~RULES~~ Rules Concerning Treatment of Minutes of Council	
DATE OF APPROVAL: Sept 2019	**POLICY REVISION DATES:** November 30, 2026

Policy Statement
The College shall maintain consistent practices concerning the preparation, correction, approval and public posting of Minutes of Council meetings

1. Recording of the Minutes

In accordance with the College's By-law 11.14, the Registrar & CEO will ensure that accurate Minutes of all Council meetings are recorded, approved and maintained in a manner consistent with this Policy.

The Registrar & CEO will designate an appropriate individual to assume responsibility for ensuring that Minutes are recorded, approved and maintained in the Registrar & CEO's absence.

Where neither the Registrar & CEO nor their designate is present, the Chair will ensure that an appropriate individual is assigned responsibility for ensuring that Minutes are recorded and maintained, taking into consideration any actual or potential conflicts of interest.

Responsibility for ensuring that minutes are recorded, approved and maintained does not require the Registrar & CEO, their designate or the Chair to personally record the Minutes. This administrative function may be assigned to another appropriate individual who is authorized to attend the meeting in question.

~~1.~~2. Contents of the Minutes (Robert's Rules of Order S48)

As the official record of what happens in each meeting, the Minutes are a crucial resource in the decision-making process. The Minutes of a meeting should be clear and easy to understand. The format of Minutes which has been adopted by the College adheres to the structure and format described in Robert's Rules of Order, for the most part. Where the College has varied its practice from the described formula, in the interests of transparency and accountability, it is marked with an asterisk*.

Every set of Council meeting Minutes should include the same details, to give the reader a general understanding of the purpose of the meeting and what transpired at the meeting.

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3. The Beginning of the Minutes

At the beginning the Minutes shall record:

- The kind of meeting, whether regular, special, annual, adjourned regular or otherwise.
- The date, time and location of the meeting.
- The name of the organization that is meeting.
- Confirmation that the organization's presiding officer and secretary are present in the meeting. If they're not, the Minutes will state the names of the individuals substituting for each of them.
- Statement of whether the previous meeting's minutes were distributed for reading and approved as distributed or corrected. If the previous meeting wasn't a regular meeting, add the date of that meeting.
- All those present including Council members, staff, guests and observers.*
- Guest speakers will be named in the Minutes, usually at the beginning of the Minutes along with the topic that they will be presenting.*

4. The Body of the Minutes

The Minutes will include all the official discussion points in the meeting as follows:

- Each major item raised and discussed in a meeting will be recorded in a separate paragraph in the Minutes.
- Motions bringing a question before the Council with the exception of those that are withdrawn.
    - The name of the person making the Motion. The name of the Seconder is entered as a common practice by the College.
    - The final wording and disposition of all motions as stated by the Chair.
    - The disposition of the motion including any primary and secondary amendments
    - A brief summary or explanation of the matter or question presented or debated.
    - A notation of whether the matter was debated or amended before disposition.

- Whether the Council went into an in-camera session and the ~~purpose of the in-camera session~~reason(s) for excluding the public from that session.*

    - For clarity, s.7(2) of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991*, states:

Exclusion of public

(2) Despite subsection (1), the Council may exclude the public from any meeting or part of a meeting if it is satisfied that,

(a) matters involving public security may be disclosed;

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(b) financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public;
(c) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced;
(d) personnel matters or property acquisitions will be discussed;
(e) instructions will be given to or opinions received from the solicitors for the College; or
(f) the Council will deliberate whether to exclude the public from a meeting or whether to make an order under subsection (3).

- All points of order and appeals, along with their disposition, plus any reasons that were given by the chair for each ruling.
- The complete substance of oral committee reports.
- All other official discussions held in the room.
- All points of order and appeals whether sustained or lost together with the reasons given by the Chair for his/her ruling.

5. Information about the Vote

- Most voting will be by a show of hands. -The Minutes should record the outcome as Motion Carried or Motion Defeated.*
- When the vote is by roll call, the names of those voting and whether they have voted in favour or against the motion. Those not voting for a position should answer and be recorded as "present". The total number of votes on each side is to be recorded.
- When voting on a regulation, the vote shall be taken by roll call and recorded as such.*
- When voting on election to Executive Committee the vote shall be by secret ballot and the names of winning candidates recorded but not the vote count.*

6. End of the Meeting

- The final paragraph of the Minutes will include any closing remarks made by the chair.
- The Minutes will include t~~T~~he time the meeting is officially adjourned.

7. Other

- *Notices of motions*:~~-~~ Certain motions require advance notice – either to be adopted by a specific vote threshold or to be made at all. You can't amend bylaws, for example, or make a motion to rescind an earlier action – *without notice*. These are the key words here.
- I~~i~~f a member *gives notice* of intent to make these motions at the next meeting, that notice must be recorded in the minutes as proof that it was properly given and in a timely manner

~~2.~~8. Approval of Minutes

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Following a meeting of Council, Draft Minutes from the meeting will be circulated by email to all Council members within 5 working days.

Council members shall return comments and corrections concerning the Draft Minutes by email within 10 working days with a copy to all Council members.

The proposed final Draft Minutes will be circulated to Council members by email within 30 working days of the meeting. Any final comments or corrections proposed by Council members must be returned to the College within 5 working days.

Draft Minutes, as corrected will be presented at the next regular meeting of Council for final review and approval.

The Minutes of any in-camera session:

- Shall be circulated in accordance with the timelines set out in the "Approval of Minutes" section of these Rules;
- Shall only be circulated and approved in a manner that ensures that such Minutes remain confidential, and that only authorized individuals will have access to such Minutes.
- Shall be maintained as confidential College records and access shall be restricted to individuals authorized to receive them, based on their roles, responsibilities and legitimate need to know, subject to applicable legislative requirements, confidentiality obligations, conflicts of interest and solicitor-client privilege.

Access may be granted to:

- The President and Vice-President, provided they are not in any conflict of interest or otherwise restricted from accessing the information;
- Council members, where access is necessary to fulfil their governance responsibilities and is authorized in accordance with applicable confidentiality and legal requirements;
- The Registrar & CEO, except where the subject matter relates to the Registrar & CEO or their access would create a conflict of interest or compromise confidentiality or legal privilege;
- In the absence of the Registrar & CEO and College staff, an appropriately designated individual, such as the Acting Registrar, Deputy Registrar, Director/Manager of Finance & Operations, or the College's Legal Counsel, where access is necessary to fulfil an authorized responsibility.

Where in-camera minutes relate to a specific individual, investigation, personnel matter or legal proceeding, access shall be restricted to those authorized and necessary to manage the matter. Access to such records by newly appointed Council members or other individuals shall be assessed on a case-by-case basis.

The College shall ensure that appropriate arrangements are in place for the secure custody, retention and authorized disclosure of all in-camera minutes.

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The Registrar & CEO may request access to the Minutes of in-camera sessions where they were not present.

- Such requests shall be made through the President, or the Vice-President if the Vice-President is assuming the responsibilities of the President.

Final approved Minutes will be maintained as the record with draft Minutes deleted from the records of Council.

~~4.~~9. Posting of Council Minutes on the College Website

The *Regulated Health Professions Act, 1991*, Procedural Code, as amended in 2017, requires that all Council materials be posted on the public website (with specific exceptions).

> **Section 7 Posting of meeting information**
>
> (1.1) The College shall post on its website information regarding upcoming meetings of the Council, including the dates of those meetings, matters to be discussed at those meetings, and information and documentation that will be provided to members of the Council for the purpose of those meetings. 2017, c. 11, Sched. 5, s. 8.

The College will post Draft Minutes, which have been reviewed and corrected through the process described in section 8 of these rules~~B) above~~, as part of the Council package on its website.

~~Final approved Minutes will be retained by the College and may be accessed at any time by members of Council, registrants or the public.~~

The College shall maintain accurate and approved minutes of all Council meetings, including in-camera sessions, as part of its official corporate records. Minutes may be maintained in physical or electronic format, provided appropriate measures are in place to ensure their accuracy, integrity, confidentiality, security, retention and authorized access, in accordance with applicable legislation and the College's records management requirements.~~Final approved Minutes will be maintained in the Minutes Book and reviewed annually as part of the audit process.~~

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Resolution: In-Camera Meeting Policy

Whereas, the College of Kinesiologists of Ontario ("the College') is committed to demonstrating good governance and its values, which include Accountability and Transparency; and

Whereas, in certain circumstances permitted by applicable legislation, meetings or parts of meetings may be held without public attendance; and

Whereas, an opportunity was identified to establish a more comprehensive framework governing the circumstances and procedures for holding meetings or parts of meetings in-camera; and

Whereas, the College has developed a draft In-Camera Meeting Policy to help ensure that in-camera sessions are conducted held in a manner consistent with legislation, the College's values and the principles of good governance; and

Whereas, the College has also reviewed and revised its Rules Concerning Treatment of Minutes of Council to address the recording, approval, access and retention of in-camera minutes.

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the In-Camera Meeting Policy and the amended Rules Concerning Treatment of Minutes of Council

Moved by:

Seconded by:

Date: November 30, 2026

Return to TOC

Financial Statements of

COLLEGE OF KINESIOLOGISTS OF ONTARIO

August 31, 2026

COUNCIL DRAFT

TINKHAM LLP | CHARTERED PROFESSIONAL ACCOUNTANTS

D C Tinkham FCPA FCA CMC LPA
P J Brocklesby CPA CA LPA
M Y Tkachenko CPA CA
M W G Rooke CPA CA LPA
A C Callas CPA CA LPA
G P Kroeplin CPA
H S Grewal CPA
N R Shishis CPA

300 - 2842 Bloor Street West
Toronto Ontario M8X 1B1
Canada

TEL 1 416 233 2139
FAX 1 416 233 1788

TINKHAMCPA.COM

COUNCIL DRAFT

INDEPENDENT AUDITOR'S REPORT

To the Council of
College of Kinesiologists of Ontario

Opinion

We have audited the financial statements of the College of Kinesiologists of Ontario ("the College") which comprise the statement of financial position as at August 31, 2026, and the statements of operations, changes in net assets, 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 College as at August 31, 2026, and the results of its 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 *Auditor's 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 basis for our opinion.

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.

Auditor's 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 auditor's 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 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 auditor's 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 auditor's 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.

TORONTO, Ontario
DATE

Licensed Public Accountants

COUNCIL DRAFT

College of Kinesiologists of Ontario
Statement of Financial Position

As at August 31	2026	2025
Assets		
Current		
Cash	**$ 3,271,447**	$ 3,254,214
Prepaid expenses	**55,818**	63,383
Investments (note 3)	**161,521**	139,676
	3,488,786	3,457,273
Investments (note 3)	**421,562**	422,650
Capital assets (note 4)	**32,544**	35,743
	$ 3,942,892	$ 3,915,666
Liabilities		
Current		
Accounts payable and accrued liabilities (note 5)	**$ 312,938**	$ 322,956
Deferred revenue	**1,679,950**	1,739,125
	1,992,888	2,062,081
Net Assets		
Invested in capital assets	**32,544**	35,743
Internally restricted net assets (note 7)	**200,000**	290,000
Unrestricted	**1,717,460**	1,527,842
	1,950,004	1,853,585
	$ 3,942,892	$ 3,915,666

Commitments (note 9)

COUNCIL DRAFT

On behalf of the Council:

_____ Director

_____ Director

See accompanying notes to the financial statements.

College of Kinesiologists of Ontario
Statement of Operations

Year ended August 31	2026	2025
Revenue		
Registration fees	**$ 1,967,405**	$ 1,927,270
Examination fees	**210,905**	242,705
Interest and other	**79,975**	108,187
Application fees (note 8)	**72,050**	82,880
Jurisprudence fees (note 8)	**41,111**	39,812
	2,371,446	2,400,854
Expenses		
Salaries and benefits (note 6)	**1,064,448**	1,054,866
Registration	**295,756**	80,291
Examination	**162,662**	185,868
Communications and media	**161,401**	157,899
Rent	**158,123**	146,726
Professional fees	**111,149**	161,809
Office and general	**94,861**	81,416
Council and committees	**68,812**	61,168
Quality assurance	**56,705**	23,653
Merchant banking fees	**48,344**	45,379
Professional conduct	**40,809**	101,912
Amortization of capital assets	**11,957**	10,718
	2,275,027	2,111,705
Excess of revenue over expenses before office relocation	**96,419**	289,149
Office relocation	**-**	2,565
Excess of revenue over expenses for the year	**$ 96,419**	$ 286,584

COUNCIL DRAFT

College of Kinesiologists of Ontario
Statement of Changes in Net Assets

Year ended August 31				**2026**	2025
Net assets	**Invested in capital assets**	**Internally restricted**	**Unrestricted**	**Total**	Total
Balance, beginning of year	**$ 35,743**	**$ 290,000**	**$ 1,527,842**	**$ 1,853,585**	$ 1,567,001
Excess of revenues over expenses for the year	**-**	**-**	**96,419**	**96,419**	286,584
Purchase of capital assets	**8,758**	**-**	**(8,758)**	**-**	-
Amortization of capital assets	**(11,957)**	**-**	**11,957**	**-**	-
Transfers	**-**	**(90,000)**	**90,000**	**-**	-
Balance, end of year	**$ 32,544**	**$ 200,000**	**$ 1,717,460**	**$ 1,950,004**	$ 1,853,585

COUNCIL DRAFT

See accompanying notes to the financial statements.

College of Kinesiologists of Ontario
Statement of Cash Flows

Year ended August 31	2026	2025
Cash provided (used) by operating activities		
Excess of revenue over expenses for the year	**$ 96,419**	$ 286,584
Items not affecting cash		
Amortization of capital assets	**11,957**	10,718
	108,376	297,302
Changes in non-cash working capital items		
Prepaid expenses	**7,565**	(5,814)
Accounts payable and accrued liabilities	**(10,018)**	66,760
Deferred revenue	**(59,175)**	(76,174)
Net cash provided by operating activities	**46,748**	282,074
Cash provided (used) by investing activities		
Purchase of capital assets	**(8,758)**	(15,008)
Purchase of investments	**(150,636)**	(227,491)
Proceeds on maturity of investments	**125,810**	220,120
Interest accrued on investments	**4,069**	(872)
Net cash used by investing activities	**(29,515)**	(23,251)
Increase in cash	**17,233**	258,823
Cash, beginning of year	**3,254,214**	2,995,391
Cash, end of year	**$ 3,271,447**	$ 3,254,214

COUNCIL DRAFT

1 Organization

The College of Kinesiologists of Ontario (the “College”) was incorporated without share capital as a not-for-profit organization under the laws of Ontario on June 4, 2007. Its authority under provincial law is set out in the Regulated Health Professions Act, 1991 ("RHPA").

As the regulator and governing body of the kinesiology profession in Ontario, the major function of the College is to administer the Kinesiology Act, 2007 in the public interest.

The College is a not-for-profit organization, as described in paragraph 149(1)(l) of the Income Tax Act, and therefore not subject to income tax.

2 Significant accounting policies

These financial statements have been prepared by management in accordance with Canadian accounting standards for not-for-profit organizations and include the following significant accounting policies:

(a) Revenue recognition

Registration fees are recognized as revenue in the fiscal year to which they relate. The registration year of the College coincides with that of the fiscal year of the College. Registration fees received in advance of the fiscal year to which they relate are recorded as deferred revenue.

Examination fees are recognized as revenue when the examinations are held. Examination fees received in advance of an exam being held are recorded as deferred revenue.

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

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

Interest income comprises interest from cash and investments and is recognized on an accrual basis.

(b) Capital assets

The costs of capital assets are capitalized upon meeting the criteria for recognition as a capital asset, with the exception of expenditures on internally generated intangible assets during the development phase, which are expensed as incurred. The cost of a capital asset comprises its purchase price and any directly attributable cost of preparing the asset for its intended use.

Capital assets are recorded at cost and are amortized over their estimated useful lives using the following annual rates and methods:

Furniture and fixtures	5 years straight-line
Computer equipment	3 years straight-line
Computer software	3 years straight-line

A capital asset is tested for impairment whenever events or changes in circumstances indicate that its carrying amount may not be recoverable. If any potential impairment is identified, the amount of the impairment is quantified by comparing the carrying value of the capital asset to its fair value. Any impairment of the capital asset is recognized in income in the year in which the impairment occurs.

An impairment loss is not reversed if the fair value of the capital asset subsequently increases.

(c) Contributed services

The work of the College is dependent on the voluntary service of many individuals. Since these services are not normally purchased by the College and because of the difficulty of determining their fair value, contributed services are not recognized in the financial statements.

COUNCIL DRAFT

2 Significant accounting policies (continued)

(d) Financial instruments

(i) Measurement of financial assets and liabilities

The College initially measures its financial assets and financial liabilities at fair value adjusted by the amount of transaction costs directly attributable to the instrument. The College subsequently measures all of its financial assets and financial liabilities at amortized cost.

Financial assets measured at amortized cost include cash and investments. Financial liabilities measured at amortized cost include accounts payable and accrued liabilities.

(ii) Impairment

At the end of each year, the College assesses whether there are any indications that a financial asset measured at amortized cost may be impaired. Objective evidence of impairment includes observable data that comes to the attention of the College, including but not limited to the following events: significant financial difficulty of the issuer; a breach of contract, such as a default or delinquency in interest or principal payments; and bankruptcy or other financial reorganization proceedings.

When there is an indication of impairment, the College determines whether a significant adverse change has occurred during the year in the expected timing or amount of future cash flows from the financial asset.

Any impairment of the financial asset is recognized in income in the year in which the impairment occurs.

(e) Management 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 reporting date and the reported amounts of revenues and expenses for the reporting period. Actual results could differ from these estimates. These estimates are reviewed periodically and adjustments are made, as appropriate, in the statement of operations in the year they become known.

(f) Cloud computing

At the inception of a cloud computing arrangement with a supplier, the College allocates the consideration of the arrangement to all of the significant separable elements based on their specific sales price. Expenditures on capital assets and rights to use an intangible asset are recognized according to the accounting policies applicable to these elements. To account for expenditures in cloud computing arrangements that fall within the scope of AcG-20, *Customer's Accounting for Cloud Computing Arrangements*, the College elected to apply the simplification approach.

These expenses are therefore treated as the supply of services and recognized as expenses when the College receives the services in question. The College recognizes prepayment as an asset when payments for goods or services are made in advance. Expenditures related to implementation activities are expensed as incurred.

COUNCIL DRAFT

3 Investments

As at August 31		**2026**		2025
High interest savings account	**$**	**2,607**	$	2,558
Fixed income securities		**457,517**		316,930
Redeemable guaranteed investment certificates		**115,809**		231,619
Accrued interest		**7,150**		11,219
		583,083		562,326
Less: current investments		**161,521**		139,676
Long term investments	**$**	**421,562**	$	422,650
Total investments, fair value	**$**	**571,024**	$	549,817

Investments consist of guaranteed investment certificates, high interest savings, and fixed income securities with effective interest rates ranging from 1.60% to 6.00% (2025 - 1.60% to 6.60%), and maturity dates ranging from September 2025 to June 2035 (2025 - February 2025 to June 2035).

4 Capital assets

As at August 31		**2026**			2025	
		Cost	**Accumulated Amortization**		Cost	Accumulated Amortization
Furniture and fixtures	**$**	**180,940**	**$ (154,655)**	$	174,857	$ (145,912)
Computer equipment		**78,168**	**(71,909)**		75,493	(68,695)
Computer software		**121,863**	**(121,863)**		121,863	(121,863)
	$	**380,971**	**$ (348,427)**	$	372,213	$ (336,470)
Net book value			**$ 32,544**			$ 35,743

5 Accounts payable

As at August 31		**2026**		2025
Trade payables and accrued liabilities	**$**	**300,073**	$	265,956
Accrued liabilities - professional conduct		**12,865**		57,000
	$	**312,938**	$	322,956

6 Employee benefits

The College maintains a group registered retirement savings plan which, upon eligibility, is mandatory for all employees. The College contributes 7% of employee earnings which amounts to $66,545 (2025 - $56,968) and is charged to salaries and benefits in the statement of operations.

COUNCIL DRAFT

7 Internally restricted net assets

The College has internally restricted net assets to provide support to victims of sexual abuse, increases in investigation costs and hearings, and future property and technology requirements.

In the current year, property and technology expenses of $148,863 were financed by $90,000 from internally restricted net assets, with the remainder financed through unrestricted net assets.

The internally restricted net assets are subject to the direction of the Council upon the recommendation of the Executive Committee, and have been allocated as follows:

As at August 31	**2026**	2025
Abuse therapy	**$ 30,000**	$ 30,000
Investigations and hearings	**170,000**	170,000
Property and technology	**-**	90,000
	$ 200,000	$ 290,000

8 Upfront non-refundable fees

The College received upfront non-refundable fees of $70,850 (2025 - $79,050) relating to general class application received and recognized as revenue during the year.

9 Commitments

(a) Lease agreement

The College has entered into a lease agreement for office space that expires on August 31, 2034. The future annual minimum lease payments, including an estimate of common area expenses and inclusive of HST, are as follows:

2027	$ 165,271
2028	165,271
2029	171,599
2030	171,599
Thereafter	724,364
Total	$ 1,398,104

(b) Psychometric services

The College has an agreement with a third party to receive psychometric services related to the College's Entry-to-Practice Examination. The agreement commenced on May 1, 2024 and will continue for a period of three years. The approximate annual commitment is $25,117 for 2027.

(c) iMIS EMS Implementation

The College has an agreement with a third party to receive information technology services related to the College's membership database system. The agreement commenced on October 3, 2025 and will continue for a period of five years.

The approximate annual commitment is as follows:

2027	$ 25,350
2028	26,871
2028	28,483
2028	30,192
Total	$ 110,896

COUNCIL DRAFT

10 Cloud computing

The College has incurred expenditures relating to software services provided through cloud computing arrangements in the amount of $297,357 (2025 - $179,757), for which $31,035 (2025 - $22,492) have been prepaid. The remainder of these costs have been expensed under the following items in the statement of operations:

As at August 31	2026	2025
Registration	**$ 190,948**	$ 46,876
Communications and media	**69,724**	79,879
Examination	**5,650**	30,510
	$ 266,322	$ 157,265

11 Financial instruments

The College is exposed to various risks through its financial instruments. The following analysis provides a measure of the risk exposures and concentrations.

Credit risk

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The College is exposed to credit risk through its cash balances with banks and investments.

Credit risk associated with cash is minimized through ensuring that these assets are held on deposits in a major financial institution. Cash is held at one financial institution and funds on deposit exceed the maximum amount insured. The credit risk with investments is minimized through an investment policy which restricts the types of eligible investments.

Liquidity risk

Liquidity risk is the risk that the College will not be able to meet a demand for cash or fund its obligations as they come due. The College meets its liquidity requirements and mitigates this risk by monitoring cash activities and expected outflows and holding assets that can be readily converted into cash, so as to meet all cash outflow obligations as they come due.

The College has available to it a banking facility which provides for a maximum operating line of credit of $125,000. Borrowing under the line of credit bear interest at prime 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, 2026.

Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk is comprised of currency risk, interest rate risk and other price risk.

The College is not exposed to currency risk or other price risk.

Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The College is subject to interest rate risk on guaranteed investment certificates and other fixed income investments.

Fixed interest rate instruments subject the College to a fair value risk, since fair value fluctuates inversely to changes in market interest rates. The College manages its exposure to interest rate risk related to its fixed interest rate investments by maximizing the interest income earned on excess funds while maintaining the liquidity necessary to conduct operations on a day-to-day basis.

Changes in risk

There have been no significant changes in the College's risk exposures from the prior year.

COUNCIL DRAFT

Resolution: Approval of Audited Financial Statements for Fiscal Year 2025/2026

Whereas Council requires that its operations undergo a financial audit annually;

Whereas the firm Tinkham LLP was appointed to carry out this audit and did so during October and November 2026; and

Whereas the Planning and Finance Committee has reviewed the draft financial statements and recommended it to Council for approval; and

Whereas the auditor has now presented Council with the draft financial statements as well as the auditor's opinion.

Therefore, be it resolved that Council approves the audited financial statements for the fiscal year 2025/2026 for circulation, and submission to the Ministry of Health.

Moved by:

Seconded by:

Date: November 30, 2026

Return to TOC

Resolution – Approval of the 2025-2026 Annual Report

Whereas the College of Kinesiologists of Ontario ("the College") is required to prepare and submit an annual report to the Ministry of Health and post the report to the College's website; and

Whereas Council was provided with a draft annual report for the fiscal year 2025-2026; and

Whereas the presented annual report fairly represents the College's activities and achievements from September 1, 2025 to August 31, 2026;

Therefore, be it resolved that Council accepts and approves the draft 2025-2026 Annual Report for submission to the Ministry of Health and posting to the College's website.

Moved by:

Seconded by:

Date: November 30, 2026

Return to TOC

Risk Management Plan Dashboard 2026/27

Risk Rating	Risk Priority	Description
0	N	No Risk: The costs to treat the risk are disproportionately high compared to the negligible consequences
1-2	L	Low Risk: May require consideration in any future changes to the work area or processes, or can be fixed immediately
3-6	M	Moderate Risk: May require corrective action, planning and budgeting process
7-9	H	High Risk: Requires immediate corrective action
10-20	E	Extreme Risk: Requires immediate prohibition of the work, process and immediate corrective action

FY2026/27 Q1: Risk Impacts and Changes

Risk Rating Frequency for FY 2026/27		Risk Likelihood				
		1	2	3	4	5
Risk Impact	0					
	1	2	1			
	2	24	6	2		
	3	6		1		
	4					

Note: the numbers inside each coloured square represent the number of individual risks with that Risk Priority rating

Proposed movements at FY2026/27 Q1:				
Moderate → Low	Low → Moderate	Low → Low	Moderate → High	No Risk
0	3	No change	1	No change

Summary:

- 27 of 42 risks are “Low”; 14 “Moderate”; 1 “High”.
- 4 proposed increases in Q1; no confirmed reductions.
- 3 risks: Low → Moderate (#8, #13 and #23).
- 1 risk: Moderate → High (cybersecurity #15).
- **No “Extreme” ratings; cyber #15 is proposed High (9).**
- Focus: Top 10 watchlist plus emergency preparedness (#23).

Plan:

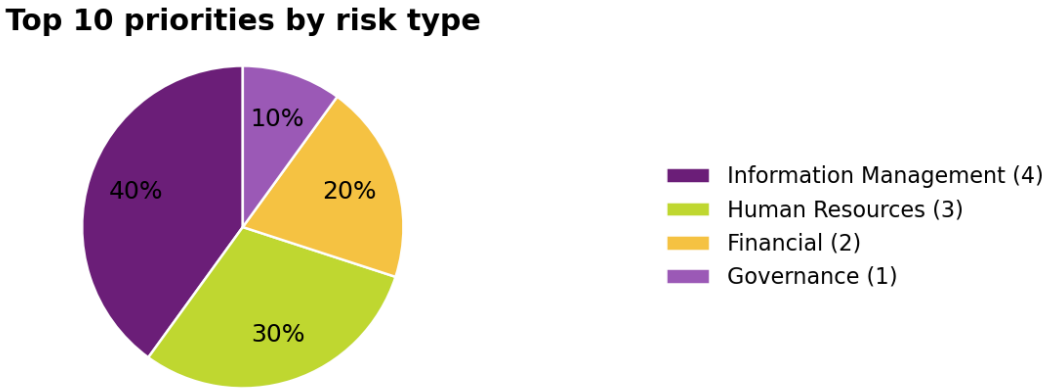
- Continue quarterly monitoring of the full register and Top 10 priorities.
- Verify cyber safeguards, HR SharePoint access and website inquiry delivery.
- Strengthen continuity plans for internet, phone, power and weather disruptions.
- **Document test results, owners and open actions for the next-quarter review.**

Driving Factors of Amendments	
Operational Incidents & Emerging Risks	Risk Assessment & Control Improvements

Occurrences, Impacts & Amendments by Risk Type			
Low	Moderate	High	Extreme
Financial Risks		**Risk Description:** Financial document management, procurement and project delivery. **Impacts:** Q1 No Change; project delivery #7 remains Moderate (4). **Mitigation Strategy:** Maintain financial controls, approvals, procurement and project oversight.	
Information Management Risks		**Risk Description:** Cybersecurity, confidentiality, website/public information and records management. **Impacts:** Q1 : cybersecurity Moderate to High; confidentiality and website Low to Moderate. **Mitigation Strategy:** Verify IT safeguards and HR access, test inquiry delivery and maintain records controls.	
Governance/Compliance/Loss of Confidence		**Risk Description:** Council/Committee operating outside its mandate or seen to advocate for the profession. **Impacts:** Q1 No change; mandate/role clarity #37 remains Moderate (4). **Mitigation Strategy:** Continue orientation, mandate education, targeted training and performance feedback.	

Q1 FY2026/27 Council Priorities and Focus

Priority assessment (FY2025/26 year-end → proposed Q1):
The historical Top 10 watchlist is retained, but the immediate focus has shifted.
Cybersecurity #15 (3 → 9, High) is the leading escalation; workforce continuity #22 and peak-period capacity #28 remain Moderate (6).
Confidentiality #8 and website #13 (both 2 → 4) require increased attention; emergency preparedness #23 (2 → 4) is monitored separately outside the Top 10.
Pink highlights (↑) identify the three proposed Top 10 increases.



Distribution of the Top 10 priorities: Information Management 4, Human Resources 3, Financial 2, Governance 1.

Risk Type	Priority / risk	YOY Trend & Q1 score	2026/27 forward focus
Information Management	Cybersecurity #15 ↑ Q1 PROPOSED INCREASE	PEAK 12 EXTREME; LATEST 9 HIGH Q1 proposed: 3 → 9 (High).	Verify cyber monitoring, MFA, updates, phishing training and website security controls.
	Records management #9	RECURRING 8 HIGH; LATEST 2 LOW Six periods at 8 through 2020/21.	Maintain records protocols, staff training and periodic reviews, including during absences.

Risk Type	Priority / risk	YOY Trend & Q1 score	2026/27 forward focus
	Confidentiality #8 ↑ Q1 PROPOSED INCREASE	2021/22 PEAK: 8 HIGH LATEST: 4 MODERATE Q1 proposed: 2 → 4 (Moderate).	Verify HR SharePoint permissions, access history and privacy safeguards with ITS.
	Public information and website #13 ↑ Q1 PROPOSED INCREASE	PEAK: 6 MODERATE LATEST: 4 MODERATE Q1 proposed: 2 → 4 (Moderate).	Test public inquiry form delivery; maintain accurate, accessible website information.
Governance	Mandate and role clarity #37	HISTORY*: 8–9 HIGH LATEST: 4 MODERATE Q1 remains 4 (Moderate). *History identity to confirm.	Continue Council/Committee mandate orientation, training and performance feedback.
Human Resources	Workforce continuity #22	SINCE 2023/24: 6 MODERATE LATEST: 6 MODERATE Sustained at 6 since 2023/24.	Maintain back-up roles, cross-training, succession and handover plans; seek support as needed.
	Capacity during peak activity #28	RECURRING: 6 MODERATE LATEST: 6 MODERATE Returned to 6 in 2025/26.	Review staffing needs and workload; use cross-training and additional resources for peak demand.

Risk Type	Priority / risk	YOY Trend & Q1 score	2026/27 forward focus
	Organizational culture #25	RECURRING: 4 MODERATE; LATEST: 4 MODERATE Score of 4 in 8 of 11 periods.	Reinforce consistent communication, workplace expectations and structured offboarding.
Financial	Project delivery #7	PEAK: 6 MODERATE; LATEST: 4 MODERATE Moderate in 9 of 11 periods.	Maintain project planning, milestone reporting, capacity reviews and vendor evaluation.
	Financial document management #1	PEAK: 3 MODERATE; LATEST: 2 LOW Q4 decrease: 3 → 2.	Maintain documented payment processes, staff training, separation of duties and continuity coverage.

Return to TOC

COLLEGE OF KINESIOLOGISTS OF ONTARIO

Resolution – Revised Risk Management Plan – FY2026/27

Whereas, Council is responsible for the oversight of the College of Kinesiologists of Ontario ("the College") and the management of its affairs, and

Whereas, as part of its oversight role, Council reviews the Risk Management plan developed by the College to identify, assess, and respond to risks facing the College and its operations, and

Whereas, Council has reviewed the updated Risk Management Plan for 2026/27, including the identified risk priorities and proposed mitigation strategies, and

Whereas, Council is of the view that the Risk Management Plan appropriately prioritizes and addresses the identified risks in light of the College's overall risk tolerance,

Therefore, be it resolved that Council approves the revised Risk Management Plan for the fiscal year 2026/27.

Moved by:

Seconded by:

Date: November 30, 2026

Return to TOC